

**Statement of
Nada Wolff Culver
Principal Deputy Director
Bureau of Land Management
U.S. Department of the Interior**

Senate Committee on Energy & Natural Resources

S. 4860, Malheur Community Empowerment for the Owyhee Act

December 1, 2022

Thank you for the opportunity to testify on S. 4860, the Malheur Community Empowerment for the Owyhee Act. S. 4860 would designate approximately 1.1 million acres of wilderness while providing for increased grazing flexibility intended to improve long term ecological health on certain public lands in Malheur County, Oregon. It would also release approximately 200,000 acres of existing Wilderness Study Areas and direct approximately 800,000 acres of lands with wilderness characteristics to be managed under the applicable Bureau of Land Management (BLM) land use plan. Further, the bill would transfer nearly 32,000 acres of BLM-managed, state-owned, and private lands to be held in trust for the Burns Paiute Tribe.

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and restore balance on public lands and waters. The President's directive recognizes the opportunities America's lands and waters offer and outlines a historic and ambitious challenge to the nation to conserve at least 30 percent of our lands and waters by 2030. The President's America the Beautiful initiative specifically emphasizes the value of conserving the nation's natural resources, recognizing that multiple use of our lands and waters, including working lands, can be consistent with the long-term health and sustainability of natural systems.

S. 4860 aligns with the Administration's conservation goals through its wilderness designations as well as its approach to improving the ecological health of working lands and restoring Tribal homelands to Tribal ownership. The BLM supports S. 4860 and appreciates the opportunity to continue working with the Sponsor on these critical conservation goals and Tribal conveyances.

Background

Malheur County is located in the southeast corner of Oregon. It is the second largest county in the state, spanning 9,874 square miles or 6.3 million acres, and has a population of approximately 31,000 according to the United States Census Bureau. For many years, cattle ranching and agriculture have been the major economic enterprises in the county. Over 70 percent of the county is in public ownership, including 4.4 million acres of public lands managed by the BLM.

The BLM is committed to ensuring the long-term sustainability of healthy and productive lands, consistent with its multiple-use mandate under the Federal Land Policy and Management Act. We believe partnerships and local public involvement are vital to managing sustainable, working

public lands. This means respecting the ties that communities have to public lands, allowing state and local economies to prosper, and welcoming and valuing diverse views into our planning processes. As part of our commitment to healthy and productive landscapes, the BLM is in the process of amending the Resource Management Plan (RMP) for public lands within Southeastern Oregon, including public lands managed by the BLM in Malheur County covered by S. 4860.

S. 4860

Malheur County Grazing Management Program (Sec. 3)

Section 3 authorizes the Secretary of the Interior (Secretary) to carry out the “Malheur County Grazing Management Program” to provide grazing permittees and leaseholders with increased operational flexibility intended to improve long term ecological health. Under the bill, when renewing a grazing permit or lease under the program, the Secretary would develop and analyze at least one alternative to provide operational flexibility to permittees and leaseholders to address changing conditions on the ground. The proposed operational flexibilities would be developed pursuant to the National Environmental Policy Act (NEPA).

Additionally, the Secretary would be required to develop cooperative rangeland monitoring plans and rangeland health objectives to assess natural resource conditions and identify situations where operational flexibility is appropriate to improve long-term ecological health. Eight years after enactment of the bill, the Secretary would be required to conduct a review of the grazing program to determine whether the objectives of the program are being met. If the Secretary finds the objectives of the grazing program are not being met, the program would need to be modified or terminated by the tenth year following enactment.

Our nation’s rangelands provide and support a variety of goods, services, and values important to all Americans. In addition to being an important source of forage for livestock, healthy rangelands conserve soil, sequester carbon, store and filter water, provide a home for an abundance of wildlife, provide scenic beauty, and are the setting for many forms of outdoor recreation. We appreciate the Sponsor’s effort to provide the BLM with the grazing flexibility outlined in S. 4860 for grazing to restore the ecological health of public lands, and conserve resource values in the face of climate change and extreme drought. Further, the BLM welcomes the opportunity to continue working with the Sponsor to ensure the health of the public lands while still allowing them to be used for grazing, recreation, and other uses.

Malheur Community for the Empowerment of the Owyhee Group (Sec. 4)

Section 4 establishes the Malheur Community Empowerment for Owyhee Group (Malheur CEO Group) that includes representatives of the Burns Paiute and Fort McDermott Tribes, ranchers, and other county businesses, conservation organizations, or recreation organizations as voting members. Representatives from Federal, State, and County governments would be included as non-voting members. Under the bill, members of the Malheur CEO Group are to be appointed by the Secretary of the Interior and would review program projects submitted to the BLM and monitoring data, while providing opportunities for interested parties to participate in program project development and implementation. In addition, all meetings of the Malheur CEO Group would be noticed and open to the public.

The BLM notes that the Southeast Oregon Resource Advisory Committee currently provides advice and recommendations on all aspects of public land management to the BLM's Burns and Vale District Offices, including lands in Malheur County. The bill assigns the Malheur CEO Group with a role that is dedicated to the grazing program and not duplicative of the Southeast Oregon Resource Advisory Committee, and as such, the BLM supports the creation of the Malheur CEO Group.

Wilderness & Land Designations (Sec. 5)

S. 4860 establishes 1.1 million acres of wilderness and releases approximately 200,000 acres of wilderness study areas from non-impairment management under Section 603 of FLPMA. It also directs approximately 800,000 acres of lands with wilderness characteristics to be managed under the applicable BLM land use plans, which is the BLM's current practice. The BLM recognizes that the wide-ranging lands proposed for wilderness designation encompass scenic canyons, volcanic rock formations, and rolling hills that serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, camping, horseback riding, and other forms of outdoor recreation.

Wilderness is a key component of conservation. The Biden Administration recognizes wilderness is a fundamentally important part of the American landscape, not only for practical and scientific values, but also for the beauty, majesty, and solitude it provides. The BLM supports these wilderness designations and would appreciate the opportunity to work further with the sponsor to refine the initial maps referenced in S. 4860.

Additionally, the BLM supports the bill's approach in section 5 that directs lands released from further wilderness study to be managed consistent with local land use plans. It is the local planning process through which the BLM makes important decisions on management of these lands, including, among other things, mineral development, grazing, off-highway vehicle use, hunting, and the consideration of natural values. Further, the BLM uses the land use planning process to determine how to manage lands with wilderness characteristics as part of the BLM's multiple-use mandate.

Economic Development (Sec. 6)

Section 6 of the bill directs the Department, the County, and "Travel Oregon" to establish requirements for four loop roads to promote tourism. Safety upgrades, including surfacing and signage, to improve access to recreational opportunities are to be completed within one year of the bill's enactment. The BLM supports these provisions and recommends providing additional time for the completion of environmental analysis under the NEPA and other applicable laws, which could lengthen the time for completing safety upgrades to the loop roads.

Further, the bill requires the Bureau of Reclamation (Reclamation) to carry out a feasibility study in coordination with the Owyhee Irrigation District to improve recreation opportunities on and around the Owyhee Reservoir. The bill authorizes \$1 million to carry out the feasibility study in 180 days. In carrying out this feasibility study, Reclamation notes that different requirements will apply between the multiple jurisdictions. Further, Reclamation notes that certain construction activities would also require Reclamation to complete environmental compliance and dam safety requirements prior to construction. Reclamation appreciates the work to enhance recreation

opportunities around Owyhee Reservoir, and would like to work with the Sponsor and the Committee to address some concerns and propose technical modifications.

Land Conveyance to the Burns Paiute Tribe (Sec. 7)

Under Section 7, approximately 21,000 acres of BLM-managed public lands, 6,686 acres of certain private land, and 4,137 acres of State land would be held in trust for the benefit of the Burns Paiute Tribe to protect and conserve cultural and natural values, and to be part of the reservation of the Burns Paiute Tribe. Further, Section 7 specifically directs that any land taken into trust would remain eligible for payments under the Payment in Lieu of Taxes (PILT) program established under chapter 69 of title 31, United States Code.

Both the Departments of the Interior and Agriculture recognize, through Secretarial Order 3403, *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*, that it is the policy of the United States to restore Tribal homelands to Tribal ownership and to promote Tribal stewardship and Tribal self-government. The Department supports consolidation of Tribal landholdings within reservations, including Tribal acquisition of Federal lands and private inholdings. The BLM has conducted an initial review of existing land uses on the lands affected by the provision and supports the proposed conveyance of lands to be held in trust for the Burns Paiute Tribe. The BLM would like to work with the Committee and bill Sponsor on technical modifications to the land transfer provisions, and inclusion of standard conveyance language.

Finally, the BLM notes that Federal payments to local government through PILT payments offset losses in property taxes due to the existence of nontaxable Federal lands within their boundaries. In 2022, nearly \$550 million was distributed through the PILT program to help local governments administer firefighting and police protection, construction of public schools and roads, and search-and-rescue operations. The Department further notes that as drafted the provision would increase overall PILT acreage due to the inclusion of non-Federal land taken into trust.

Conclusion

Thank you again for the opportunity to provide this testimony in support of S. 4860. We look forward to continuing to work with the sponsor and the Committee on these important public land management matters in Malheur County.