

**Statement of
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**Senate Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
S. 2804, Pershing County Economic Development and Conservation Act
November 18, 2020**

Thank you for inviting the Department of the Interior (Department) to testify on S. 2804, the Pershing County Economic Development and Conservation Act. This bill authorizes public land sales, exchanges, and conveyances in Pershing County, Nevada, and designates approximately 136,600 acres of public lands managed by the Bureau of Land Management (BLM) as seven new wilderness areas.

The Department has pledged to expand access to America's public lands, to increase hunting, fishing, and other recreational opportunities nationwide, and to enhance conservation stewardship through Secretary's Orders 3347, 3356, 3366, and 3373. To advance those goals, we are focusing on restoring full collaboration and coordination with local communities and ensuring the Department is a better neighbor.

Secretary Bernhardt is committed to ensuring that public access for outdoor recreation is adequately weighed when determining the appropriateness of the disposal or exchange of public lands, which is why Secretary's Order 3373 was one of his first orders signed as Secretary. The Order helps ensure that before the BLM exchanges or disposes of any lands, they must consider what impact it will have on the public's access for outdoor recreation, including existing access, potential increased access from an exchange, and access managed by other federal, state, and county agencies. While the Department supports the goals of S. 2804 that align with this important priority, we are concerned that the broad scope of the proposed land disposals as currently written could ultimately decrease public access and limit outdoor recreational opportunities.

S. 2804

S. 2804 directs Federal land sales, exchanges, and conveyances in Pershing County, Nevada. The legislation also designates approximately 136,600 acres of public lands as seven wilderness areas and releases approximately 48,600 acres of BLM-managed WSAs from further study.

Public Land Sales & Exchanges (Title I)

Title I of S. 2804 directs the sale, at fair market value, or equal value exchange of up to approximately 334,000 acres of BLM-managed public lands that have been identified as potentially suitable for disposal as part of the land use planning process. Title I requires that all lands authorized for sale or exchange be appraised using mass appraisal methodology within one year of enactment and every five years thereafter. The bill requires that the Secretary offer to exchange all eligible land within one year.

Title I of the bill directs the sale, at fair market value as determined by an appraisal, of select public lands that are currently encumbered by a mining claim, millsite, or tunnel site to a “qualified entity,” which is defined in the bill as the owner or authorized leaseholder of the mining claims, mill sites, or tunnel sites currently existing on any portion of the lands to be sold. The qualified entity would assume all costs of the sales, including survey, appraisal, and administrative costs.

Proceeds from the sales directed by the bill would be disbursed to the State of Nevada, Pershing County, and a special account in the U.S. Treasury for a number of specific purposes, including reimbursing costs associated with preparing sales, habitat conservation and restoration, and securing public access to Federal lands, among others.

The Department is committed to increasing access to America’s public lands and is concerned with the broad scope of the sales and transfers contemplated by Title I. We would welcome the opportunity to work with the sponsors to develop a legislative map to be referenced in the bill and any necessary boundary modifications to ensure that the proposed sales and transfers yield a fair return to the American taxpayer and do not inadvertently decrease public access or recreational opportunities in Pershing County.

Wilderness (Title II)

Title II of S. 2804 designates seven wilderness areas totaling approximately 136,600 acres. Of these lands, approximately 55,100 acres are within existing wilderness study areas (WSAs) and approximately 81,500 acres have not previously been identified as suitable for wilderness by the BLM. Title II also releases approximately 48,600 acres from WSA status, allowing these areas to be managed according to the existing BLM land use plans. Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. The WSAs included in the proposed wilderness designations have been pending final resolution by Congress since they were established in 1991.

The Department notes that the lands proposed for wilderness designation by S. 2804 generally serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, hunting, rock climbing, camping, horsepacking, and other forms of outdoor recreation in the Nevada desert.

As a matter of policy, the Department supports Congressional action to resolve wilderness designation and WSA release issues on public lands across the West, and we welcome opportunities to further those efforts. However, we also want to ensure that designating new wilderness areas on public lands outside of existing WSAs is the most appropriate land management tool, and that such designations would not unnecessarily impede public access or limit outdoor recreational opportunities. The Department believes that alternative management approaches could conserve sensitive resources while still accommodating the full range of uses and activities permitted on other BLM-managed public lands.

If Congress opts to proceed with designation of these lands as wilderness, we would like to work with the sponsors on minor and technical amendments to this section, including the use of

standard wilderness designation language, boundary modifications for enhanced manageability and consistency with the Wilderness Act, and clarifying language related to telecommunications and climatological data collection devices and noxious weed treatments.

Conclusion

As a matter of policy, the Department supports the completion of land exchanges and transfers that further the public interest, consolidate ownership of scattered tracts of land to make them more manageable, and advance public policy objectives.

The Department has substantive as well as minor technical modifications to recommend, and we look forward to working with the sponsors and the committee to resolve these issues.