



To: House Committee on Natural Resources Republican Members
From: House Committee on Natural Resources Republican Staff; Aniela Butler (Aniela@mail.house.gov), Brandon Miller (Brandon.Miller@mail.house.gov), and Shelley McGinnis (Shelley.McGinnis@mail.house.gov)
Date: June 20, 2022
Subject: Hybrid Legislative Hearing on Five Bills

The Subcommittee on National Parks, Forests, and Public Lands will hold a hybrid legislative hearing on H.R. 2522 (Leger Fernandez), the *Cerro de la Olla Wilderness Establishment Act*; H.R. 2882 (Horsford), the *Great Basin National Heritage Area and Mormon Pioneer National Heritage Area Extension Act*; H.R. 5355 (Oberholte), the *Desert Community Lands Act*; H.R. 6240 (Stewart), *to release the reversionary interest of the United States in certain non-Federal land in Salt Lake City, Utah, and for other purposes*; and H.R. 7509 (DeFazio), the *Wild Rogue Conservation and Recreation Enhancement Act* on **Thursday, June 23, 2022, at 10:00 am EDT** in 1324 Longworth House Office Building and via Cisco WebEx.

Republican Members are encouraged to take advantage of the opportunity to participate in person from the hearing room.

Member offices are requested to notify Brandon Miller (Brandon.Miller@mail.house.gov) **no later than Wednesday, June 22, at 4:30 pm EDT** if their Member intends to participate in person in the hearing room or remotely via his/her laptop from another location. Submissions for the hearing record must be submitted through the Committee's electronic repository at HNRCDocs@mail.house.gov. Please contact David DeMarco (David.DeMarco@mail.house.gov) or Everett Winnick (Everett.Winnick@mail.house.gov) should any technical difficulties arise.

I. KEY MESSAGES

- Committee Democrats are attempting to designate a new wilderness area in New Mexico while the state is actively battling the largest fire in their state history, which ignited in a wilderness area.
- Nearly 3 million acres have burned across the country, outpacing every wildfire season of the last decade, and yet Committee Democrats are continuing to advance out-of-touch, extreme proposals that will make fire suppression and forest management more difficult.
- As gas prices average more than \$5 per gallon, Committee Democrats are also pursuing misguided mineral withdrawals across nearly 160,000 acres of land.



- In a refreshing contrast, this hearing includes two Republican-led efforts that reflect the type of commonsense public lands bills that the Committee should be advancing. These bills would create economic growth in local communities by unlocking the potential of unutilized federal land and removing burdensome revisionary interests.

II. WITNESSES

Panel I:

- **Representative Jay Obernolte**, California, 8th Congressional District
- **Representative Teresa Leger Fernandez**, New Mexico, 3rd Congressional District
- **Representative Steven Horsford**, Nevada, 4th Congressional District
- **Representative Chris Stewart**, Utah, 2nd Congressional District
- **Representative Peter DeFazio**, Oregon, 4th Congressional District

Panel II:

- **Mark Lambrecht**, Assistant Director, National Conservation Lands and Community Partnerships, Bureau of Land Management, U.S. Department of the Interior

Panel III:

- **Ms. Karmolette O’Gilvie**, Mayor, Twentynine Palms, California (H.R. 5355) [*Republican witness*]
- **Mr. Jake Garfield**, Deputy Director, Utah Public Lands Policy Coordinating Office, (H.R. 6240) [*Republican witness*]
- **Ms. Darlene Vigil**, District 3 Commissioner, Taos County, New Mexico (H.R. 2522)
- **Mr. Dean Finnerty**, Northwest Director, Angler Conservation Program, Trout Unlimited (H.R. 7509)

III. BACKGROUND

[H.R. 2522 \(Leger Fernandez\)](#)

H.R. 2522 would designate more than 13,000 acres of new wilderness within the 242,555-acre Río Grande del Norte National Monument in New Mexico and modify the boundary of the monument to encompass over 5,000 acres of private inholdings. President Obama unilaterally established the monument on March 25, 2013, under the *Antiquities Act of 1906*.¹ Although there is mineral potential within the monument for geothermal energy, metallic minerals such as placer gold, and nonmetallic minerals such as sand and gravel, the 2013 monument declaration precludes the development of these resources.² The Bureau of Land Management (BLM) manages the monument, which borders the Carson National Forest, a Taos Pueblo land tract, and state and private lands.³ In 2019, the *John D. Dingell, Jr. Conservation, Management, and*

¹ The White House Office of the Press Secretary, “Presidential Proclamation -- Río Grande del Norte National Monument, Establishment of the Río Grande del Norte National Monument,” Barack Obama, March 25, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/03/25/presidential-proclamation-r-o-grande-del-norte-national-monument>.

² *Id.* Information provided by the Bureau of Land Management on June 15, 2022.

³ Bureau of Land Management, “Río Grande del Norte National Monument,” <https://www.blm.gov/programs/national-conservation-lands/new-mexico/rio-grande-del-norte-national-monument>. Accessed on June 8, 2022. Bureau of Land Management, “Río Grande del Norte National Monument Map,” https://www.blm.gov/sites/blm.gov/files/docs/2021-03/NM_R%C3%ADoGrandeDelNorteNationalMonument_20210219.pdf.

Recreation Act designated two separate wilderness areas within the existing monument, including the 13,420-acre Cerro Del Yuta Wilderness and the 8,120-acre Río San Antonio Wilderness.⁴

H.R. 2522 would amend the *John D. Dingell, Jr. Conservation, Management, and Recreation Act* by designating a third wilderness area totaling 13,103 acres inside the monument as the Cerro de la Olla Wilderness. The bill would require the Department of the Interior (DOI) to enter into a cooperative agreement with the State of New Mexico that specifies management activities within this new wilderness. The bill would also extend the southern boundary of the monument to surround 5,389 acres of private inholdings that could be acquired and withdrawn by the federal government for future incorporation into the monument. Currently, the majority of lands proposed for wilderness designation are used by the public for hunting, recreation, grazing, and the collection of firewood and piñon nuts.⁵ The monument also allows for motorized vehicles on designated roads and mechanized vehicles on designated roads and trails, something the new wilderness designation would prohibit.⁶



Hermits Peak-Calf Canyon Fire in New Mexico | Source: ABC News.

⁴ John D. Dingell, Jr. Conservation, Management, and Recreation Act, Public Law 116-9, March 12, 2019.

⁵ Statement of Amanda Kaster, Acting Deputy Assistant Secretary, Land and Minerals Management, U.S. Department of the Interior, for the Senate Energy and Natural Resources Committee, Subcommittee on Public Lands, Forests, and Mining, “S. 3241, Cerro de la Olla Wilderness/Río Grande del Norte National Monument,” September 16, 2020.

https://www.blm.gov/sites/blm.gov/files/congressional_testimony_documents/congressional_20200916_S.%203241%20Cerro%20de%20la%20Olla%20Wilderness.pdf. ABQJournal News Staff, “Bill would protect Cerro de la Olla as a wilderness area,” Updated February 1, 2020, <https://www.abqjournal.com/1416016/bill-would-protect-cerro-de-la-olla-as-a-wilderness-area.html>.

⁶ Bureau of Land Management, “Monuments, Conservation Areas and Similar Designations,” <https://www.blm.gov/programs/national-conservation-lands/monuments-ncas>, accessed on June 9, 2022. The White House Office of the Press Secretary, “Presidential Proclamation -- Río Grande del Norte National Monument, Establishment of the Río Grande del Norte National Monument,” Barack Obama, March 25, 2013, <https://obamawhitehouse.archives.gov/the-press-office/2013/03/25/presidential-proclamation-r-o-grande-del-norte-national-monument>.

In 2020, DOI testified in opposition to a similar bill (S. 3241) because the proposed Cerro de la Olla Wilderness would limit access for many types of local community and traditional tribal uses including hunting, recreational activities, range improvement maintenance, and firewood collection. DOI also expressed concern that the wilderness designation would inhibit forest management and hazardous fuels reduction by restricting the use of motor vehicles and motorized tools.⁷ These issues are of grave concern, especially given that more than 700,000 acres have already burned in New Mexico this year due to wildfires and the state is *actively battling* the Hermits Peak Fire, which merged with the Calf Canyon Fire to become the largest wildfire in state history one month ago.⁸ This fire began in the 223,333-acre Congressionally-designated Pecos Wilderness and is currently burning less than 100 miles from the proposed Cerro de la Olla Wilderness.⁹ New Mexico residents have openly expressed anger at the federal government for years of forest mismanagement, including preventing the collection of firewood and other timber, which could have reduced the fuel buildup that is now feeding this colossal fire.¹⁰ Creating new wilderness and blocking management access to our fire-prone public lands will put New Mexico at risk of experiencing more catastrophic wildfires.

[H.R. 2882 \(Horsford\)](#)

In 2006, Congress designated the Great Basin National Heritage Route and the Mormon Pioneer National Heritage Area (NHA) and authorized each to receive up to \$10 million in total appropriations for 15 years.¹¹ The Great Basin National Heritage Route provides access to historical, cultural, natural, and recreational resources in White Pine County, Nevada, and Millard County, Utah, and encompasses distinct Western landscapes, state parks, and tribal areas. Attractions include the Great Basin National Park, the Ancient Bristlecone Pine Forest, Lehman Caves, a World War II museum honoring the Topaz Japanese Internment Camp, the Nevada Northern Railway, and miles of trails for all-terrain vehicle trails.¹² The Mormon Pioneer NHA includes lands in six Utah counties and conserves the natural, historical, and cultural legacies of the first Mormon pioneers who settled the area in 1849.¹³ The NHA also includes Bryce, Zion, and Capitol Reef National Parks; Glen Canyon National Recreation Area, and

⁷ Statement of Amanda Kaster, Acting Deputy Assistant Secretary, Land and Minerals Management, U.S. Department of the Interior, for the Senate Energy and Natural Resources Committee, Subcommittee on Public Lands, Forests, and Mining, “S. 3241, Cerro de la Olla Wilderness/Río Grande del Norte National Monument,” September 16, 2020, https://www.blm.gov/sites/blm.gov/files/congressional_testimony_documents/congressional_20200916_S.%203241%20Cerro%20de%20la%20Olla%20Wilderness.pdf.

⁸ InciWeb – Incident Information System, “Table of Incidents,” <https://inciweb.nwcg.gov/accessible-view/>, accessed on June 16, 2022. USDA Forest Service, “Wilderness Areas on the Santa Fe National Forest,” New Mexico Fire Information, “Hermits Peak and Calf Canyon Fires, June 16, 2022, Daily Update,” <https://nmfireinfo.com/2022/06/16/hermits-peak-and-calf-canyon-fires-june-16-2022-daily-update/>, accessed on June 17, 2022. The Washington Post, “New Mexico blaze is now largest wildfire in state history,” Bryan Pietsch and Jason Samenow, May 17, 2022, <https://www.washingtonpost.com/nation/2022/05/17/calf-canyon-hermits-peak-fire-new-mexico/>.

⁹ InciWeb – Incident Information System, Hermits Peak Fire, <https://inciweb.nwcg.gov/incident/8049/>, accessed on June 16, 2022. USDA Forest Service, “Wilderness Areas on the Santa Fe National Forest,” https://www.fs.usda.gov/detail/santafe/specialplaces/?cid=fsbdev7_021062, accessed on June 15, 2022.

¹⁰ The NM Political Report, “Anger toward the Forest Service has been smoldering for a century. Raging wildfires brought it roaring to life,” Alicia Inez Guzman, Searchlight New Mexico, June 10, 2022, <https://nmpoliticalreport.com/2022/06/10/anger-toward-the-forest-service-has-been-smoldering-for-a-century-raging-wildfires-brought-it-roaring-to-life/>.

¹¹ Public Law 109-338, October 12, 2006.

¹² Great Basin National Heritage Area, “Things to Do,” <https://greatbasinheritage.org/things-to-do/>, accessed on June 17, 2022.

¹³ Congressman Steven Horsford, “Fact Sheet: Great Basin National Heritage Area and Mormon Pioneer National Heritage Area Extension Act,” https://horsford.house.gov/sites/horsford.house.gov/files/FACT%20SHEET%20-%20Great%20Basin%20National%20Heritage%20Area%20and%20Mormon%20Pioneer%20National%20Heritage%20Area%20Extension%20Act_0.pdf, accessed on June 14, 2022. Congressman Steven Horsford, “Horsford, Cortez Masto, Rosen, Romney, and Stewart Introduce Legislation to Protect Great Basin and Mormon Pioneer National Heritage Areas,” April 28, 2021, <https://horsford.house.gov/media/press-releases/horsford-cortez-masto-rosen-romney-and-stewart-introduce-legislation-protect>.

Grand Staircase Escalante National Monument as well as numerous other tourist destinations.¹⁴ The Great Basin National Heritage Route and the Mormon Pioneer NHA received a combined total of approximately \$6 million in federal funds since 2006, which have been leveraged to implement hundreds of programs and projects including creation of museum exhibits, development of recreational trails, and restoration of historic buildings.¹⁵

H.R. 2882 would re-designate the Great Basin National Heritage “Route” as the Great Basin National Heritage “Area” and would extend the authorization of funding for this NHA and the Mormon Pioneer NHA for an additional 15 years. Re-designation of the Great Basin National Heritage Route as an NHA would align the area with other NHAs’ standard nomenclature. Additionally, Great Basin National Heritage Route is already referred to as the Great Basin National Heritage Area on the National Park Service’s website.¹⁶ Congress temporarily extended the sunset date to September 30, 2023, after the authorization expired on October 12, 2021.¹⁷ H.R. 2882 would not amend the overall funding cap for each NHA, which would remain at \$10 million.

[H.R. 5355 \(Oberholte\)](#)

Like many cities and towns in the California desert, the communities of Apple Valley, Barstow, Twentynine Palms, and Victorville are set amidst an extensive checkerboard land ownership pattern dominated by the federal government. More than 90 percent of the land in the 8th District of California, where these communities are located, is owned by the federal government.¹⁸ While these federally managed lands could provide tremendous opportunity for outdoor recreation, such as off-highway vehicle use, in many cases they are vacant and underutilized. Moreover, in many instances the heavy presence of federal lands is impeding the surrounding communities from responding to the pressures of population growth and their ability to foster economic development. To meet key economic, conservation, community development, and recreation needs, H.R. 5355 would convey parcels of BLM land totaling roughly 8,200 acres to these four California communities. The conveyances would occur within one year of enactment the bill, be subject to valid and existing rights, and not include subsurface (i.e., mineral) interests. Information about the conveyances is as follows:

- *Apple Valley Conveyance*: The legislation would convey roughly 4,630 acres located north and east of the town of Apple Valley to create the “Apple Valley Off-Highway Vehicle Recreation Area” for off-road vehicle (OHV) recreation, OHV races, and other recreational activities. This land conveyed is entirely within the Apple Valley’s Multi Species Habitat Conservation Plan (MSHCP) area and aligns with the town’s goals to

¹⁴ Mormon Pioneer National Heritage Area in partnership with the National Park Service, “Travel Planner,” <http://www.mormonpioneerheritage.org/download-national-heritage/>, accessed on June 14, 2022.

¹⁵ Congressman Steven Horsford, “Fact Sheet: Great Basin National Heritage Area and Mormon Pioneer National Heritage Area Extension Act,” https://horsford.house.gov/sites/horsford.house.gov/files/FACT%20SHEET%20-%20Great%20Basin%20National%20Heritage%20Area%20and%20Mormon%20Pioneer%20National%20Heritage%20Area%20Extension%20Act_0.pdf, accessed on June 14, 2022.

¹⁶ National Park Service, “Great Basin National Heritage Area,” Feb. 19, 2021, <https://www.nps.gov/places/great-basin-national-heritage-area.htm>.

¹⁷ Public Law 117-103, March 15, 2022.

¹⁸ Highland Community News, “Oberholte calls for improved forest management for business, fire safety”, Hector Fernandez Jr. September 10, 2021, https://www.highlandnews.net/opinion/olberholte-calls-for-improved-forest-management-for-business-fire-safety/article_08db6172-1252-11ec-a826-9716a39d8660.html.

improve recreation opportunities while better conserving critical wildfire habitat by encouraging OHV use in areas with low habitat value and away from critical wildlife habitat.¹⁹ Apple Valley intends to do this by allowing OHV use on the routes that have historically been used, which will help them keep vehicles off of critical habitat areas.²⁰

- *Twentynine Palms Conveyance:* H.R. 5355 would convey approximately 80 acres east of the City of Twentynine Palms to create more access for race events at the Twentynine Palms Motorsports Arena. Every year during the first weekend in April, the Hilltoppers Motorcycle Club hosts their annual Grand-Prix, a popular OHV race that attracts more than 1,200 entrants and more than 5,000 spectators.²¹ With this additional acreage, town officials believe they could host larger and more popular race events, bringing much-needed economic stimulus to the area.²²
- *Barstow Conveyance:* The bill would convey roughly 320 acres of vacant land to the City of Barstow for economic development and to reduce traffic congestion from a popular residential area to the city's commercial district.²³ The conveyance would allow the city to attract commercial development in an area located close to I-15, which averages about 66,000 vehicle trips daily.²⁴ City officials believe that development of this heavily-trafficked area would conservatively create at least \$1 million in additional sales tax revenue for the city.²⁵ The City of Barstow also intends to use this conveyed land to complete an alternative route that would connect popular residential areas to the primary commercial sector in the City, thus alleviating heavy traffic congestion.²⁶
- *Victorville Conveyance:* The bill would convey to the City of Victorville approximately 3,200 acres comprised of several parcels located either within city limits or within the vicinity of the city. This conveyance would contribute to Victorville's Master Plan, which is designed to respond to projected population growth and serve as a transit hub between a planned high-speed passenger rail network connecting southern Californian communities to Las Vegas, Nevada.²⁷ Other conveyed parcels would be used for wastewater treatment, increased transportation access, and light industrial development.²⁸ Specifically, the City hopes to use 80 acres to construct a drying bed for reclaimed water with a high concentration of salt in a location that will be more cost and environmentally efficient than their current process.²⁹ Additionally, Victorville would like to extend

¹⁹ Town of Apple Valley, "Letter of Support for Desert Community Lands Act" https://republicans-naturalresources.house.gov/UploadedFiles/Apple_Valley_Letter_of_Support.pdf

²⁰ *Id.*

²¹ Hilltoppers MC, "45th Annual HTMC Big 6 Grand Prix", <http://www.hilltoppersmc.com/>

²² City of Twentynine Palms, "Letter of Support for Desert Community Lands Act", https://republicans-naturalresources.house.gov/UploadedFiles/05-18-17_Twentynine_Palms_Mayor_Support_Letter.pdf.

²³ City of Barstow, "Letter of Support for Desert Community Lands Act". https://republicans-naturalresources.house.gov/UploadedFiles/Letter_of_Support_for_HR_2365_052317.pdf.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ City of Victorville, "Letter of Support for Desert Community Lands Act". https://republicans-naturalresources.house.gov/uploadedfiles/h.r._2365_-_desert_community_lands_act_-_support.pdf.

²⁸ *Id.*

²⁹ *Id.*

Rancho Road, which will provide important emergency access to an area that's current closest connection is nearly a mile away.³⁰

H.R. 6240 (Stewart)

H.R. 6240 would release the reversionary interest of the U.S. government in approximately 593 acres of non-federal land to the University of Utah, located in Salt Lake City, Utah. The BLM issued a patent for the land under the *Recreation and Public Purposes Act* to the University of Utah on October 18, 1968.³¹ The patent specified the land could only be used for academic expansion, an arboretum, and a highway to access these facilities.³² Failing to adhere to the terms of the patent would trigger its reversionary interest, transferring the land back to the BLM. The University developed the land, now known as Research Park, into a research and development center that serves both the University and the local workforce.³³ Research Park has helped the production and growth of over 100 start-ups stemming from University of Utah students and researchers.³⁴ The park currently hosts approximately 50 companies, 80 university departments, and a workforce of more than 13,500.³⁵ Among these are innovative companies specializing in biotechnology, pharmaceutical development, and manufacturing, all of which provide opportunities for students to learn and work among experts.³⁶

This parcel has been used in this fashion by the University since the issuance of the patent, and the BLM has not been involved in the management of the land for over 55 years. A recent review of Research Park uncovered that the parcel was not in compliance with the patent because of the commercial nature of the companies currently located there. Unfortunately, the University cannot continue to host these companies despite the educational and economic benefits to the community.³⁷ H.R. 6240 would allow for the release of the reversionary interest in the land to the University of Utah, allowing for the activities at Research Park to continue. This bill would also enable the University to move forward with their plans to enhance the area further by making it more walkable, creating additional residential facilities, and bringing in additional laboratories and offices.³⁸

H.R. 7509 (DeFazio)

H.R. 7509 would create a new 98,150-acre BLM National Recreation Area in southwestern Oregon called the “Rogue Canyon National Recreation Area” and expands the existing Wild Rogue Wilderness area by 59,512 acres. In 1978, Congress designated the existing Wild Rogue

³⁰ *Id.*

³¹ Department of the Interior, “Recreation and public Purposes Land Patent to the University of Utah” October 18, 1968, <https://d182hggomw8pjd.cloudfront.net/wp-content/uploads/sites/18/2020/08/05141720/1968-10th-US-Grant-Land-Patent.pdf>.

³² *Id.*

³³ The Office of Sen. Mike Lee, “University of Utah Research Park Act,” Staff, November 2, 2021, https://republicans-naturalresources.house.gov/UploadedFiles/2021.11.3_Research_Park_continuation.pdf.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ The Office of Sen. Mike Lee, “University of Utah Research Park Act,” Staff, November 2, 2021, https://republicans-naturalresources.house.gov/UploadedFiles/2021.11.3_Research_Park_continuation.pdf.

³⁸ The Salt Lake Tribune, “University of Utah plans major revamp of research park on Foothill Drive, adding lots of housing,” Tony Semerad, Jun. 2020, <https://www.sltrib.com/news/2020/06/09/dense-walkable-amenity/>. University of Utah Real Estate Administration, “Research Park Vision Plan,” <https://realestate.utah.edu/research-park-vision-plan/> accessed on June 9, 2022. The Salt Lake Tribune, “U. has big plans for Research Park, but land patent is getting in the way,” Brian Maffly, Dec. 2021, <https://www.sltrib.com/news/environment/2021/12/15/u-has-big-plans-research/>.

Wilderness Area totaling 35,711 acres.³⁹ Of this, 27,111 acres are USFS lands and approximately 8,600 acres are BLM land.⁴⁰ While the existing wilderness area is managed solely by USFS, this legislation would require both USFS and BLM to administer the wilderness area. At a time when of skyrocketing energy prices, H.R. 7509 also includes permanent mineral withdrawals totaling 157,662 acres.⁴¹

This preservationist proposal will lock up tens of thousands of acres of land under onerous restrictions that impede proper forest management and firefighting activities in a state at enormous risk of experiencing catastrophic wildfires. Since 2009, more than 5.6 million acres of wilderness areas have burned in wildfires.⁴² In the last two years alone, wildfires in Oregon destroyed over 2 million acres.⁴³ Just last year, the Bootleg Fire that burned over 400,000 acres in Southern Oregon was so severe it generated its own weather systems and “fire-nados.”⁴⁴ According to the American Forest Resource Council, the new wilderness is “nearby forested communities such as Merlin, Redwood, Grants Pass, New Hope, and Williams have been identified by the Forest Service as among the 50 communities in Oregon with the great cumulative housing-unit exposure to wildfire, with Merlin and Redwood ranking first and second, respectively.”⁴⁵



The 2018 Taylor Creek Fire burned above the Rogue River near Grants Pass, ranked number 8 in the state for overall wildfire risk exposure; this bill would designate new wilderness near the town. | **Source:** Statesman Journal.

³⁹ Bureau of Land Management, “Wild Rogue Wilderness”, <https://www.blm.gov/visit/wild-rogue-wilderness>.

⁴⁰ *Id.*

⁴¹ AAA, “Gas Prices,” <https://gasprices.aaa.com/>. Accessed on June 16, 2022.

⁴² Congressional Research Service, “Wildfire Acres Burned in Wilderness Areas and National Monuments 2009-2021” https://republicans-naturalresources.house.gov/uploadedfiles/wildfireacresburned_wildernessnm_2009_2021_1tb_20220216.pdf

⁴³ ODF Wildfire News, “Final ODF fire report for 2020 fire season”, October 19, 2020,

<https://web.archive.org/web/20201025013059/https://odfwildfire.wpengine.com/2020/10/19/final-odf-fire-report-for-2020-fire-season/>.

The Register Guard, “Fighting For a Second Chance”, Carly Bramhall, June 10, 2022, <https://shsmedia.org/1532/publications/fighting-for-a-second-chance/>.

⁴⁴ New York Times, “How Bad is the Bootleg Fire? It’s Generating its own Weather”, Henry Fountain, December 17, 2021,

<https://www.nytimes.com/2021/07/19/climate/bootleg-wildfire-weather.html>.

⁴⁵ American Forest Resource Council “Letter Expressing concerns with the Oregon Recreation Enhancement Act” https://republicans-naturalresources.house.gov/UploadedFiles/AFRC_Letter_to_ENR_ORE_Act_052019.pdf.

Despite the bill’s lip service to forest management, in practice wilderness designations create onerous restrictions on land managers that prevent any type of meaningful land management at the pace and scale needed to address our overgrown, fire-prone federal lands. To illustrate this, more than 9 million acres of national monument and wilderness areas, the designations with the most rigid forest management restrictions, burned in catastrophic wildfires in the last decade.⁴⁶ Forest Service research conducted over a 15-year period in Oregon found that areas under restrictive federal designations (i.e., wilderness and national monuments) experienced higher rates of tree mortality, stating:

“Productive forests being managed by the USDA Forest Service are currently experiencing the greatest impact of tree mortality, in part due to wildfire on productive forests withdrawn from management for the production of timber. Fire caused tree mortality on these reserved forests is currently reducing the live tree carbon pool.”⁴⁷

The majority of lands impacted by the new National Recreation Area designation are currently Oregon and California Railroad Revested Lands (O&C Lands), which collectively make up over 2.6 million acres of timberland in western Oregon.⁴⁸ O&C Lands were originally a land grant for railroad construction but have been managed for timber harvest a under multiple use and sustained yield mandate since the 1930’s.⁴⁹ However, beginning in 1990, harvest levels began to decline on O&C Lands and across the Pacific Northwest due to the listing of the Northern Spotted Owl under the *Endangered Species Act* (16 U.S.C. 1531 et seq.), and harvest levels have since failed to meet the allowable sale quantity of 500 million board feet level.⁵⁰ This legislation’s effort to convert additional O&C Lands to a National Recreation Area designation will further diminish these already meager forest management activities. This was confirmed by DOI Deputy Assistant Secretary Steve Feldgus, who last year testified on a related Senate bill and stated that many of the lands were “within the harvest land base” and the agency’s resource management plans (known as RMPs) would need to be further modified to account for the new recreation priorities instead of focusing on timber harvesting.⁵¹

IV. MAJOR PROVISIONS & ANALYSIS

[H.R. 2522](#)

Sec. 2. Designation of Cerro De La Olla Wilderness

- Amends Section 1202 of the *John D. Dingell, Jr. Conservation, Management, and Recreation Act* (Public Law 116-9) by (1) designating approximately 13,103 acres of

⁴⁶ Congressional Research Service, “Wildfire Acres Burned in Wilderness Areas and National Monuments 2009 to 2021” https://republicans-naturalresources.house.gov/UploadedFiles/WildfireAcresBurned_WildernessNM_2009_2021_1tb_20220216.pdf.

⁴⁷ Christensen, Glenn, et al., “Oregon Forest Ecosystem Carbon Inventory: 2001-2016,” U.S. Forest Service, October 29, 2019, <https://www.oregon.gov/odf/ForestBenefits/Documents/Forest%20Carbon%20Study/OR-Forest-Ecosystem-Carbon-2001-2016-Report-FINAL.pdf>.

⁴⁸ Congressional Research Service, “The Oregon and California Railroad Lands”, Katie Hoover, January 14, 2015, <https://www.crs.gov/Reports/R42951?source=search&guid=ccdc787b75934dcebfa5578f1876fa0e&index=0>.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Statement of Steve Feldgus, Ph.D. Deputy Assistant Secretary, Land and Minerals Management, DOI, “Senate Committee on Energy and Natural Resources, Subcommittee on Public Lands, Forests, and Mining, S. 1589, Oregon Recreation Enhancement Act, October 19, 2021”, <https://www.doi.gov/ocl/s-1589>.

- land administered by BLM within the Río Grande del Norte National Monument as the Cerro de la Olla Wilderness; (2) allowing the Secretary of the Interior to maintain existing structures or facilities for wildlife water development projects in the Cerro de la Olla Wilderness; and (3) requiring the Secretary to enter into a cooperative agreement with the State of New Mexico for managing the Cerro de la Olla Wilderness.
- Modifies the boundary of the Río Grande del Norte National Monument by approximately 5,000 acres.

[H.R. 2882](#)

Sec. 2. Extension of Authorization of the Mormon Pioneer National Heritage Area

- Amends *the National Heritage Areas Act of 2006* (Public Law 109-338) by extending the authority of the Secretary of the Interior to provide assistance to the Mormon Pioneer National Heritage Area for an additional 15 years.

Sec. 3. Great Basin National Heritage Area

- Amends the *National Heritage Areas Act of 2006* (Public Law 109-338) by re-designating the Great Basin National Heritage Route to the Great Basin National Heritage Area.
- Extends the authority of the Secretary of the Interior to provide assistance to the Great Basin National Heritage Area for an additional 15 years.

[H.R. 5355](#)

Sec. 2. Conveyance for Apple Valley Off-Highway Vehicle Recreation Area

- Requires the Secretary of the Interior to convey to the town of Apple Valley, California, upon the town's request, approximately 4,630 acres of land.
- Clarifies that this conveyance is subject to valid existing rights and does not include the mineral estate.
- Specifies that the land conveyed may be used by the town of Apple Valley for the following public purposes, consistent with the Recreation and Public Purposes Act: (1) establishment of a centralized off-road vehicle recreation park; (2) public opportunities for off-road vehicle recreation, including a location for races, competitive events, training, and other commercial services that support a centralized off-road vehicle recreation area and municipal park; and (3) a designated area and facilities that would inhibit unauthorized use of off-highway vehicles in environmentally sensitive areas.
- Prohibits disposal of the conveyed land by the town of Apple Valley without approval by the Secretary of the Interior.

Sec. 3. Conveyance to City of Twentynine Palms, California

- Requires the Secretary of the Interior to convey to the City of Twentynine Palms, California, at their request, 80 acres of land.
- Specifies that the conveyance is subject to valid existing rights and does not include the mineral estate.

Sec. 4. Conveyance to City of Barstow, California

- Requires the Secretary of the Interior to convey to the City of Barstow, at their request 320 acres.
- Specifies that the conveyance is subject to valid existing rights and does not include the mineral estate.

Sec. 5. Conveyance to City of Victorville, California

- Requires the Secretary of the Interior to convey to the City of Victorville, at their request 3,200 acres.
- Clarifies that the conveyance is subject to valid existing rights and does not include the mineral estate.
- States that the conveyance is subject to the reservation of a permanent easement and right of way for flood control, utility, pipeline, or telecommunications facilities located within the land in a right of way grant from DOI to the Pacific Gas and Electric Company (PG&E).

[H.R. 6240](#)

Section 1 – Release of Reversionary Interest of the United States in Non-Federal Land in Salt Lake City, Utah

- Releases to the University of Utah the reversionary interest of the U.S. government in approximately 593 acres of non-federal land.

[H.R. 7509](#)

Sec. 3. Rogue Canyon National Recreation Area, Oregon

- Designates 98,150 acres of BLM land in Oregon as the “Rogue Canyon National Recreation Area” (NRA).
- Requires the Secretary to conduct a wildfire risk assessment for the proposed NRA and implement a wildfire mitigation plan focused on protecting nearby communities.
- Prohibits new permanent or temporary roads from being constructed with the NRA except for public safety or to implement the wildfire mitigation plan.
- Includes a permanent mineral withdrawal for all of the land with the NRA.

Sec. 4. Expansion of Wild Rogue Wilderness Area

- Adds 59,512 acres to the existing Wild Rogue Wilderness Area.
- Requires the Secretary of the Interior and the Secretary of Agriculture to administer the land within their respective jurisdictions.
- Allows the Secretaries to take measures with the wilderness additions to control fire, insects, and disease in accordance with the existing authorities provided by the Wilderness Act.
- Includes a permanent mineral withdrawal for all of the new additions to the wilderness area.
- Specifies that this expansion shall not impact the treaty rights of any Indian Tribe.

V. COST

A previous Congressional Budget Office (CBO) cost analysis of H.R. 5355 determined the bill would not score.⁵² None of other bills on this hearing received a formal CBO cost analysis.

VI. ADMINISTRATION POSITION

The Biden administration testified in support of Senate companion legislation to H.R. 2522, H.R. 2882, H.R. 6240, and H.R. 7509.⁵³ The administration position on H.R. 5355 is unknown.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 2522](#)

[H.R. 2882](#)

⁵² Congressional Budget Office, Cost Estimate of H.R. 2365 – Desert Community Lands Act, 2018, <https://www.cbo.gov/system/files/2018-07/hr2365.pdf>.

⁵³ DOI Testimony: H.R. 2522: <https://www.doi.gov/ocl/s-177>. H.R. 2882: <https://www.energy.senate.gov/services/files/E6664807-9CC2-46DE-9F54-F40B81C5D8DB>. H.R. 6240: <https://www.doi.gov/ocl/pending-legislation-32>. H.R. 7509: <https://www.doi.gov/ocl/s-1589>.