

**Statement of
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Assistant Director, Energy, Minerals & Realty Management
Bureau of Land Management
Department of the Interior
House Committee on Natural Resources
Subcommittee on Public Lands & Environmental Regulation
H.R. 1744, Multispecies Habitat Conservation Plan Implementation Act
February 26, 2014**

Thank you for the opportunity to present the views of the Department of the Interior on H.R. 1744, which amends the Mesquite Lands Act of 1986 in order to renew and extend certain authorizations which had expired in late 2011. The BLM supports the goals of H.R. 1744 to provide for the economic development needs of Mesquite, Nevada, and for the implementation of habitat conservation plans in Clark County and in Lincoln County, Nevada. The BLM notes that existing authorities, such as sales under the Federal Land Policy Management Act (FLPMA), allow BLM to achieve similar purposes through the development of Resource Management Plans and include opportunities for public comment.

Background

The Mesquite Lands Act of 1986 (P.L. 99-548) afforded the City of Mesquite in eastern Clark County, Nevada, the exclusive right to purchase certain parcels of public land, at fair market value, for a period of years. In a series of amendments over the last 17 years, the Mesquite Lands Act was amended to add additional parcels, authorize funding to develop a habitat conservation plan for the Virgin River, and to direct a conveyance to the City. The authorizations under the Mesquite Lands Act expired in late 2011. The Lincoln County Land Act of 2000 (P.L. 106-298) similarly authorized the use of certain funds for development of a habitat conservation plan in Lincoln County. While the City of Mesquite acquired approximately 7,700 acres of public lands under the Mesquite Lands Act, as amended, it was not able to complete all of the acquisitions it sought in the prescribed time period.

H.R. 1744

H.R. 1744 extends certain authorizations in the Mesquite Lands Act, as amended, for an additional ten years to November 29, 2021. The bill also allows for the use of certain funds for the implementation (in addition to the development) of habitat conservation plans for the Virgin River in Clark County as well as for a habitat conservation plan in Lincoln County. It also extends the withdrawal of the lands from all forms of location, entry and appropriation under the public land laws, including mining laws, and from operation of mineral leasing and geothermal leasing laws, subject to valid existing rights.

The BLM supports H.R. 1744 and its goal of providing for the long-term economic development needs of the City. It would allow more time to complete the environmental reviews (and to develop possible mitigation of impacts) of proposed land uses on the parcels. The U.S. Fish and Wildlife Service has been working cooperatively with the BLM in the development of the habitat conservation plan for the Virgin River. The additional authorizations in H.R. 1744 to implement

habitat conservation plans will enhance the Department's habitat protection efforts in Clark County and in Lincoln County, Nevada.

Conclusion

Thank you for the opportunity to present testimony on H.R. 1744. I will be glad to answer any questions

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H.R. 3366, Hermiston Agricultural Research and Extension Center
February 26, 2014**

Thank you for inviting the Department of the Interior to testify on H.R. 3366, which provides for the release of the interest of the United States in lands used for the Hermiston Agricultural Research and Extension Center in Umatilla County, Oregon. While we cannot support the bill as written, the Bureau of Land Management (BLM) could support H.R. 3366 if amended to address the concerns detailed below, consistent with previous legislative proposals. The Department of the Interior defers to the Department of Agriculture with regard to a possible contingent interest of the Agricultural Research Service.

Background

The BLM regularly leases and conveys lands to local governments and nonprofit entities for a variety of public purposes. These leases and conveyances are typically accomplished under the provisions of the Recreation and Public Purposes Act (R&PP) or through direction supplied by specific Acts of Congress. Such direction allows the BLM to help states, local communities, and nonprofit organizations obtain lands at no or low cost for important public purposes, including research facilities. Because these lands are conveyed at far below market value, they include a reversionary clause requiring that lands be used for specific public purposes or revert to the Federal government. Over the years, the BLM has addressed many administrative and legislative requests to release the Federal government's reversionary interest in such lands. In these instances, the BLM has consistently required the payment of fair market value for the interest on behalf of the American taxpayer.

In 1950, Public Law 81-825 authorized the Secretaries of Agriculture and the Interior to convey certain lands in Montana, Nebraska, Nevada, New Mexico, Oregon, and Wyoming to the respective States for no consideration for the development of agricultural research and cooperative extension facilities. Among the lands included in the bill were public domain lands in Hermiston, Oregon. The 1950 law further provided that any such conveyances reserve the minerals in the land to the United States. In 1954, the BLM issued a patent (#166221) conveying approximately 450 acres to the State of Oregon for the cooperative agricultural experimental work of the Department of Agriculture and the State of Oregon, with a clause requiring that if the State of Oregon ceases to use the property for agricultural experimental work or attempts to "alienate" all or any part of the land, all right, title, and interest in the property shall revert to the United States. Subsequently, roughly 170 unused acres of the conveyance were returned to the BLM by Oregon State University.

H.R. 3366

H.R. 3366 would release the reversionary as well as the reserved mineral interest of the United States in approximately 290 acres of land currently held by Oregon State University for the Hermiston Agricultural Research and Extension Center. The BLM supports the goal of conveying the reversionary interest on these parcels to the State of Oregon. As with previous such proposals, we recommend amending the legislation to ensure the payment of fair market value for the reversionary and mineral interest and to ensure that the State's acceptance of the interest is voluntary. The value of the reversionary and mineral interest would be established through an appraisal by the Department of the Interior's Office of Valuation Services. Upon receipt of the appraisal, the State could make a decision about purchasing the reversionary and mineral interest, thus acquiring the land outright. We further recommend that all costs associated with this conveyance, including the appraisal, be the responsibility of the recipient.

We also note that the legislation as written does not contain a description of the lands for which the interest of the United States would be relinquished. To ensure the accuracy of any conveyance, we recommend that the bill be amended to include a map of the lands. The BLM would be happy to work with the sponsor to provide such a map. Additionally, we recommend that the bill be amended so that the conveyance occurs subject to valid existing rights. The BLM believes that, according to the conditions of Patent No. 166221, the Agricultural Research Service (ARS) has a contingent interest in the continued use of the property for agricultural research purposes. We defer to the Department of Agriculture regarding any contingent interest that ARS may have.

Conclusion

Thank you for the opportunity to testify. We look forward to working with the sponsor and the Committee to address the land use needs of the State of Oregon.