

Committee on Natural Resources

Rob Bishop, Chairman
Markup Memorandum

July 24, 2017

To: All Natural Resources Committee Members

From: Majority Committee Staff, Brandon Miller
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **H.R. 2374 (Rep. Ruben Kihuen, D-NV)**, To facilitate certain pinyon-juniper related projects in Lincoln County, Nevada, to modify the boundaries of certain wilderness areas in the State of Nevada, and to provide for the implementation of a conservation plan for the Virgin River, Nevada.
July 25-26, 2017; 1324 Longworth HOB

H.R. 2374 (Rep. Ruben Kihuen, D-NV), “*Eastern Nevada Land Implementation Improvement Act*”

Summary of the Bill

H.R. 2374, introduced by Congressman Ruben Kihuen (R-NV-4), authorizes hazardous fuel reduction projects and wildfire planning for rangeland and woodland restoration projects in Lincoln County, Nevada; reduces the size of three Wilderness Areas; and provides for the development and implementation of a Virgin River, Nevada conservation plan.

Bill Co-Sponsors

Rep. Mark Amodei (R-NV-2), Rep. Jacky Rosen (R-NV-3), and Rep. Dina Titus (D-NV-1).

Background

The bill makes a technical correction to help implement a multiple species habitat conservation plan (MSHCP) to benefit the economic development and expansion in Mesquite, Nevada. In 2002, the U.S. Fish and Wildlife Service (FWS) required the city to create a MSHCP to protect several species in the Lower Virgin River Basin before moving ahead with two land acquisitions. The city planned to use funds from the Mesquite Lands Act, a law passed by Congress in 1986 that allowed the city to acquire and develop lands from the federal government, to complete the MSHCP. FWS signed a memorandum of agreement (MOA) with the City of Mesquite to carry out the law.

This agreement expired in 2014 and the FWS refused to sign a new MOA or allow the city access to necessary funding because it did not feel that current legislation enabled them to implement the MSHCP. As a result, all efforts to advance the MSHCP and expand the city are at a stand-still. This bill remedies the problem by making a technical correction to the Mesquite

Lands Act of 1988 that will provide the necessary authority to FWS to implement the conservation plan, after it signs a new MOA with the City of Mesquite.

Another provision of the bill assists rangeland and woodland restoration projects by authorizing the Bureau of Land Management (BLM) to use a portion of proceeds from land sales to conduct hazardous fuel reduction projects and wildfire planning in pinyon-juniper landscapes. Under the Lincoln County Land Act (LCLA) and Lincoln County Conservation, Recreation and Development Act (LCCRDA), 85 percent of proceeds from the sale of federal lands are managed in special accounts with prescribed uses by BLM.¹ This bill provides BLM with flexibility to determine which projects can be funded for pinyon-juniper landscape restoration projects using existing funds in the special account. Thinning of pinyon-juniper stands will help to prevent catastrophic wildfires as well as protect and enhance Greater Sage-Grouse habitat in the County.

Lastly, the bill makes several boundary adjustments that collectively reduce three Wilderness Areas in White Pine and Nye counties by approximately 50 acres. The bill reduces the Mt. Moriah Wilderness Area by 23 acres to improve public access to the Big Canyon Trailhead main road and facilities. The bill reduces the High Schells Wilderness Area by 11.7 acres to adjust a road and provide land to an existing Girl Scout Camp. Finally, the bill reduces the size of the Arc Dome Wilderness Area by approximately 10 acres to release a small dam owned and operated by the Yamba Tribe.

Section-by-Section Analysis of H.R. 2374

SECTION 1. SHORT TITLE.

SEC. 2. FACILITATION OF PINYON-JUNIPER RELATED PROJECTS IN LINCOLN COUNTY, NEVADA.

- Availability of Special Account under Lincoln County Land Act of 2000 and Availability of Special Account under the Lincoln County Conservation, Recreation, and Development Act of 2004
 - Amends the Lincoln County Land Act of 2000 and Lincoln County Conservation, Recreation, and Development Act of 2004 so that funds in the special account under each law can be used for the development and implementation of comprehensive, cost-effective, and multijurisdictional hazardous fuels reduction projects and wildfire prevention planning (particularly for pinyon-juniper dominated landscapes) and other rangeland and woodland restoration projects within the County, consistent with the Ely Resource Management Plan and subject to approval by the Secretary.
 - Amends both laws to waive cost-recovery fees for the processing of applications for rights-of-way submitted by local or regional governments within the County necessary to deliver government-provided services to land conveyed pursuant to this Act.
 - Amends both laws to require the establishment of cooperative agreements between BLM Lincoln County for County-provided law enforcement and

¹ Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424).

planning activities regarding wilderness and cultural resources, management of the Silver State OHV Trail, and planning associated with land disposal and related land use authorizations required for utility corridors and rights-of-way.

- Amends both laws so that 'the Lincoln County Regional Development Authority' is added to the list of recipients of certain proceeds from the sale of land parcels.
- Amends the Lincoln County Conservation, Recreation, and Development Act of 2004 so that certain lands are not withdrawn from forms of entry, appropriation, and disposal under the public land laws; location, entry, and patent under the mining laws; and operation of the mineral leasing and geothermal leasing laws.

SEC. 3. MT. MORIAH WILDERNESS, HIGH SCHELLS WILDERNESS, AND ARC DOME WILDERNESS BOUNDARY ADJUSTMENTS.

- Amends to the Pam White Wilderness Act to adjust the boundary of the Mt. Moriah Wilderness to include the land identified as the 'Mount Moriah Wilderness Area' and 'Mount Moriah Additions' on the map entitled 'Eastern White Pine County' (dated November 29, 2006) and the land identified as 'NFS Lands' on the map entitled 'Proposed Wilderness Boundary Adjustment Mt. Moriah Wilderness Area' (dated June 18, 2014).
- Amends to the Pam White Wilderness Act to adjust the boundary of the High Schells Wilderness to include the land identified as 'Include as Wilderness' on the map entitled 'McCoy Creek Adjustment' (dated November 3, 2014) and to exclude the land identified as 'NFS Lands' on the map entitled 'Proposed Wilderness Boundary Adjustment High Schells Wilderness Area' dated (June 17, 2014).
- Amends the Nevada Wilderness Protection Act of 1989 to adjust the boundary of the Arc Dome Wilderness to exclude the land identified as 'Exclude from Wilderness' on the map entitled 'Arc Dome Adjustment' dated (November 3, 2014).

SEC. 4. IMPLEMENTATION OF WHITE PINE COUNTY CONSERVATION, RECREATION, AND DEVELOPMENT ACT.

- Amends to the White Pine County Conservation, Recreation, and Development Act to include municipal water and sewer infrastructure, public electric transmission facilities, public broadband infrastructure, and planning.
- Amends to the White Pine County Conservation, Recreation, and Development Act to include processing by a government entity of public land use authorizations and rights-of-way relating to the development of land conveyed to the County under the Act.
- Expedites the Conveyance to White Pine County, Nevada by inserting a deadline of December 31, 2018. If the Secretary has not conveyed the lands to the County by that date the Secretary shall immediately convey to the County, without consideration, all right, title, and interest of the United States in and to the parcels of land.

Anticipated Amendments

None.

Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

Administration Position

BLM generally supports the goals of the legislation, particularly the development and implementation of hazardous fuels reduction projects, wildfire prevention planning and other habitat enhancement projects. In testimony, BLM outlined concerns with some elements of the bill, including the level of consultation with tribes and wildlife biologists and whether the special accounts under LCLA and LCCRDA are the appropriate funding sources for hazardous fuel reduction projects and wildfire planning removal projects. BLM supports the provision of the bill amending the withdrawn lands but opposes the requirement to establish cooperative law enforcement and planning agreements between BLM and County, as well as the waiver of fees associated with processing right-of-way applications.²

Effect on Current Law (Ramseyer)

² Statement on H.R. 1815, Eastern Nevada Land Implementation Improvement Act. Steven A. Ellis, Deputy Director, Operations, Bureau of Land Management, Department of the Interior, on. November 4, 2015.