

**Statement of
Jamie E. Connell
Acting Deputy Director
Bureau of Land Management
U.S. Department of the Interior
Subcommittee on Public Lands and Environmental Regulation
Committee on Natural Resources
U.S. House of Representatives
H.R. 1168, Authorizing the Sale of Certain Federal Lands to the City of Carlin, Nevada
July 19, 2013**

Thank you for inviting the Department of the Interior to testify on H.R. 1168, which would authorize the sale of approximately 1,400 acres of Federal land to the City of Carlin, Nevada, at fair market value. The Bureau of Land Management (BLM) could support H.R. 1168 if modified to address the concerns described below

Background

Carlin, Nevada is a small community located west of the City of Elko in Elko County. The Carlin Trend, one of the most productive gold mining areas in the country, is located to the northwest. The BLM manages approximately 1,500 acres of public land within the Carlin city limits.

Most residential, civic, and commercial activity in the city is concentrated within about 360 acres just south of the Interstate 80 (I-80) corridor and in relatively close proximity to the lands identified for sale in the bill. Other industrial and commercial uses, most of which support regional mining operations, exist to the east and north of the city's core along State Routes (SR) 221 and 766. The Nevada Department of Transportation recently constructed an interchange on I-80 to connect with SR 278 to Eureka, Nevada.

It is the understanding of the BLM that the City of Carlin is interested in the economic development potential of the lands identified for sale in the bill. The BLM believes the sale of these lands would improve manageability. They are within and immediately adjacent to the growing City of Carlin and they are identified as available for potential disposal in the BLM's current Resource Management Plan for the area. These lands also contain intact, native, mature sagebrush and grassland communities or are lands that have been successfully rehabilitated from previous fire events. Multiple fires in areas around Carlin over the past 15 years have increased the importance of retaining mature sagebrush communities. Although there are no known leaks on the lands identified for sale in this bill, approximately 141 acres have been identified as Preliminary Priority Habitat for Greater Sage-Grouse. In addition, about 960 acres make up part of the remaining segments of winter range for pronghorn antelope and mule deer.

H.R. 1168

H.R. 1168 would authorize the sale, at fair market value, of approximately 1,400 acres of Federal land to the City of Carlin. The sale would convey all right, title and interest of the United States to the identified lands, subject to valid existing rights. The Federal government owns both the

surface and mineral estate for approximately half of the lands. Because there is known high mineral potential in the area, the value of the mineral estate may be significant.

Subsection 1(f) of the bill specifies that the sale of the lands would not be considered a major Federal action under the National Environmental Policy Act (NEPA). The BLM opposes this provision waiving NEPA, which, among other impacts, would limit public engagement and preclude opportunities for mitigation, such as considering the Greater Sage-Grouse habitat issues that clearly need to be addressed.

H.R. 1168 would require the BLM to sell the identified lands to the City of Carlin within 180 days once the city offers to purchase them. During this time, the BLM would need to complete a variety of actions before the agency could sell the lands, including appraisal, survey, and other clearances, which could not likely be completed within that time frame. Therefore, the BLM recommends more flexibility to complete the actions required by the Federal Land Policy and Management Act and other applicable laws.

The bill, as written, would indefinitely extend the opportunity for acquisition of the lands by the City of Carlin. The BLM recommends allowing the city 3 to 5 years to decide whether to acquire the lands and which lands to acquire. After that time, the lands should return to their current status. The sponsor may wish to consider inclusion of language that would withdraw the lands from the public land laws, the mining laws, and the mineral and geothermal leasing laws for the period in which the lands are being considered for acquisition by the city.

Finally, the BLM would like to work with the sponsor and the subcommittee on other more technical modifications. For example, H.R. 1168 currently references a legislative map titled "Proposed Carlin, Nevada Land Sales" and dated January 4, 2013. It is the understanding of the BLM that the sponsor intends to change the reference to a map dated June 6, 2013. The more recent map informs the position of the BLM on the legislation.

Conclusion

Thank you again for the opportunity to testify on H.R. 1168. The bill is important to the people of Carlin, and the BLM looks forward to working with the sponsor and the Subcommittee on modifications so the agency can fully support the bill.

**Statement of
Jamie Connell,
Acting Deputy Director
Bureau of Land Management
Department of the Interior
House Natural Resources Committee
Subcommittee on Public Lands and Environmental Regulations
H.R. 2095, Land Disposal Transparency and Efficiency Act
July 19, 2013**

Thank you for the opportunity to testify on H.R. 2095, the Land Disposal Transparency and Efficiency Act which prohibits the Bureau of Land Management (BLM) from acquiring any land until after the establishment of a centralized database of public lands that have been identified for disposal through the BLM's land use planning process. The Department supports transparency and public access to information. We could support the sections of H.R. 2095 regarding providing online access to data on lands identified for disposal if it were clarified to give the BLM flexibility to provide data in a manner that accurately reflects the BLM's land use planning process. However, we have serious concerns about the bill's provisions regarding a ban on land acquisitions. Such a ban would preclude the outstanding benefits that such acquisitions bring for improved manageability and recreational access

Background

The 1976 Federal Land Policy and Management Act (FLPMA) provides clear policy direction to the BLM that public lands should generally be retained in public ownership. However, section 203 of FLPMA allows the BLM to identify lands as potentially available for disposal if they meet one or more of the following criteria:

- Lands consisting of scattered, isolated tracts that are difficult or uneconomic to manage; or
- Lands that were acquired for a specific purpose and are no longer needed for that purpose; or
- Lands that could serve important public objectives, such as community expansion and economic development, that outweigh other public objectives and values that could be served by retaining the land in Federal ownership.

BLM land use planning is a public process developed and implemented locally through 157 individual Resource Management Plans (RMPs). Among the hundreds of decisions made during that land use planning process is the identification of lands that are to be retained and those that may be available for disposal. These decisions are made after full public participation and are consistent with FLPMA, the BLM's planning manual and handbook, and all relevant environmental laws. However, lands identified as available for disposal in RMPs do not represent a Federal "multiple listing service." Disposal of the lands is discretionary and BLM must first consider local conditions and needs.

The BLM provides flexibility to its individual field offices in how they identify lands available for disposal through the planning process. Lands may be identified for disposal for specific purposes,

or generally. For example, some plans may identify certain lands available for disposal only under the provisions of the Recreation & Public Purposes (R&PP) Act, which authorizes the Secretary of the Interior to lease or convey public lands at nominal costs for recreational and other public purposes such as schools, fire stations, and public works projects. RMPs may also identify lands available for disposal through exchange or sale, or a combination of these.

When identifying lands as potentially suitable for disposal, RMPs vary from the specific to the general. For example, the September 2012 approved Lower Sonoran and Sonoran Desert National Monument RMP in Arizona identifies 153 individual parcels for disposal totaling over 36,400 acres with legal descriptions for each parcel. The 2008 approved Moab RMP in Utah identifies nearly 15,000 acres for disposal as generally depicted on a single map. Finally, the approved Little Snake RMP in Colorado more generally identifies retention and disposal zones and criteria for disposal without specific parcel identification.

Before the BLM can sell, exchange, or otherwise dispose of any lands that have been identified as being available for disposal through the land use planning process, it must undertake extensive environmental impact analyses, clearances, surveys, and appraisals for the individual parcels, and there may still be substantial impediments to disposal. The process of identifying these lands as potentially available for disposal in an RMP does not typically include site-specific identification of impediments to disposal, such as the presence of threatened or endangered species, cultural or historic resources, mining claims, mineral leases, rights-of-way, and grazing permits. Also not included in this identification process is an appraisal to establish market value or a specific survey of the lands. Furthermore, because land use plans typically extend over many years, lands identified as potentially available for disposal at one point in time may be found later to be unsuitable because of new circumstances such as oil and gas leasing, the listing of threatened and endangered species, the establishment of rights-of-way, or other encumbrances.

H.R. 2095

H.R. 2095 prohibits the acquisition of any lands by the BLM until the agency establishes a centralized database of all lands identified as suitable for disposal by the BLM's RMPs. This type of ban on land acquisitions would preclude the outstanding benefits that such acquisitions bring for improved manageability and recreational access. For example, all of the LWCF acquisitions proposed in the President's FY2014 budget for the BLM would improve access for hunting, fishing, and other recreational activities.

The Department and this Administration support transparency and public access to information. The BLM's planning process is not a one-sized fits all approach directed by the national office, but rather each individual RMP reflects local conditions and needs and lands identified as potentially available for disposal are considered in context of their RMP. We would like to work with the sponsor and the Committee to modify H.R. 2095 to provide flexibility in designing an online tool that supplies access to each of BLM's RMPs and gives context and meaning to the data as well as information for approaching the local BLM offices about the potential sale of land.

Conclusion

Thank you for the opportunity to testify we look forward to working with the Committee to improve public access to the BLM's planning documents and decisions.

**Statement of
Jamie Connell,
Acting Deputy Director
Bureau of Land Management
Department of the Interior
House Natural Resources Committee
Subcommittee on Public Lands and Environmental Regulations
H.R. 2068, Federal Land Transaction Facilitation Act Reauthorization
July 19, 2013**

Thank you for the opportunity to testify on H.R. 2068, the Federal Land Transaction Facilitation Act (FLTFA) Reauthorization. The Administration strongly supports reauthorization of FLTFA and encourages the Congress to move swiftly to reauthorize the Act. Over the past decade, the Department of the Interior has made a number of important acquisitions using the FLTFA's provisions. Reauthorization of the FLTFA will allow us to continue to use this critical tool for enhancing our Nation's treasured landscapes.

Background

Congress enacted the FLTFA in July of 2000 as Title II of Public Law 106-248. The FLTFA expired on July 25, 2011. Under the FLTFA, the Bureau of Land Management (BLM) could sell public lands identified for disposal through the land use planning process prior to July 2000, and retain the proceeds from those sales in a special account in the Treasury. The BLM and the other Federal land managing agencies were then able to use those funds to acquire, from willing sellers, inholdings within certain federally designated areas and lands that are adjacent to those areas that contain exceptional resources. Lands were able to be acquired within and/or adjacent to areas managed by the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), the U.S. Forest Service (FS), and the BLM. Over the life of the FLTFA, approximately 27,200 acres were sold under this authority and approximately 18,100 acres of high resource value lands were acquired.

The President's fiscal year 2014 Budget includes a proposal to permanently reauthorize the FLTFA, and allow lands identified as suitable for disposal in recent land use plans to be sold using the FLTFA authority. FLTFA sales revenues would continue to be used to fund the acquisition of environmentally sensitive lands and the administrative costs associated with conducting sales.

The 1976 Federal Land Policy and Management Act (FLPMA) provides clear policy direction to the BLM that public lands should generally be retained in public ownership. However, section 203 of FLPMA allows the BLM to identify lands as potentially available for disposal if they meet one or more of the following criteria:

- Lands consisting of scattered, isolated tracts that are difficult or uneconomic to manage; or
- Lands that were acquired for a specific purpose and are no longer needed for that purpose; or

- Lands that could serve important public objectives, such as community expansion and economic development, which outweigh other public objectives and values that could be served by retaining the land in Federal ownership.

The BLM identifies lands that may be suitable for disposal through its land use planning process, which involves full public participation. Before the BLM can sell, exchange, or otherwise dispose of these lands, however, it must undertake environmental impact analyses, clearances, surveys, and appraisals for the individual parcels. .

Before the enactment of the FLTFA, the BLM had the authority under FLPMA to sell lands identified for disposal. The proceeds from those sales were deposited into the General Fund of the Treasury. However, because of the costs associated with those sales, few sales were undertaken. Rather, the BLM relied largely on land exchanges to adjust land tenure. This can often be a less efficient process.

Once the FLTFA was enacted, the BLM developed guidance, processes, and tools to complete the FLTFA land sales. Working cooperatively, the BLM, NPS, FWS, and FS then developed guidance, processes, and tools for subsequent FLTFA land acquisitions. The BLM markedly increased sales under the program; however market conditions in the later years led to less robust sales.

Since it was enacted, the BLM used FLTFA to sell 330 parcels previously identified for disposal totaling 27,249 acres, with a total value of approximately \$117.4 million. Over the same time period, the Federal government acquired 37 parcels totaling 18,535 acres, with a total value of approximately \$50.4 million using FLTFA authority.

Some lands identified for disposal and sold through the FLTFA process were high-value lands in the urban interface. For example, in 2007 the BLM in Arizona sold at auction a 282-acre parcel in the suburban Phoenix area for \$7 million. However, many of the lands the BLM identified for disposal prior to July 2000 that are eligible under FLTFA are isolated or scattered parcels in remote areas with relatively low value. Frequently, there is limited interest in acquiring these lands, and the costs of preparing them for sale may exceed their market value.

Since the inception of the FLTFA, the BLM deposited \$112.8 million into the Federal Land Disposal Account. That figure represents 96% of the total revenues from these sales. Approximately \$4.7 million was transferred to the states in which the sales originated, as provided for in individual Statehood Acts (typically 4% of the sale price).

Using the FLTFA proceeds, the BLM, NPS, FWS, and FS acquired significant inholdings and adjacent lands from willing sellers, consistent with the provisions of the Act. For example, in November 2009 the BLM used FLTFA funds to complete the acquisition of 4,573 acres within the BLM's Canyons of the Ancients National Monument in southwest Colorado. These inholdings encompass 25 documented cultural sites, and archaeologists expect to record an additional 700 significant finds. The acquisition also included two particularly important areas: "Jackson's Castle," which is archaeologically significant; and the "Skywatcher Site," a one-of-a-

kind, 1,000-year-old solstice marker. The following are a few additional examples of important FLTFA acquisitions:

- Elk Springs Area of Critical Environmental Concern (ACEC), New Mexico/BLM – This 2,280-acre acquisition protects critical elk wintering habitat.
- Hells Canyon Wilderness, Arizona/BLM – A 640-acre parcel constituting the last inholding within the Hells Canyon Wilderness, located just 25 miles northwest of Phoenix.
- Grand Teton National Park, Wyoming/NPS – This small (1.38 acres), but critical inholding within the Park was acquired and protected from development.
- Zion National Park, Utah/NPS – A combination of FLTFA and Land and Water Conservation Fund monies were used to acquire two 5-acre inholdings that overlook some of the Park’s outstanding geologic formations. These areas were previously targeted for development.
- Nestucca Bay National Wildlife Refuge, Oregon/FWS – This 92-acre dairy farm on the outskirts of Pacific City, Oregon, was slated for residential development and was acquired to protect a significant portion of the world’s population of the Semidi Islands Aleutian Cackling Goose.
- Six Rivers National Forest, California/FS – Over 4,400 acres were acquired within the Goose Creek National Wild and Scenic River corridor, preserving 4 miles of the river known for dense stands of Douglas fir, redwoods, and Port Orford cedar.

H.R. 2068

H.R. 2068 would both reauthorize and modify the original FLTFA through a number of changes. First, the bill extends the program to July 2020. The Department recommends eliminating the sunset altogether to enable the BLM to plan for and implement this program on a longer-term basis.

Second, under the original FLTFA, only lands identified for disposal prior to July 25, 2000, were eligible to be sold. H.R. 2068 modifies that restriction by allowing any lands identified for disposal through the BLM’s land use planning process to be sold through the FLTFA process. The Department supports this change, which recognizes the usefulness and importance of the BLM’s land use planning process. The BLM currently oversees the public lands through 157 Resource Management Plans (RMPs). Since 2000, the BLM has completed over 75 RMP revisions and major plan amendments. Additionally, the BLM is currently involved in planning efforts on 57 new RMPs, all of which the agency expects to complete within the next three to four years. Planning updates are an ongoing part of the BLM’s mandate under FLPMA. In this process, the BLM often makes incremental modifications to the plans, and identifies lands that may be suitable for disposal. All of these planning modifications or revisions are made in compliance with the National Environmental Policy Act, and are undertaken through a process that invites full public participation. Eliminating the restriction to provide more flexibility on the lands eligible for FLTFA will allow the BLM to maintain a more consistent program over time.

Third, the original FLTFA allowed acquisitions of inholdings within, or adjacent to, certain Federal units such as BLM conservation units, National Parks, National Wildlife Refuges, and certain Forest Service units if they existed prior to July 25, 2000. H.R. 2068 eliminates this

limitation as well, allowing acquisitions within or adjacent to certain kinds of units created at any time, and we support this change.

The legislation also includes language placing an added emphasis on land acquisitions to support access for hunting, fishing, and other recreational activities. We support this language which is consistent with the Bureau's past management of the program.

The original FLTFA law required that 80% of funds were to be used for land acquisition within the state where the funds were generated through land sales. H.R. 2068 provides that if funds are not expended within four years they may be expended in any state. We support this provision.

H.R. 2068 also adds exceptions to the FLTFA in recognition of specific laws that modify the FLTFA with respect to some particular locations. The FLTFA does not apply to lands available for sale under the Santini-Burton Act (P.L. 96-586) and the Southern Nevada Public Land Management Act (P.L. 105-263). H.R. 2068 additionally exempts lands included in the White Pine County Conservation, Recreation, and Development Act (P.L. 109-432) and the Lincoln County Conservation, Recreation and Development Act (P.L. 108-424). Finally, a number of provisions of the Omnibus Public Land Management Act of 2009 (P.L. 111-11) modify FLTFA at specific sites or for specific purposes, and these exceptions are also captured by H.R. 2068.

Finally, H.R. 2068 adds a new provision requiring the BLM to establish a publicly available database on the Department of the Interior website of lands identified for disposal in BLM's Resource Management Plans (RMPs). We would like the opportunity to work with the sponsor and the Committee to refine this provision.

RMPs identify lands that are potentially available for disposal according to criteria provided in section 203 of FLPMA. These lands represent areas of public lands that may be identified for sale, disposal under the Recreation and Public Purposes (R&PP) Act, exchange, or a combination of these. However, lands identified for disposal may still have substantial impediments to disposal. In short, lands identified for disposal are not analogous to a federal "multiple listing service." RMPs typically identify general areas for disposal rather than specific parcels. The process of identifying these lands as potentially available for disposal in an RMP typically does not include site-specific identification of impediments to disposal, such as the presence of threatened or endangered species, cultural or historic resources, mining claims, mineral leases, rights-of-way, and grazing permits. Also not included in this identification process is an appraisal to establish market value or a specific survey of the lands. Furthermore, because land use plans typically extend over many years, lands identified as potentially available for disposal at one point in time may be found later to be unsuitable because of new circumstances such as oil and gas leasing, the listing of threatened and endangered species, the establishment of rights-of-way, or other encumbrances.

The Department and this Administration support transparency and public access to information. The BLM's planning process is not a one-size fits all approach directed by the national office. Rather each individual RMP reflects local conditions and needs and lands identified as potentially available for disposal are considered in context of their RMP. We would like to work

with the Sponsor and the Committee to modify this provision in order to provide flexibility in designing an online tool that supplies access to each of BLM's RMPs and gives context and meaning to the data as well as information for approaching the local BLM offices about the potential sale of land.

Conclusion

Thank you for the opportunity to testify in strong support for reauthorization of the Federal Land Transaction Facilitation Act. By reauthorizing the FLTFA, the Congress will allow the BLM to continue a rational process of land disposal that is anchored in public participation and sound land use planning, while providing for land acquisitions to augment and strengthen our Nation's treasured landscapes.

**Statement of
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House Natural Resources Committee
Subcommittee on Public Lands and Environmental Regulation
S. 130, Powell Shooting Range Land Conveyance Act
July 19, 2013**

Thank you for the opportunity to present the views of the Department of Interior on S. 130, the Powell Shooting Range Land Conveyance Act, which conveys a 322-acre isolated tract of public land to the Powell Recreation District (District) in northwestern Wyoming. The Bureau of Land Management (BLM) supports S. 130.

Background

Powell, Wyoming, is a small town of approximately 5,000 people located in northwestern Wyoming. This region of Wyoming is generally irrigated farmland with scattered BLM-managed public land parcels.

In 1980, the Bureau of Reclamation (BOR) granted the District a Special Use Permit (SUP) for a 25-year period to construct and operate a shooting range on this isolated tract of public land southeast of the town of Powell. The District constructed the facilities and infrastructure for the shooting range over 30 years ago, and has operated the range ever since. The District is a local entity created under state statute for the purpose of providing public recreation programs. It is funded from local property taxes and is an entity organized with the authority to acquire land and facilities appropriate to carry out its recreational purposes.

The SUP for the shooting range expired in 2005. That year, the District filed an application for a Recreation and Public Purposes Act conveyance of this land to continue the shooting range operations. The BOR extended the SUP pending transfer of the land to the District. In 2010, the BLM discovered that, as a result of a 1950 land exchange with the state of Wyoming, the parcel is actually under the BLM's jurisdiction and not the BOR's jurisdiction as was previously understood. The BLM has used the authority of a Special Recreation Permit to temporarily authorize the use of the existing shooting complex until long-term resolution of the land use issues could be achieved. The BLM Recreation and Public Purposes Act, as amended by P.L. 100-648 dated 11/10/88, does not allow for the conveyance of this land administratively to the District under its current use as a shooting range.

S. 130

S. 130 requires the BLM to convey an isolated 322-acre tract of public land southeast of Powell, Wyoming, to the Powell Recreation District. The bill requires that the parcel of land be transferred subject to valid existing rights, and be used only as a shooting range or for any other public purpose consistent with the Recreation and Public Purposes Act. If the land conveyed to the District ceases to be used for a public purpose then the land shall, at the discretion of the Secretary, revert to the United States.

S. 130 requires the Powell Recreation District to pay administrative costs to prepare the patent and transfer title as well as costs necessary to complete environmental, wildlife, cultural, and historical studies related to the transfer. The bill also releases and indemnifies the United States from any claims or liabilities that may arise from the transfer.

The BLM supports the bill as it represents an opportunity to resolve land use issues on an isolated tract of public land that has been used as a shooting range for over 30 years and is identified for disposal in current land use plans. The legislation facilitates a reasonable and practicable conveyance of lands to the Powell Recreation District.

Conclusion

Thank you for the opportunity to provide testimony in support of S. 130.