



HOUSE COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Federal Lands Republican Members
From: Subcommittee on Federal Lands; Taylor Wiseman and Brandon Miller –
Taylor.Wiseman@mail.house.gov and Brandon.Miller@mail.house.gov, x6-7736
Date: Thursday, June 22, 2023
Subject: Legislative Hearing on Five Regulatory Streamlining and Federal Estate Management Bills

The Subcommittee on Federal Lands will hold a legislative hearing on five regulatory streamlining and federal estate management bills:

- H.R. 2997 (Rep. Boebert), “*Clifton Opportunities Now for Vibrant Economic Yields (CONVEY) Act*”;
- H.R. 3025 (Rep. Plaskett), To provide for no net increase in the total acreage of Federal land in the Virgin Islands National Park on St. John, United States Virgin Islands;
- H.R. 3049 (Rep. Curtis), “*Utah School and Institutional Trust Lands Administration Exchange Act of 2023*”;
- H.R. 3250 (Rep. Morelle), “*National Museum of Play Recognition Act*”; and
- H.R. 4141 (Rep. Fulcher), To provide that certain communications projects are not subject to requirements to prepare certain environmental or historical preservation reviews, and for other purposes.

The hearing will take place on **Thursday, June 22 at 2:00 p.m.** in room 1324 Longworth House Office Building.

Member offices are requested to notify Colen Morrow (Colen.Morrow@mail.house.gov) by 4:30 p.m. on Tuesday, June 20, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- Republicans are committed to empowering local communities and jumpstarting rural economies through innovative solutions that reduce our federal footprint and cut bureaucratic red tape that stifles economic growth.
- Poor management of the vast federal estate leads to depressed local, and often rural, economies, lack of access to public lands, and increasingly degraded landscapes – from wildfires, overgrowth, and failing infrastructure. Committee Republicans are leading the way to support legislation to right-size the federal estate and grow rural economies.

- This hearing will consider innovative and creative legislative ideas to manage the federal estate. From rural, Western towns to tropical territories, there is a clear and overwhelming need to control the size of the federal estate to address skyrocketing deferred maintenance and concerns from local stakeholders.
- Earlier this month, Congress enacted the first reforms to the National Environmental Policy Act (NEPA) in over forty years. This hearing builds on the momentum to address NEPA barriers that are exacerbating the digital divide for rural communities across the country.

II. WITNESSES

Panel I (Bill Sponsors):

- *To Be Announced*

Panel II (Administration and Outside Witnesses):

- **The Honorable Nada Wolff Culver**, Principal Deputy Director, Bureau of Land Management, Washington, D.C. [*All bills*]
- **The Honorable Rose Pugliese**, Assistant Minority Leader, Colorado House of Representatives (District 14), Colorado Springs, Colorado [*H.R. 2997*]
- **Ms. Michelle McConkie**, Director, State of Utah School and Institutional Trust Lands Administration, Salt Lake City, Utah [*H.R. 3049*]
- **Mr. John Stuart**, President and CEO, MTE Communications, Midvale, Idaho [*H.R. 4141*]
- *Additional witness TBA*

III. BACKGROUND

[H.R. 2997 \(Rep. Boebert, R-CO\), “Clifton Opportunities Now for Vibrant Economic Yields \(CONVEY\) Act”](#)

The federal government owns approximately 640 million acres, or 28 percent, of land in the United States.¹ The Bureau of Land Management (BLM) is the largest federal land management agency and manages 244 million acres of public lands, heavily concentrated (99 percent) in eleven Western continental states and Alaska.² While the BLM is a large landowner, data suggests they struggle to manage the land they have. The BLM’s deferred maintenance backlog reached \$4.7 billion in fiscal year (FY) 2022, up 335 percent from FY 2019.³ In states with large federal footprints, local communities often lack power in decision making over the land in their backyards. When non-federal government entities, such as a city or county, would like to

¹ Federal Lands and Related Resources: Overview and Selected Issues for the 118th Congress, Congressional Research Service, February 24, 2023, <https://www.crs.gov/Reports/R43429>.

² *Id.*

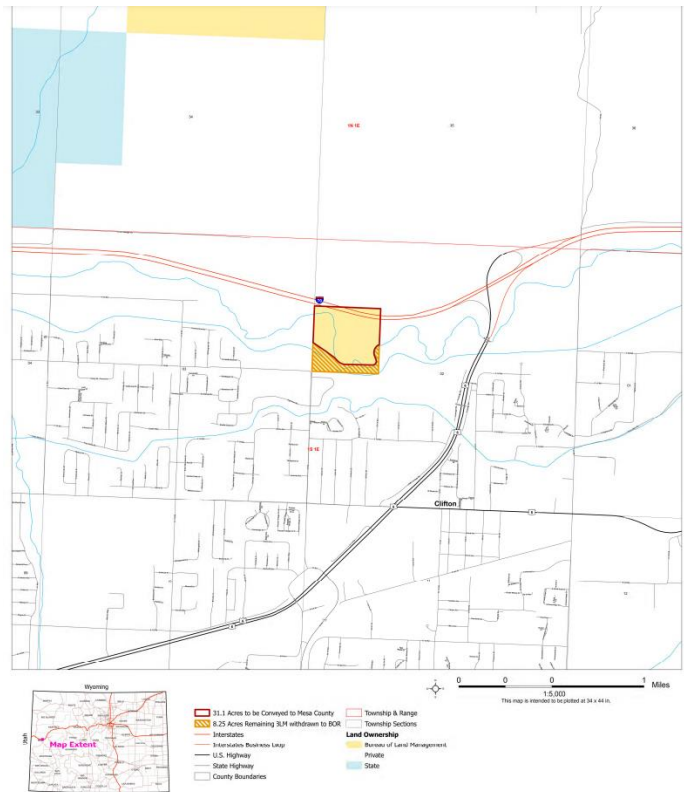
³ Information compiled by the House Natural Resources Committee based on data provided by Congressional Research Service.

expand, the large footprint of federal land ownership surrounding those communities often stifles development and growth.

The U.S. Constitution grants Congress the authority to acquire and dispose of federal property.⁴ Congress granted BLM authority to acquire and dispose of land under several statutes, most notably the Federal Land Policy and Management Act of 1976 (FLPMA, pronounced *flip-ma*).⁵ While the BLM can dispose of land administratively, this process can take several years. To speed up the process, Congress can enact legislation to direct the agency to complete a land conveyance.⁶ These expedited conveyances are a win-win, as growing rural communities can expand and develop and the federal government can focus its limited resources on managing more high-value lands.

The State of Colorado has over 24 million acres, or over 36 percent, of land owned by the federal government.⁷ Specifically, in Mesa County, the federal government owns over 72 percent of the land.⁸ The population of Mesa County was 158,363 in 2022.⁹ As the population continues to grow, the county is significantly limited in the land it has available to develop.

H.R. 2997, introduced by Representative Boebert, would convey 31.1 acres from the BLM to Mesa County, Colorado. The land sits in a prime location along Interstate 70. The land would be used for economic development in Clifton, a town in central Mesa County and a suburb of Grand Junction. Once Mesa County is able to secure the land from the BLM, the County plans to establish an economic development board to solicit input from stakeholders and pursue



Source: BLM, 2023.

⁴ Federal Lands and Related Resources: Overview and Selected Issues for the 118th Congress, Congressional Research Service, February 24, 2023, <https://www.crs.gov/Reports/R43429>.

⁵ Federal Land Ownership: Acquisition and Disposal Authorities, Congressional Research Service, March 23, 2023, <https://www.crs.gov/Reports/RL34273>.

⁶ *Id.*

⁷ Federal Land Ownership: Overview and Data, Congressional Research Service, February 21, 2020, <https://www.crs.gov/Reports/R42346>.

⁸ Statistics for the Planning Department, Mesa County, Accessed June 13, 2023, <https://www.mesacounty.us/departments-and-services/community-development/planning/general-information-planning-department/statistics>.

⁹ QuickFacts, Mesa County, Colorado, U.S. Census Bureau, Accessed June 13, 2023, <https://www.census.gov/quickfacts/mesacountycolorado>.

development options that will “incentivi[ze] industry and business in the Clifton area.”¹⁰ Despite the fact that this parcel has been identified for disposal by the BLM (meaning the agency deemed it is no longer serving the public interest), this conveyance has been held up for over five years.¹¹ This bill would expedite the process to convey the land out of federal ownership to provide economic growth to the local community. Representatives Lamborn (R-CO-5) and Buck (R-CO-4) are cosponsors of this legislation.

H.R. 3025 (Rep. Plaskett, D-VI), To provide for no net increase in the total acreage of Federal land in the Virgin Islands National Park on St. John, United States Virgin Islands

Much like the BLM, the National Park Service (NPS) struggles to maintain the land it currently owns. The deferred maintenance backlog at NPS currently totals \$22.3 billion (FY 2022), almost double the backlog since FY 2019.¹² The U.S. Virgin Islands currently has \$102 million worth of deferred maintenance at NPS units, with the bulk of that deferred maintenance (\$82 million) occurring in the Virgin Islands National Park (Park).¹³ Acquiring additional lands or units to manage exacerbates this deferred maintenance, leading to infrastructure degradation at existing park units and significant management challenges for the agency.



Source: National Park Service, 2013.

St. John is the smallest of the three main Virgin Islands. It is approximately 19.6 square miles and home to 3,881 people, according to the 2020 census.¹⁴ In 1956, the Park was established when Laurance S. Rockefeller donated roughly 5,000 acres on the island to the NPS with the intent of continuing research and conservation of the unique natural features of

¹⁰ Webb, Dennis, “Boebert bill seeks to speed up county purchase of federal parcel,” The Daily Sentinel, May 3, 2023, https://www.gisentinel.com/news/boebert-bill-seeks-to-speed-up-county-purchase-of-federal-parcel/article_27548f1c-e847-11ed-bbe5-ab1798c9a570.html.

¹¹ Letter to Representative Lauren Boebert, United State Department of the Interior, Accessed June 9, 2023, <https://boebert.house.gov/sites/evo-subsites/boebert.house.gov/files/evo-media-document/rep.-boebert-32-road-withdrawal-revocation-response-11152022.pdf>. Federal Land Ownership: Acquisition and Disposal Authorities, Congressional Research Service, March 23, 2023, <https://www.crs.gov/Reports/RL34273>.

¹² Information compiled by the House Natural Resources Committee based on data provided by Congressional Research Service.

¹³ NPS, “Virgin Islands Parks Infrastructure Fact Sheet,” https://www.nps.gov/subjects/infrastructure/upload/VI-State-Fact-Sheet_122022_508.pdf.

¹⁴ Virgin Islands National Park (U.S. National Park Service), National Park Service, July 22, 2022, <https://www.nps.gov/viis/index.htm>.

the island.¹⁵ Now, the Park boundary encompasses roughly two thirds of the island of St. John (7,259 acres of land, in addition to 5,650 acres in underwater areas).¹⁶ This large footprint created a housing crisis among the individuals who have called the island home for at least the past 3,000 years.¹⁷ The remaining third of available land has become increasingly expensive as the desire for resort homes on the island exploded. Recently, the large footprint of the Park has become extremely controversial with residents after a proposed land exchange that would expand the footprint of the Park in order to allow the local government to build a new Pre-K-12 public school.¹⁸ Currently, St. John students must commute to St. Thomas for school after the island's elementary and middle schools were damaged in hurricanes in 2017.¹⁹ Many residents have voiced frustration that the Park is insisting on a land exchange that will increase the net acreage of the Park rather than donating the land to this community that desperately needs it to build a new school.

H.R. 3025 would prevent any net increases in the acreage of the Park. NPS would still be allowed to conduct land exchanges, as long as they did not add to the total amount of acreage within the Park. The bill also sets forth requirements for selling land within the Park once new land is acquired. This will help the Park focus on reducing its \$82 million in deferred maintenance and will support the local residents of St. John as they look to address critical community needs such as new infrastructure for housing and schools.

[H.R. 3049 \(Rep. Curtis, R-UT\), “Utah School and Institutional Trust Lands Administration Exchange Act of 2023”](#)

As the Western United States developed, Congress enacted the Land Ordinance of 1785 and the Northwest Ordinance of 1787 to ensure each new state would set aside land to support public schools and institutions, commonly called “trust lands.”²⁰ Trust parcels are largely allocated by square-mile (640 acre) sections, for public schools within each 36 square mile township in a checkerboard pattern.²¹ With more arid land out West, many Western states received more than one section per township, with the State of Utah receiving four sections per township.²²

When Congress granted Utah statehood in 1896, the state gained significant trust lands.²³ These lands are now managed by the Utah School and Institutional Trust Lands Administration

¹⁵ Virgin Islands National Park, National Geographic, May 3, 2021, www.nationalgeographic.com/travel/national-parks/article/virgin-islands-national-park.

¹⁶ Plaskett Introduces Legislation to Prevent Further Growth of the Virgin Islands National Park on St. John, Congresswoman Stacey E. Plaskett, May 2, 2023, <https://plaskett.house.gov/news/documentsingle.aspx?DocumentID=4290>.

¹⁷ *Id.*

¹⁸ Macavoy, Kit, “Plaskett seeking to curb expansion of National Park,” The Virgin Islands Daily News, May 3, 2023, http://www.virginislandsdailynews.com/news/plaskett-seeking-to-curb-expansion-of-national-park/article_f26a1412-10f7-5ea2-91eb-72d45f17c67f.html.

¹⁹ *Id.*

²⁰ History of Trust Lands, Utah PTA, Accessed June 13, 2023, <https://www.utahpta.org/history-trust-lands>.

²¹ SITLA and Trust Lands Explained, Trust Lands Administration, Accessed June 12, 2023, <https://trustlands.utah.gov/our-agency/sitla-and-trust-lands-explained/>.

²² History of Trust Lands, Utah PTA, Accessed June 13, 2023, <https://www.utahpta.org/history-trust-lands>.

²³ *Id.*

(SITLA).²⁴ SITLA manages Utah’s 3.4 million acres of trust land and generates revenue for education and public schools from energy and mineral leases, rent, and royalties; real estate development and sales; and surface estate sales, leases, and easements.²⁵ In the past three decades, revenue generated from SITLA funds for Utah’s public schoolchildren has grown from \$50 million to \$3.2 billion.²⁶ This year, SITLA distributed \$101 million to Utah’s K-12 public schools, which was used for “purchasing new library books to hiring aids who support teachers in classroom instruction.”²⁷

WE USED FUNDS FOR

A DANCE INSTRUCTOR & MUSICAL

SITLA funds along with the BTSA grant helped us hire a dance teacher and we put on our very own musical!

INSTRUCTIONAL ASSISTANTS

Our 2 assistants help monitor progress in ALL grade levels

Delta North Elementary School in Delta, Utah used \$79,643 in SITLA funding over the 2021-2022 school year to hire a new dance teacher and 2 new assistants, repair flood damage in the school, host professional learning community workshops for teachers, and conduct reading and math improvement programs and assessments. Students benefiting from this funding are pictured above. Delta has a population of 3,678 people and one-third of its residents are below the poverty line. **Source:** Delta North Elementary School, 2022.

While 67 percent of Utah is under federal land ownership, only 6 percent is trust land, meaning any encumbrance could have significant effects on the state.²⁸ In 2016, President Barack Obama designated the highly contentious, 1.35-million-acre Bears Ears National Monument (BENM) in San Juan County, Utah, which included over 109,000 acres of SITLA lands.²⁹ This designation effectively locked up these lands, making it difficult, if not impossible, for SITLA to generate

²⁴ *Id.*

²⁵ *Id.*

²⁶ SITLA, “From SITLA to Your School,” <https://trustlands.utah.gov/our-agency/in-the-classroom/from-sitla-to-your-school/>.

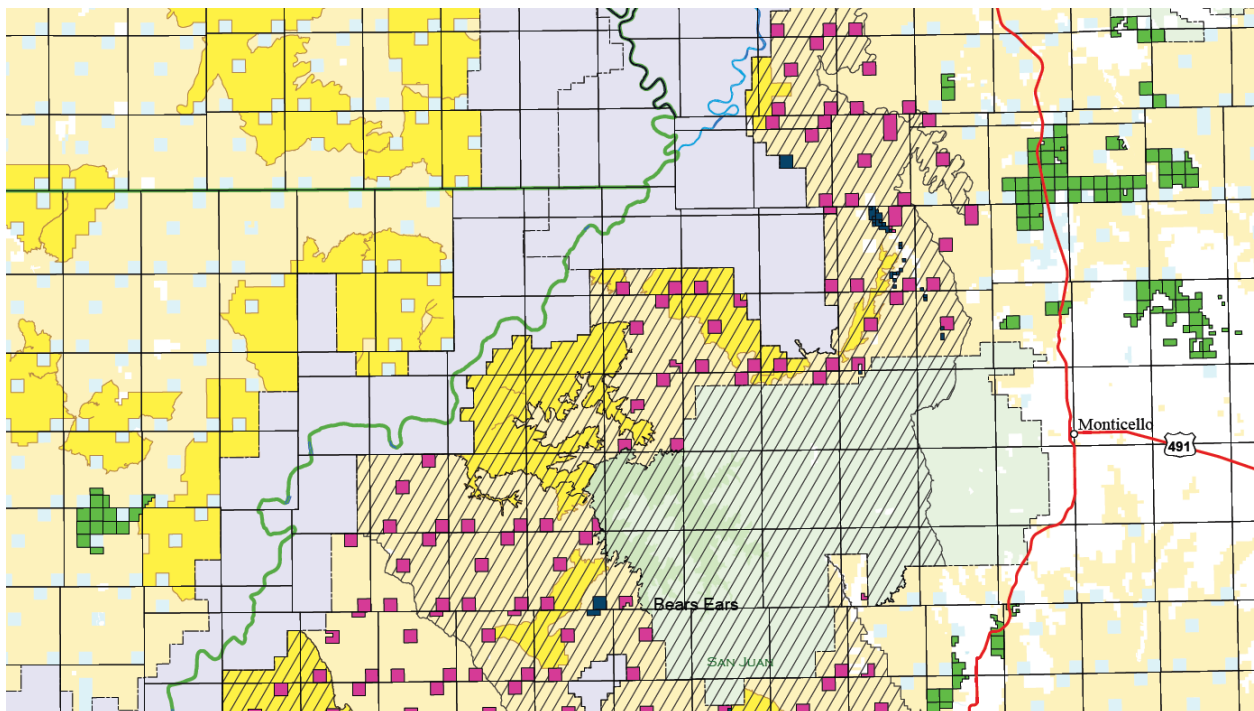
²⁷ Utah State Treasurer Marlo M. Oaks, “Utah public schools to receive record \$101 million distribution from School and Institutional Trust System,” February 7, 2023, <https://treasurer.utah.gov/featured-news/utah-public-schools-to-receive-record-101-million-distribution-from-school-and-institutional-trust-system/>.

²⁸ SITLA, “Frequently Asked Questions,” <https://trustlands.utah.gov/our-agency/faqs/>.

²⁹ SITLA, “109K ACRES OF SCHOOL TRUST LAND CAPTURED IN BEARS EARS NATIONAL MONUMENT”, 01/03/17, <https://trustlands.utah.gov/109k-acres-of-school-trust-land-captured-in-bears-ears-national-monument/>.

revenue from these lands for Utah’s schoolchildren. Unfortunately, this was the second instance of unilateral designations under the Antiquities Act of 1906 locking up SITLA lands. In the 1990’s, the designation of the Grand Staircase-Escalante National Monument by President Clinton locked up 176,000 acres of land, leading to a complex, multi-year land exchange process that resulted in the federal government transferring 145,000 acres of land outside of the monument to SITLA along with a \$50 million cash equalization payment.³⁰

Since this designation, SITLA has worked with the Department of the Interior and the State of Utah to identify lands for a land exchange. In March of 2023, the Secretary of the Interior, the Governor of the State of Utah, and the Director of SITLA agreed to a land exchange between the federal government and SITLA so SITLA can acquire higher production land outside of BENM and release less productive land within the BENM, through a Memorandum of Understanding (MOU).³¹ H.R. 3049 ratifies this MOU. The legislation would allow SITLA to generate more revenue to support public education in line with its mission. Under the terms of the MOU, SITLA would primarily convey ownership of parcels now within of BENM, among others. The Secretary of the Interior and the Governor of Utah have identified lands of approximate equal value and the bill provides provisions for ensuring equal exchange value once appraisals are completed. In total, the State of Utah will acquire approximately 167,000 acres and the federal government will acquire approximately 162,500 acres in the exchange.³² An identical companion



A small portion of the land exchange, for illustrative purposes. The magenta parcels are currently SITLA lands located within the BENM proposed to be transferred to the federal government. Green parcels are lands that SITLA will acquire in the exchange outside of BENM. A full map is on file with the Committee. **Source:** BLM/SITLA,

³⁰ Brian Maffly, “Utah not ready to sign off on a Bears Ears lands swap”, The Salt Lake Tribune, 01/20/17, <http://www.sltrib.com/home/4835113-155/utah-not-ready-to-sign-off>.

³¹ MOU on file with the Committee.

³² Information provided by SITLA to Committee Staff. A map of land to be exchanged is on file with the Committee.

bill has been introduced in the Senate by Senator Lee, S. 1450. The entire Utah delegation has cosponsored this legislation in the House and Senate.

H.R. 3250 (Rep. Morelle, D-NY), “National Museum of Play Recognition Act”

The Margaret Woodbury Strong Museum, located in Rochester, New York, is one of the largest toy museums in the world.³³ Its collection houses hundreds of thousands of toys, items, and collectibles that span different eras and cultures.³⁴ Born in 1897 in Rochester, New York, Margaret Woodbury Strong was an American collector most well known for her large collection of dolls and toys.³⁵ Due to her parents’ passion for traveling, Margaret traveled around the world and collected toys from a multitude of countries. Her museum, which first opened in 1968 under the name the “Margaret Woodbury Strong Museum of Fascination,” has continued to expand and grow over the past five decades.³⁶ From vintage dolls and board games to interactive exhibits, visitors can immerse themselves in the rich history of play and marvel at the diverse array of toys on display. Today, the museum is over 100,000 square feet and receives more than half a million visitors annually.³⁷

H.R. 3250 seeks to recognize the Margaret Woodbury Strong Museum as the “National Museum of Play,” as the “only museum of its kind that exists for the exclusive purpose of exploring the ways in which play encourages learning, creativity, and discovery, and how it illuminates cultural history.”³⁸ The recognition as a national museum does not create a unit of the federal government to maintain or provided funding for. This is a creative way to recognize a significant museum without adding any burdens to the taxpayer.

H.R. 4141 (Rep. Fulcher, R-ID), To provide that certain communications projects are not subject to requirements to prepare certain environmental or historical preservation reviews, and for other purposes.

Broadband is an increasingly vital technology for all aspects of life, including work, education, healthcare, and even conveniences like online shopping.³⁹ Despite this growing importance, there are roughly 42 million Americans with no access to broadband.⁴⁰ This ongoing dilemma, which has come to be known as the “digital divide”, is especially pronounced in rural and tribal communities.⁴¹ Roughly 17 percent of Americans in rural communities, and approximately 18

³³ About, The Strong National Museum of Play, Accessed June 12, 2023, <https://www.museumofplay.org/about/>.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Home, The Strong National Museum of Play, Accessed June 12, 2023, <https://www.museumofplay.org/>.

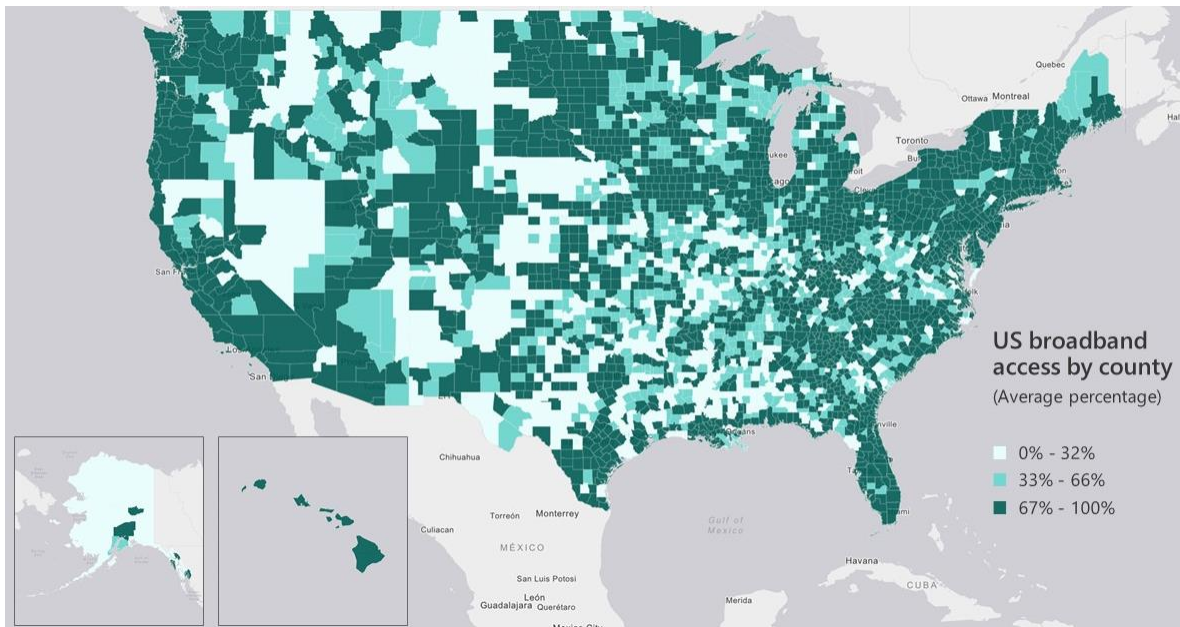
³⁸ H.R. 3250, National Museum of Play Recognition Act, <https://www.congress.gov/bill/118th-congress/house-bill/3250/text>.

³⁹ Millions Of Americans Are Still Missing Out On Broadband Access And Leaving Money On The Table—Here’s Why, Forbes, Natalie Campisi and Korrena Bailie, May 26, 2023, <https://www.forbes.com/advisor/personal-finance/millions-lack-broadband-access/>.

⁴⁰ *Id.*

⁴¹ Closing the Digital Divide for the Millions of Americans without Broadband, U.S. Government Accountability Office, February 1, 2023, <https://www.gao.gov/blog/closing-digital-divide-millions-americans-without-broadband>.

percent of Americans living on tribal lands, lack access to broadband.⁴² The negative impacts of this divide became especially apparent during the COVID-19 pandemic, when Americans were forced to work and participate in school online.⁴³



Source: Microsoft, 2017.

In the past, Congress attempted to increase broadband access by spending more and more taxpayer dollars, while failing to address many of the real obstacles that continue to hamper progress. Most recently, the Infrastructure Investment and Jobs Act (IIJA) included \$65 billion for broadband.⁴⁴ This included \$42.5 billion to fund broadband network deployments in underserved areas.⁴⁵ IIJA failed to pair this funding with much needed reforms to the burdensome regulatory process. This will unfortunately lead to a significant waste of taxpayer funds while projects continue to languish.

Two of the primary impediments to broadband infrastructure deployment are lengthy reviews and permitting application costs created by the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA).⁴⁶ On average, it takes 4.5 years to complete environmental reviews.⁴⁷ Nearly a third of the cost spent for wireless deployments go directly to

⁴² Broadband: National Strategy Needed to Guide Federal Efforts to Reduce Digital Divide, U.S. Government Accountability Office, May 31, 2022, <https://www.gao.gov/assets/gao-22-104611.pdf>; TRIBAL BROADBAND: National Strategy and Coordination Framework Needed to Increase Access, U.S. Government Accountability Office, June 22, 2023, <https://www.gao.gov/products/gao-22-104421>.

⁴³ *Id.*

⁴⁴ Public Law No. 11758, November 15, 2021, <https://www.congress.gov/bill/117th-congress/house-bill/3684>.

⁴⁵ *Id.*

⁴⁶ 54 U.S.C. § 300101 et seq.; 42 U.S.C. § 4321 et seq.

⁴⁷ Update NEPA to Help Drive America’s Digital Potential, U.S. Chamber of Commerce, Jordan Crenshaw, February 20, 2023, <https://www.uschamber.com/technology/update-nepa-help-drive-america-s-digital-potential>.

federal reviews.⁴⁸ Wireless industry representatives have described some of the absurdity of these costly permitting processes by stating: “It can take about an hour or two to install a small cell that’s roughly the size of a pizza box on a streetlight or utility pole, but it can take a year or more to get the necessary permits.”⁴⁹

Even when planning projects in previously disturbed areas, and utilizing a categorical exclusion, projects can still take too long to begin. A specific example of this was recently recounted during a House Energy and Commerce Committee hearing regarding a rural project to connect consumers via fiber. According to Michael Romano, Executive Vice President of NTCA, the Rural Broadband Association:

“Although the entire project was in a previously disturbed right-of-way and subject to a NEPA ‘Categorical Exclusion’ (the most streamlined level of NEPA review), the provider was not granted final approval and release of funds to begin construction for 9 months. This resulted in an even greater delay, however, as the project is in an area of the country where frozen ground prevents construction for approximately 5 months of the year – meaning construction could not commence for another several months thereafter.”⁵⁰

The Federal Communications Commission (FCC) attempted to streamline these processes to encourage additional projects. The FCC adopted procedures amending its environmental rules to specify the construction of small wireless facilities does not constitute a major federal action under NEPA or a federal undertaking under NHPA.⁵¹ In a misguided decision, the U.S. Court of Appeals for the District of Columbia vacated the FCC order eliminating NEPA and NHPA requirements as arbitrary and capricious for failing to justify that public interest did not require review of small cell deployments.⁵²

During his administration, President Trump established the American Broadband Initiative (ABI), a multi-agency effort focused on identifying strategies to increase efficiency in government broadband programs and expand broadband access.⁵³ The ABI made a number of recommendations and proposals to streamline the federal agency process for obtaining access to federal real property, rights-of-way, or land managed by federal agencies, including:

⁴⁸ FCC Infrastructure Reform Jumpstarts 5G Deployment, CTIA, Scott Bergmann, March, 22, 2018, <https://www.ctia.org/news/fcc-infrastructure-reform-jumpstarts-5g-deployment>.

⁴⁹ *Id.*

⁵⁰ Testimony before the House Energy and Commerce Committee, Michael Romano, Executive Vice President of NTCA, the Rural Broadband Association, April 19, 2023, https://d1dth6e84htgma.cloudfront.net/4_19_23_Testimony_Romano_c356908700.pdf?updated_at=2023-04-18T20:19:59.156Z.

⁵¹ Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment, Federal Communications Commission, WT Docket No. 17-79, Second Report, Second Report and Order, 33 FCC Rcd 3102 (2018).

⁵² *United Keetoowah Band of Cherokee Indians in Oklahoma v. FCC*, 933 F.3d 728 (D.C. Cir. 2019).

⁵³ American Broadband Initiative, National Telecommunications and Information Administration (NTIA), Accessed June 13, 2023, <https://ntia.gov/category/american-broadband-initiative#:~:text=NTIA%20plays%20a%20leadership%20role,efficiency%20in%20government%20broadband%20programs>.

- Streamlining internal agency procedures for permitting on federal lands;
- Providing tools to help understand federal permitting processes; and
- Proposing rules to streamline federal environmental reviews.⁵⁴

H.R. 4141, introduced by Congressman Fulcher, seeks to provide some of these important reforms. This standalone bill mirrors Title III of H.R. 3557, the “American Broadband Deployment Act,” which passed the House Energy and Commerce Committee on May 24, 2023.⁵⁵ This legislation would streamline the federal permitting process for certain broadband projects. Specifically, H.R. 4141 would exempt deployments over certain previously disturbed lands from NEPA and NHPA reviews. This bill would also codify an FCC action to responsibly expedite and improve the NHPA tribal review process for new wireless towers to determine whether historic properties of religious and cultural significance may be affected. The FCC action established a 45-day process for moving forward with certain projects in instances in which a Tribe does not respond after being given the opportunity to review the required FCC forms. In addition to codifying this presumption, it also provides factors that a Tribe can use to overcome presumption.

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

[H.R. 2997 \(Rep. Boebert, R-CO\), “Clifton Opportunities Now for Vibrant Economic Yields \(CONVEY\) Act”](#)

Section 2. Conveyance of Federal Land to Mesa County, Colorado.

- Specifies the land to be conveyed is 31.1 acres of federal land known as the Clifton parcel.
- Requires the Secretary of the Interior to convey the parcel as soon as practicable to Mesa County, subject to valid existing rights.
- The land exchange is to be done at fair market value based on the appraisal. The Secretary will pay the costs associated with the conveyance. Mesa County will pay the costs for any survey needed.
- Proceeds from the conveyance will be deposited into Federal Land Disposal Account under the Federal Land Transaction Facilitation Act (FLTFA).
- Sets guidelines for finalizing the map of the conveyance and provides for corrections to the map, if mutually agreed upon.

⁵⁴ American Broadband Initiative Progress Report (2020), NTIA, Accessed June 13, 2023, https://ntia.gov/sites/default/files/publications/abi_progress_report_june2020_0.pdf.

⁵⁵ E&C Advances Seven Bills to Close the Digital Divide and Improve American Leadership in Wireless Communications, House Energy and Commerce Committee, May 24, 2023, <https://energycommerce.house.gov/posts/e-and-c-advances-seven-bills-to-close-the-digital-divide-and-improve-american-leadership-in-wireless-communications>.

H.R. 3025 (Rep. Plaskett, D-VI), To provide for no net increase in the total acreage of Federal land in the Virgin Islands National Park on St. John, United States Virgin Islands

Section 1. No Net Increase of Federal Land in the Virgin Islands National Park on St. John.

- Prevents the Secretary of the Interior from acquiring any land that would increase the net acreage of the Virgin Islands National Park on St. John, United States Virgin Islands.
- Requires the Secretary to convey an equal amount of land out of federal ownership if any new land is acquired for the park within 1 year of the acquisition and subject to valid existing rights.
- Specifies that the value of the land shall be reduced by 10 percent each month the land is not sold, beginning six months after the land is initially offered for sale.
- Specifies that if federal land exchanged is less than the value of non-federal land, a cash equalization payment shall be made.

H.R. 3049 (Rep. Curtis, R-CO), “Utah School and Institutional Trust Lands Administration Exchange Act of 2023”

Section 3. Ratification of Agreement Between the Administration, the State of Utah, and the Secretary of the Interior.

- Ratifies the MOU between SITLA, the Department of the Interior, and the State of Utah and directs the Secretary of the Interior to implement the MOU.

Section 4. Conveyances.

- Specifies the land exchanges directed are considered in the public interest.
- Authorizes the conveyances of land and interest with a deadline of 45 days after enactment of the bill and stipulates provisions on equalization of value.
- Specifies land exchanges are compliant with FLPMA.

Section 5. Equalization of the Exchange.

- Requires an appraisal of the land and mineral values within 18 months of enactment of the bill.
- Provides for dispute resolution on the appraisal and steps to resolve any disputes in accordance with FLPMA.
- Directs the value to be equalized and a method to ensure the parcels to be conveyed are of equal value.

Section 6. Withdrawals.

- Directs certain withdrawals to be made prior to the exchange for minerals and state land conveyed to the U.S., subject to valid existing rights.

Section 7. Sunnyside, Utah, Water Supply Provisions.

- Excludes certain parcels of land Utah will acquire in the exchange from a previous withdrawal. The parcel is subject to a withdrawal for Sunnyside municipal water supply purposes. Because Congress imposed the original withdrawal, Section 7 of the Act is needed to allow for Utah’s selection of the exchange parcel located within this old withdrawal area.

H.R. 3250 (Rep. Morelle, D-NY), “National Museum of Play Recognition Act”

Section 2. Designation of National Museum of Play in Rochester, New York.

- Congressionally recognizes the Margaret Woodbury Strong Museum in Rochester, New York as unique and identifies its purpose of encouraging exploring, learning, creativity, and discovery.
- Officially designates the Museum as the “National Museum of Play.”
- Specifies the Museum is not a unit of the National Park System and does not allow for the spending of federal funds for the Museum.

H.R. 4141 (Rep. Fulcher, R-ID), To provide that certain communications projects are not subject to requirements to prepare certain environmental or historical preservation reviews, and for other purposes.

Section 2. Application of NEPA and NHPA to Certain Communications Projects.

- Exempts several telecommunications-focused projects from review under NEPA and NHPA. These projects include projects to:
 - Co-locate a personal wireless facility on an existing structure or to modify a personal wireless facility.
 - Place, construct, or modify a telecommunications service facility on or in existing infrastructure.
 - Deploy a small personal wireless facility (small cell).
 - Deploy or modify a communications facility carried out entirely within a floodplain.
 - Deploy or modify a communications facility carried out entirely within a brownfield site.
 - Permanently remove equipment or services from vendors posing a national security threat with equipment or services from trusted vendors.
 - Replace a communications facility damaged by a natural disaster or emergency within an area where the President, Governor, or Chief Executive of a Tribe declared a major disaster or an emergency or improve a communications facility in that area as necessary for recovery or to prevent or mitigate future disaster or emergency.
 - Place a communications facility in a right-of-way on federal land where a previous communications facility previously existed, the new facility is a small cell, or the new facility is no more than 50 feet tall or 10 feet taller than an existing structure in the right-of-way.
- Exempts covered easements from review under NEPA and NHPA where there is already a communications or utility facility on that building or property, or where the covered easement is for a communications facility in an existing right-of-way. A covered easement is “an easement, right-of-way, or lease with respect to a building or other property owned by the Federal Government, excluding Tribal land held in trust by the Federal Government (unless the Indian tribal government with respect to such land requests that the Commission not exclude the land for purposes of this definition), for the

right to install, construct, modify, or maintain a communications facility or a utility facility.”

- Requests to modify an existing wireless tower or base station that does not substantially change the physical dimensions of the tower or base station are exempt from NEPA and NHPA.

Section 3. Presumption with Respect to Certain Complete FCC Forms.

- Addresses FCC Forms 621 and 622, which provide information reasonably necessary for an Indian tribe or Native Hawaiian Organization to evaluate whether historic properties of religious and cultural significance may be affected by a new wireless facility. Form 620 addresses new towers while Form 621 addresses co-locations.
- Establishes a presumption that an applicant that submitted a complete FCC Form 621/622, but for which the Tribe has not acted on that request within 45 days of receipt, has made a good-faith effort to provide the information reasonably necessary for the Tribe to ascertain whether historic properties of religious or cultural significance to the Tribe may be affected by the undertaking, and that the Tribe has disclaimed interest in the undertaking.
- Establish factors for a Tribe to overcome the presumption. These factors are whether the applicant failed to make a reasonable attempt to follow up with the Tribe between 30 and 50 days after submitting the Form 621/622 and whether the rules of the FCC or Form 620/621 violate a Nationwide Programmatic Agreement of the FCC.

Section 4. Rule of Construction.

- Specifies that nothing in this Act may be construed to affect the obligation of the FCC to evaluate radiofrequency exposure under NEPA.

V. COST

None of the bills on this hearing have received a formal Congressional Budget Office (CBO) cost analysis.

VI. ADMINISTRATION POSITION

The administration position is unknown at this time.

VII. EFFECT ON CURRENT LAW (RAMSEYER)

[H.R. 3049](#)

[H.R. 4141](#)