

**Statement of  
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Bureau of Land Management  
House Resources Committee  
Subcommittee on Forests and Forest Health  
Impacts of Federal Land Ownership on Communities and Local Governments  
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Thank you for the opportunity to testify on the impacts of Federal land ownership on communities and local governments. My testimony today will focus on Bureau of Land Management (BLM) land disposal and acquisition authority, land survey program and land status records.

**BACKGROUND**

The BLM manages 261.8 million acres of surface land primarily in 12 western states. Our mission is to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations. As the nation's largest Federal land manager, the BLM administers the public lands for a wide range of multiple uses including energy production, recreation, livestock grazing, conservation use, forestry and open space. The 1976 Federal Land Policy and Management Act (FLPMA) provided the BLM with a clear multiple-use mandate which the BLM seeks to implement through its land use planning process. Additionally, FLPMA provided new policy direction that the public lands should generally be retained in public ownership. This was a departure from previous land disposal policies of the United States Government and FLPMA repealed many of those former disposal laws.

FLPMA directs the BLM to make decisions about the appropriate use of the public lands through its 162 resource management plans (RMPs), covering large areas of land with similar general characteristics. These land use planning documents are developed through a collaborative public process consistent with the Secretary's 4Cs philosophy of "Communication, Consultation and Cooperation -- all in the service of Conservation." Working with local, State and Tribal governments, the public, local users groups and industry representatives, the BLM identifies appropriate multiple uses for the public lands. These RMPs typically establish a framework for management of particular areas for approximately 15-20 years.

**LAND DISPOSALS**

FLPMA is BLM's primary source of authority for land disposals through exchanges, sales and various conveyances. Section 203 provides general sales authority for lands identified for disposal. These lands are identified through the land use planning process and are among the many decisions made in RMPs as required by section 202 of FLPMA. Typically, lands are identified as potentially available for disposal if they meet one or more of the following qualifications:

- Lands consisting of scattered, isolated tracts that are difficult or uneconomic to manage;
- 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 if made available for disposal.

Each land use planning document is unique to the local situation and the local community. The planning document identifies lands as potentially available for disposal by various means. For example, lands may be identified as available for sale or they may be identified as available for exchange (for example, to further particular resource goals). Additionally, they may be identified for disposal for public purposes (for use, for example, as schools, community parks or fire stations) under the Recreation and Public Purposes Act (R&PP).

The process of identifying these lands as potentially available for disposal typically does not include the clearance of impediments to disposal such as the presence of threatened or endangered (T&E) species, cultural or historic resources, mining claims, oil and gas leases, rights-of-way and grazing permits. Also not included in this identification process is an appraisal of values 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 as a result of oil and gas leasing, the listing of T&E species, the establishment of extensive rights-of-way or other encumbrances.

Section 206 of FLPMA provides land exchange authority. To be eligible for exchange, BLM-managed lands must have been identified for disposal through the land use planning process (unless otherwise directed by Congress through legislation). Additionally, FLPMA only provides authority for intrastate exchanges. Interstate exchanges must be legislated by Congress. Exchanges allow the BLM to acquire environmentally sensitive lands while transferring public lands into private ownership for local needs and the consolidation of scattered tracts. This has been the most frequent manner of land disposals by the BLM. Over the past five years, nearly 550,000 acres of public lands were disposed of through exchange, while 370,000 acres were acquired by the BLM through this process. The result was an overall decrease in public lands of over 175,000 acres.

The R&PP Act is an extremely popular vehicle utilized by the BLM to help states, local communities, and nonprofit organizations obtain at no or low cost lands for important public purposes. Examples include parks, schools, hospitals and other health facilities, fire and law enforcement facilities, courthouses, social services facilities and public works. Over the last five years, the BLM has disposed of nearly 20,000 acres of public land through the R&PP process and currently has under lease an additional 88,000 acres of public land under the R&PP Act that may also ultimately be disposed of.

The Federal Land Transaction Facilitation Act (FLTFA) was passed by the Congress in 2000 as Title II of Public Law 106-248. FLTFA allows the BLM to sell public lands which were identified for disposal through the land use planning process and to retain the proceeds from these sales for other uses. The BLM is required to complete extensive clearances, surveys and appraisals before such sales can occur. The proceeds from those sales are then used by the BLM to cover its administrative costs for the sales and for BLM, the National Park Service, the Fish and Wildlife Service and the Forest Service to buy inholdings from willing sellers within

Federally-designated areas such as National Monuments, National Conservation Areas, wilderness areas, National Parks, Fish & Wildlife Refuges and National Forests.

The BLM has sold over 56,000 acres of public lands over the last five years under the authorities provided for in FLPMA and/or FLTFA through either competitive auction or direct sales. Direct sales tend to be of low valued lands which are surrounded by private lands. The BLM is working with the individual states to increase the number of FLTFA disposals. In FY 2005, individual BLM state offices have committed to more than 80 FLTFA sales totaling in excess of 20,000 acres. For example, an auction is taking place today (June 15) in Laughlin, Nevada through which two thousand acres of public land in 72 parcels are being offered for sale through competitive auction.

In 1998, the Congress passed the Southern Nevada Public Land Management Act (SNPLMA), which makes specific provisions for sale by competitive auction of public lands in the Las Vegas area. The public lands in this area are atypical of most public lands in other areas as they tend to be of extremely high value. Congress recognized the value of this land in the Act by specifying that the lands be sold through a competitive bid process to increase transparency and ensure the receipt of fair market value for the federal lands being sold. In 2002, the Congress further modified the original SNPLMA law to expand the disposal area surrounding Las Vegas. The BLM has sold over 10,000 acres of public land within the Las Vegas Valley in the past five years under the SNPLMA authorities.

Another major land disposal undertaking mandated by Congress is BLM's Alaska land conveyance program. Alaska land transfer laws mandate the survey and transfer of nearly 150 million acres of Federal land to individual Alaska Natives, Alaska Native Corporations, and the State of Alaska; 42% of this work has been completed. In FY 2005, Congress appropriated nearly \$42 million for this transfer program. Late last year, Congress passed and the President signed the Alaska Land Transfer Acceleration Act (P.L. 108-452) which provides BLM with some new tools to improve the rate of the Alaska land transfers, and calls for completing them by 2009.

Finally, Congress regularly considers and frequently passes legislation directing the BLM to dispose of certain lands in certain ways. These can include exchanges or direct sales as well as no cost conveyances for public purposes.

### **ACQUISITIONS**

The BLM's primary means of land acquisition are exchange, purchase and donation. As discussed above, exchanges are completed under the authority of section 206 of FLPMA and allow for the more efficient management of the public lands. Additionally, section 205 of FLPMA allows the BLM to acquire, by purchase or donation, lands which further the mission of the Department and are consistent with land use plans. In practice, the overwhelming majority of land purchases are done with Land and Water Conservation Fund (LWCF) appropriations.

LWCF funds are line-item appropriated by Congress for specific projects through the annual appropriations process. For example, for the five years between fiscal year 2000 and 2004 the Congress appropriated over \$175 million for specific line item LWCF projects. While many of

these projects were recommended by the Administration in its request to Congress, nearly 30 percent of these projects Congress added. Frequently, LWCF funds are used to acquire parcels to further agency goals in addressing major endangered species issues as specified in habitat conservation plans, mitigation plans or other recovery plans for the species. Communities often benefit from these acquisitions because, without these acquisitions, community growth opportunities on other lands could be hindered or even prevented.

Finally, the BLM receives donations of land authorized by section 205 of FLPMA. Over the last five years, 77,000 acres of land were received in donation. The vast majority of that total, over 74,000 acres, was in California as a result of a donation by the Wildlands Conservancy for lands within BLM wilderness areas. Other donations were smaller amounts, under 1,000 acres each, in a number of different states.

#### **DISPOSAL AND ACQUISITIONS IN OREGON AND UTAH**

Using Utah and Oregon as two examples, I'd like to explain how these various authorities work together. From FY 2000 to FY 2004, the amount of BLM-managed lands in Utah increased by 1,150 acres (+.005%) while BLM-managed lands in Oregon decreased by 92,750 acres (-.57%), as illustrated by the following chart.

FY 2000- FY2004	Lands Disposed	Lands Acquired	Net Change
Oregon	156,342 acres	63,592 acres	-92,750 acres
Utah	116,906 acres	118,056 acres	+1,150 acres

In Utah, over these five years, the BLM acquired by purchase 5,214 acres of land as directed by Congress through LWCF. The two largest LWCF projects during this time were the acquisition of the 4,208 acre Wilcox Ranch and approximately 569 acres within the Washington County Habitat Conservation Plan (HCP). The other category of acquisition in Utah was 112,842 acres of land acquired through exchange. The Utah West Desert Land Exchange Act (Public Law 106-301) directed the BLM to exchange 106,455 acres of BLM-managed lands for 106,735 acres of state lands. Overall BLM exchanges, including the Utah West Desert Land Exchange Act lands, resulted in the disposal of 110,178 acres of public land and the acquisition of 112,842 acres, for a net increase of 2,664 acres of public land.

Disposals in Utah, in addition to the exchanges, included: the transfer of the 4,208-acre Wilcox Ranch to the State of Utah as required by PL108-108; 487 acres of FLPMA sales; 1,107 acres of R&PP grants; 772 acres for airport grants; 118 acres of grants to the state of Utah (based on the Utah enabling Act of 1894); and, 36 acres of mineral patents. R&PP grants issued by the BLM included 41 acres to Washington County for a rodeo area and fairgrounds, 25 acres to Kane County for a trap range, 25 acres to Garfield County for a school and 2½ acres to Tooele County for a cemetery. Overall, disposals of land totaled 116,906 acres and acquisitions totaled 118,056 acres resulting in a net increase of BLM-managed lands of 1,150 acres.

From FY 2000 through FY 2004, the BLM in Oregon acquired 63,592 acres of land and disposed of 156,342 acres, resulting in a net decrease of 92,750 acres. Only 2,930 of the acquired acres were purchased with LWCF funds (these were primarily for the Sandy River/Oregon National Historic Trail project, the West Eugene Wetlands, and the Grande Ronde National Wild and Scenic River, all Congressionally-mandated projects).

Two Congressionally-legislated land exchanges resulted in the majority of the disposals and acquisitions by the BLM in Oregon over these five years. The Steens Mountain Cooperative Management Act (P.L. 106-399) and the Oregon Land Exchange Act of 2000 (P.L. 106-257) collectively resulted in the exchange of 149,813 acres of BLM-managed public lands for 54,155 acres of private land. Other smaller administrative land exchanges and donations accounted for the remainder of the acquisitions. In addition to disposal through exchange, the BLM also disposed of over 1,000 acres through R&PP grants, 185 acres of mineral patents, and over 1,200 acres through FLTFA sales (more than half through competitive auction). R&PP grants in Oregon included 480 acres to the Snake River Sportsmen for a shooting range, 15 acres to Malheur County for a school and 13 acres to the City of Irrigon for a wastewater treatment plant.

Attached to this testimony is a chart showing BLM land acquisitions and disposals during the five years of FY 2000 to FY 2004.

#### **BLM'S CADASTRAL SURVEY PROGRAM**

The rectangular survey system used in the United States today was first established by the Land Ordinance of 1785, and originally drafted by Thomas Jefferson. The rectangular survey system is used in all of the United States except the original 13 colonies, Vermont, Kentucky, Tennessee, parts of Ohio and Texas. The United States Cadastral System is based upon a township unit, six miles square, which cover about 23,040 acres. Within each township are one mile square sections numbered 1 through 36. Meridians and baselines have been established throughout the United States which allows the easy identification of any parcel by a unique meridian, township, range and section descriptor.

Today, most of the Federal cadastral survey work, outside of Alaska, consists of resurveys to restore lost survey lines. In FY 2005 Congress appropriated \$15.59 million for BLM's cadastral survey program. With approximately 270 employees the program supports nearly all of the BLM's work in areas including energy development, rights-of-way for transmission lines, trespass cases, timber and mineral sales, and disposal of lands. In FY 2004, 12,746 miles of on-the-ground surveys were completed and 12,444 survey monuments established. The BLM's cadastral survey program continues to work to incorporate its survey data into the Geographic Coordinate Data Base (GCDB). This computerized system enables us to support local communities by sharing cadastral survey information with a wider public.

#### **TRACKING ACRES AND LANDS**

In recent years, Congress has expressed concern about the accuracy of reported data on lands owned by the Federal government. For the BLM, the problem is a data collection and reporting issue, not a failure to account for which lands are managed by the BLM. We do not believe that it is in the interest of the Federal government or the taxpayers to undertake a major reassessment of lands owned by the Federal government. However, we recognize that we need to do a better

job of collecting and reporting data, and we have begun that process through a variety of administrative mechanisms.

Some of the confusion has arisen from conflicting acreage numbers provided by different agencies of the Federal government. Published annually by the BLM, the Public Land Statistics (PLS) contains the official numbers of acres for the BLM which is currently 261.8 million acres. The 2004 PLS was just published, and the BLM is taking steps to make improvements in the 2005 PLS to ensure accuracy and consistency. Different tables have conflicting numbers and we are moving to address and correct these problems.

The BLM is utilizing a number of data and information systems which improve our ability to keep track of public lands and the uses on them. Among these are the Automated Land Records System (LR2000), the National Integrated Land System (NILS) and the GCDB all of which use BLM's Geocommunicator website as a tool to disseminate the spatial data accumulated by these programs.

LR2000 is a text-based case recordation system for a whole range of authorizations, grants, uses, disposals and acquisitions on the public lands. NILS is a joint BLM and Forest Service project, in conjunction with states, counties and private parties to unify land survey, parcel and ownership information and GIS data. GCDB provides cadastral survey data. Working in conjunction with Geocommunicator, these systems have allowed BLM to move from a manual to an automated system, thereby reducing errors and allowing BLM to spot problems sooner. As with any system, the data is only as good as the information entered into it. The BLM has placed a high priority with field staff on reporting accurate and timely information. We will continue our efforts to improve these systems.

Finally, the National Spatial Data Infrastructure and Federal Geographic Data Committee is working toward a common platform that allows Federal agencies to share the types of data described above and make it accessible to the public at large in a more seamless fashion.

## **CONCLUSION**

The BLM remains committed to its mission to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations. We will continue to include our many publics in our decision making about the future uses of these lands. Again, thank you for the opportunity to testify today. I would be happy to answer any questions you may have.

## BLM Disposals and Acquisitions FY 2000 to FY 2004

<b>State</b>	<b>Total BLM Land <i>acres</i></b>	<b>Total Disposals <i>acres</i></b>	<b>Total Acquisitions <i>acres</i></b>	<b>Net Change (- or +) <i>acres</i></b>
Alaska	85,553,261	972,321	0	-972,321
Arizona	12,229,583	38,473	27,559	-10,914
California	15,208,002	28,495	562,389	+533,894
Colorado	8,362,619	26,922	28,290	+1,368
Idaho	11,995,125	14,050	9,048	-5,002
Montana	7,959,097	146,452	47,602	-98,850
Nebraska	6,345	226	0	-226
Nevada	47,847,657	72,901	38,655	-34,246
New Mexico	13,371,737	25,852	18,997	-6,855
Oregon	16,135,459	156,342	63,592	-92,750
South Dakota	274,450	3,721	1,432	-2,289
Utah	22,869,246	116,906	118,056	+1,150
Washington	403,316	5,005	15,334	+10,329
Wyoming	18,362,513	24,824	20,396	-4,428
<b>Total: (of above listed states)</b>	<b>260,578,410</b>	<b>1,632,507</b>	<b>952,703</b>	<b>-679,804</b>
<b>Total: (of all BLM land)</b>	<b>261,848,120</b>			