

Statement of  
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House Resources Committee  
Subcommittee on Forests and Forest Health

H.R. 1370, Federal Land Asset Inventory Reform Act

H.R. 4382, Southern Nevada Readiness Center Act

H.R. 4789, Douglas County, Washington Land Conveyance

S. 56, Rio Grande Natural Area Act

March 9, 2006

Thank you for the opportunity to testify. The legislation before the Committee today covers a wide range of Federal lands issues, and I will discuss each bill individually.

H.R. 1370, Federal Land Asset Inventory Reform Act

H.R. 1370, the Federal Land Asset Inventory Reform Act, calls on the Secretary of the Interior to develop a multipurpose cadastre of all Federal real property. Included in the cadastre is a requirement for the Secretary to identify lands no longer required by the Federal government. The bill specifically requires that all Federal "land, buildings, crops, forests, or other

resources . . ." be included in the cadastre. The Department of the Interior opposes the bill because of the high projected cost of the legislation, the resultant redirection of resources it would require, and duplication of ongoing efforts to inventory the Federal real property portfolio. We do not believe that a new cadastre of all Federal lands is needed.

The bill requires that the cadastre include detailed information about each parcel of Federal land. While such a detailed inventory would be interesting, we do not believe that the benefits of such data would outweigh the cost to determine "the use, value, resources and characteristics of each parcel". The cost would be prohibitive, likely many billions of dollars.

We are aware of and appreciate the concerns expressed by some Members of Congress about the accuracy of data on lands owned by the Federal government. We would note that there are Government-wide efforts underway to improve the accuracy and level of data available on the Federal real property portfolio. Executive Order 13327 requires each Federal agency to report inventory information at the individual asset level, to a Government-wide data base managed by GSA. We believe that for the BLM, the problem is not a failure to account for which lands are managed by the BLM. Rather, it is a data collection and reporting issue. We believe that a better use of agencies' limited resources is in the area of collection and reporting. The National Integrated Land System (NILS), a program being jointly developed by the Bureau of Land Management and the U.S. Forest Service, is designed to address some of these land data collection and reporting issues. A major reassessment of lands owned by the Federal government would provide little new information and would be very costly to the taxpayers. We understand that we need to improve our collection and reporting of data, and we are committed to improvement in this area.

According to the General Services Administration's most recent report, the Federal government owns 653.3 million acres of land. Among the largest managers of those lands are the Armed Forces and the Departments of Agriculture, Energy, and the Interior. Within Interior the BLM, manages approximately 262 million acres of public land primarily in 12 western states. The National Park Service (84 million acres), the Fish and Wildlife Service (95 million acres) and the Bureau of Reclamation (8.2 million acres) are other major land managers. Federal agencies also manage hundreds of thousands of buildings and structures, which would fall under the provisions of this bill.

Congress provided policy direction through the Federal Land Policy and Management Act of 1976 (FLPMA) that the BLM should generally retain public lands in Federal ownership. This was a departure from previous land disposal policies of the United States Government. Under FLPMA, the BLM manages the public lands entrusted to it through 151

resource management plans (RMPs). The BLM uses RMPs to make decisions about the appropriate uses of these public lands. The RMP process is managed at the local level through BLM's field offices and requires completion of an environmental impact statement for new plans. Extensive public involvement is encouraged throughout the process.

Among the many decisions made through the RMP process is the identification of lands that are potentially available for disposal through a transparent public process. We believe this public involvement is critical and provides the necessary inventory of public lands for effective land management. H.R. 1370 appears to create a new, potentially duplicative process to identify lands for disposal. We would oppose such a duplicative and expensive process. We note that each Federal agency that manages land for the Federal government has a unique mission and purpose. Each agency has its own procedures and objectives regarding land disposal. As a result, we think it is inappropriate to vest this authority with the Secretary of the Interior.

#### H.R. 4382, Southern Nevada Readiness Center Act

H.R. 4382, the Southern Nevada Readiness Center Act, would convey without consideration between 35 and 50 acres of land from Clark County, Nevada, to the Nevada Division of State Lands for use by the Nevada National Guard for defense and security training. All right, title, and interest to these lands was conveyed by the BLM to Clark County, Nevada, in 1999, as directed by Section 4(g) of the Southern Nevada Public Land Management Act of 1998 (SNPLMA), for inclusion in the McCarran Airport Cooperative Management Area (CMA).

The CMA was established in 1992 through an agreement between Clark County and BLM to manage development around McCarran Airport, which services the greater Las Vegas area. As directed by SNPLMA, approximately 5,000 acres of public lands was conveyed by the BLM to Clark County for inclusion in the CMA boundary. SNPLMA requires that Clark County manage the lands in the CMA in accordance with 49 U.S.C. 47504, relating to airport noise compatibility planning, so that development in the CMA is compatible with the nature of airport operations. Further, section (4)(g) of SNPLMA requires that any conveyance of CMA lands by Clark County be for fair market value, and the revenue distributed according to the formula outlined in Section (4)(g) of SNPLMA.

The BLM is mindful that H.R. 4382 conveys the CMA lands from one public entity to another for important national defense and security purposes. In balancing these considerations against the provisions of SNPLMA that require the sale of CMA lands for fair market value, the BLM supports the bill and the conveyance of the CMA lands for no consideration. However, we suggest that the bill be amended to include a provision that if the State of Nevada ceases to use the lands for the purpose intended in H.R. 4382, the lands revert to the County to be managed consistent with the provisions of SNPLMA.

#### H.R. 4789, Douglas County, Washington Land Conveyance

H.R. 4789 directs the Secretary of the Interior to convey certain public lands located wholly or partially within the boundaries of the Wells Dam Hydroelectric Project [Federal Energy Regulatory Commission Project No. 2149-19795] (Project) to Public Utility District No. 1 of Douglas County, WA, (PUD). The BLM supports this conveyance; however, we have some concerns with the legislation and would appreciate the opportunity to work with the sponsor and the Committee on amendments to address these concerns.

Since 1998, the PUD has expressed a strong desire to purchase all BLM-managed public lands within the Project boundaries. We are in the process of working with the PUD to identify precisely which public lands it wishes to acquire, and we are working with the bill's sponsor to develop a map that correctly identifies these lands. It is our understanding that the PUD wishes to purchase several parcels in the counties of Douglas, Chelan, and Okanogan, in the state of Washington. We encourage the sponsor and the Committee to provide safeguards to protect the known resource values on these lands, which include Bald Eagle roosts and approximately two miles of Columbia River shoreline currently open to the public.

Some of the public lands the PUD wishes to acquire are located within the boundaries of the Project. These were reserved for power site purposes by order of the Federal Power Commission (FPC Order dated July 12, 1962, for Power Project No. 2149). We are concerned that the disposition of lands under H.R. 4789 may conflict with the restrictions on disposal of reserved power site lands under Section 24 of the Federal Power Act (16 U.S.C. 818). Section 24 prohibits the BLM from taking any action that would interfere with the power project and from disposing of the reserved lands without prior written approval from the Federal Energy Regulatory Commission. We encourage the sponsor and the Committee to consider whether a technical amendment to H.R. 4789 might address this concern.

We strongly support the provisions in H.R. 4789 under which the PUD would pay to the BLM the fair market value of the conveyed lands. It is our understanding the PUD has agreed to pay all costs associated with the sale and urge that language addressing this be included in the legislation.

Section 1(e) of the legislation directs that the proceeds from the sales be deposited into the “working capital” funds of the BLM. We recommend instead that these funds be deposited in the “Federal Land Disposal Account” established by P.L.106-248, the Federal Land Transaction Facilitation Account (FLTFA).

Finally, we would like the opportunity to work with the sponsor and the Committee on a number of minor technical amendments to H.R. 4789.

## S. 56, Rio Grande Natural Area Act

The people who live in the San Luis Valley of Colorado have come together in a collaborative fashion to find ways to further protect and enhance a 33-mile stretch of the Rio Grande River north from the New Mexico border to the Alamosa National Wildlife Refuge. Through multiple land acquisitions from willing sellers, the BLM has acquired a continuous 20-mile stretch of lands along the western bank of the Rio Grande now designated as the Rio Grande Corridor Area of Critical Environmental Concern.

Discussions about additional protection of the corridor began following completion of the BLM's 1991 San Luis Resource Management Plan. As part of the plan, BLM conducted a wild and scenic rivers eligibility and suitability analysis and ultimately recommended that stakeholders interested in the river create “some enduring form of protection.” The legislation being considered today is a result of that stakeholder process.

S. 56, the Rio Grande Natural Area Act, was passed by the Senate on July 26 th of last year. It represents a refinement of legislation considered by the Senate in the 108 th Congress. The bill's stated purpose is to conserve, restore, and protect this special resource. It does this by establishing the Rio Grande Natural Area along a 33.3 mile segment of the Rio Grande from the New Mexico border north to the Alamosa National Wildlife Refuge in a corridor about ¼ mile wide on either side of the river. The overall area includes over 10,000 acres, approximately 35 percent of which is BLM-managed public land. The remainder is private land.

The bill establishes a commission whose purpose is to work with Federal, State and local authorities to develop a management plan for the private lands within the area. We support this type of collaborative effort. However, we believe an advisory council is a more appropriate vehicle for this collaboration. Chartered under the Federal Advisory Committee Act (FACA), an advisory council would be able to fill many of the same roles as the proposed commission. The BLM currently works with 41 advisory councils. They range from our 24 Resource Advisory Councils (RACs), which provide advice on multiple use management of public lands within a state or region of a state, to area-specific advisory councils, such as the Steens Mountain Advisory Council or the Canyons of the Ancients National Monument Advisory Committee in southwestern Colorado. All recommendations by advisory councils are considered by the BLM when making decisions about the management of public lands.

It is our understanding that the focus of the Commission's work would be restoration of the historic riparian community along the river. Specifically, issues of livestock movement through the largely unfenced river corridor, designation of vehicle access routes to minimize impact on riparian vegetation, and management of riparian habitat on BLM lands are likely to be addressed.

The Administration generally supports the bills provisions on management, withdrawal and planning. Additionally we support the section on water rights making clear that the designations in this Act shall not be construed to constitute an express or implied water right.

We believe that by working together cooperatively, this area of the Rio Grande can be a model for responsible stewardship of the land.

Thank you for the opportunity to testify, I will be happy to answer questions.