

**Statement of
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Energy, Minerals, and Realty Management
Bureau of Land Management
U.S. Department of the Interior
House Natural Resources Committee
Subcommittee on Federal Lands
H.R. 1547, Udall Park Land Exchange Completion Act
July 14, 2017**

Thank you for inviting the Department of the Interior (Department) to testify on H.R. 1547, the Udall Park Land Exchange Completion Act. The bill provides for the conveyance of the Federal government's reversionary interest in a 173-acre parcel of land known as Udall Park located in the City of Tucson, Arizona.

Under the Federal Land Policy and Management Act (FLPMA), the Bureau of Land Management (BLM) is authorized to convey a reversionary interest upon payment of fair market value determined by an appraisal. The Department supports the goal of conveying the reversionary interest to the City of Tucson and could support H.R. 1547 if amended to ensure payment of fair market value for the reversionary interest.

We are mindful that legislated transfers of land and interests in land often promote varied public interest considerations that may not lend themselves readily to the standard appraisal process or to equal value exchanges in all cases. In these instances, the balancing of important public policy considerations, including ensuring a fair return for the American taxpayer, ultimately rests with Congress.

Background

The BLM regularly transfers public land to local governments and nonprofits for a variety of public purposes. These transfers are typically accomplished under the provisions of the Recreation and Public Purposes (R&PP) Act or through direction supplied through specific Acts of Congress. The R&PP Act is a statute frequently used by the BLM to help States, local communities, and nonprofit organizations obtain lands – at no or low cost – for important public purposes such as parks, schools, hospitals and other health facilities, fire and law enforcement facilities, courthouses, social services facilities, and public works. Because these public purpose lands are conveyed at far below market value, R&PP Act conveyances and many similar legislated conveyances include a reversionary clause requiring that lands be used for public purposes or revert to the Federal government. Over the years, the BLM has consistently required the payment of fair market value for the reversionary interest, in accordance with FLPMA's requirements for disposal of lands or interests in land.

Udall Park is a popular, heavily used urban recreation park located in the eastern part of the City of Tucson (City). The 173-acre park was established in 1980, when the City entered into an R&PP Act lease with the BLM. Udall Park then was transferred to the City in 1989, under an

R&PP Act patent. Both the lease and patent transferring title to the City included a clause requiring that the lands be used for public purposes.

Prior to the issuance of the 1989 R&PP Act patent, the City had expressed interest in acquiring the parcel through sale or exchange. Extensive discussions with the BLM about a potential exchange followed, although no appraisals of either the parcel or the land proposed for exchange were conducted at the time. The City elected to receive the parcel under an R&PP Act patent rather than as part of a land exchange. The City conveyed land to the BLM; however, no appraisal was conducted. The Department notes that the City's conveyance to the BLM and the BLM's issuance of an R&PP Act patent to the City, when taken together, do not constitute a land exchange. A land exchange would have required appraisals of the properties and equalization of values. The R&PP Act patent to the City contains the reversionary clause requiring that the lands be used for public purposes.

The BLM has authority under FLPMA to convey a reversionary interest retained by the Federal government under the R&PP Act at fair market value in accordance with uniform appraisal standards. In the Udall Park case, the BLM and the City have explored the possible conveyance of the reversionary interest at fair market value, enabling the City to allow commercial uses of the land such as the installation of a cellular tower.

H.R. 1547

H.R. 1547 would transfer the Federal reversionary interest in the Udall Park parcel to the City to facilitate economic development. All administrative costs associated with the conveyance would be the responsibility of the City.

FLPMA, which is the authority under which the BLM generally disposes of public land or interests without limit, requires receipt of fair market value for public lands or interests transferred out of public ownership. This serves to ensure that taxpayers are fairly compensated for the removal of public lands or interests from Federal ownership. The Department supports the goal of conveying the reversionary interest outlined in this section. As with previous such proposals, we recommend amending H.R. 1547 to ensure the payment of fair market value for the reversionary interest. However, the Department recognizes that there may be circumstances, as determined by Congress, in which the public benefits of a proposed transfer outweigh financial considerations.

Conclusion

Thank you for the opportunity to testify. We look forward to working with the sponsor and the Subcommittee to address the needs of the City of Tucson.

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H.R. 2582, Confirming State Land Grants for Education Act
July 14, 2017**

Thank you for inviting the Department of the Interior (Department) to testify on H.R. 2582, the Confirming State Land Grants for Education Act. H.R. 2582 authorizes the State of Utah (State) to select certain public lands managed by the Bureau of Land Management (BLM) in fulfillment of the land grants made under the Utah Enabling Act of 1894 (28 Stat. 107) without further land use planning action by the BLM. The Department has no objection to the State's selection of these lands and supports the goal of H.R. 2582 to fulfill these specific land grants. We would like the opportunity to work with the sponsor and Subcommittee on a few clarifying amendments, including language to ensure the protection of valid existing rights.

Background

Under the Utah Enabling Act of 1894, the State is authorized to select certain lands for the support of common schools, the establishment and support of a state university and agricultural college, the establishment of permanent water reservoirs for irrigating purposes, and the establishment and support of various other state health institutions and schools.

In 1998, the State made an application for selection of approximately 440 acres of BLM-managed public lands in Utah County, Utah, for an agricultural college (Utah State University) in partial fulfillment of the grant authorized under the Utah Enabling Act of 1894. In 2004, the State amended its application to include an additional 80 acres of BLM-managed public lands in the County. In 2007, the BLM ultimately determined, based on a review of existing law and in consultation with the Department's Office of the Solicitor, that the lands in question were not available for State selection because they had been identified in the 1997 Pony Express Resource Management Plan (RMP) as potentially suitable for exchange, but not other forms of disposal. The Department notes that the Pony Express RMP would need to be amended to enable State selection of the lands in question.

H.R. 2582

H.R. 2582 authorizes the State to select certain BLM-managed public lands in Utah County, Utah, in fulfillment of the land grants made under sections 6, 8, and 12 of the Utah Enabling Act. In addition, the bill exempts the lands authorized for selection from the exchange limitation in the Pony Express RMP without the need for further land use planning action by the BLM.

The Department has no objection to the State's selection of these lands, which we understand correspond to the State's 1998 and 2004 applications and would be for the purpose of supporting Utah State University. While the BLM could undertake an amendment to the Pony Express

RMP to permit the State to select the lands in question, the agency has not yet been able to do so because of other important land management priorities across Utah. As such, the Department believes H.R. 2582 represents a creative solution to a complex issue. We recommend the inclusion of language clarifying that the lands to be selected would be used for Utah State University and a legislative map depicting these lands.

In addition, the Department notes that the lands authorized for selection contain several inactive community pits, where the BLM could authorize the sale of landscape rock. These lands also contain a number of existing rights-of-way, including highways and roads, natural gas pipelines, fiber optic lines, and communications sites. We recommend that the bill be amended to make the State selections subject to valid existing rights to ensure protection of these important uses. Additionally, we note that there are a number of identified ancient petroglyph sites known to exist on some of the lands to be authorized for selection. The Department understands that the State would be required to work with the State Historic Preservation Office to ensure protection of these and other cultural resources that may be present on these lands. Finally, the Department notes that these lands are part of two grazing allotments. State selection of these parcels would reduce acreage in the allotments and the amount of forage available to two permittees.

Conclusion

Thank you again for the opportunity to testify in support of H.R. 2582, the Confirming State Land Grants for Education Act. We appreciate the work of Representative Love on this legislation, and we look forward to collaborating with her and the Subcommittee as the bill moves through the legislative process.