

**Statement for the Record  
Bureau of Land Management  
U.S. Department of the Interior  
House Natural Resources Committee  
H.R. 1484, Honor the Nevada Enabling Act of 1864 Act  
November 15, 2016**

Thank you for the opportunity to present the Department of the Interior's (Department) views on H.R. 1484, the Honor the Nevada Enabling Act of 1864 Act. The Department strongly opposes H.R. 1484 because it runs counter to the national interest in managing the public lands for present and future generations.

Instead, Congress should reauthorize the Federal Land Transaction Facilitation Act (FLTFA), which has a proven track record of providing for the thoughtful, efficient, and economical disposal of appropriately identified public lands.

**Background**

Congress has long recognized the national interest in wisely managed public lands for the benefit of present and future generations of Americans. It was forty years ago that President Gerald Ford signed into law the Federal Land Policy and Management Act (FLPMA) of 1976, which set a new course for the management of our nation's shared lands. FLPMA reversed more than 160 years' of practice that had focused on transferring Federal land to homesteaders and developers, and with its enactment the President and Congress made a decision to keep the public lands in common ownership for the benefit of all Americans. It is through FLPMA that Congress declared it the policy of the United States that "... the public lands be retained in federal ownership, unless as a result of land use planning ... it is determined that disposal of a particular parcel will serve the national interest."

Under FLPMA, the BLM's mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. FLPMA also provides the BLM with a clear multiple-use and sustained yield mandate that the agency implements through its land use planning process. Pursuant to that mandate, the BLM manages public lands for a broad range of uses, including renewable and conventional energy development, livestock grazing, conservation, mining, watershed protection, hunting, fishing, and recreation. This diversity of uses is one of the core strengths of FLPMA, which has worked for 40 years because it allows the BLM to serve a complex nation with many needs, and to grow and change along with the country at large.

In order to manage the public lands for these many uses, the BLM develops land use plans, pursuant to FLPMA, that form the basis for every on-the-ground action implemented by the BLM. Extensive public involvement is a critical component of the land use planning process, and tribes, states, local governments, user groups, conservation groups, and the public become actively involved in the planning process. It is for this reason that final decisions made by the BLM are better and stronger. As the BLM revises these plans over time, they reflect the

changing priorities and needs of the public, resulting in public land-management that provides the greatest benefit.

The BLM's work also contributes significantly to the economic and financial health of the country and the states where BLM-managed lands and resources are found. In Fiscal Year 2015, activities associated with BLM-managed lands and minerals contributed an estimated \$88 billion to the Nation's economic output, supporting nearly 374,000 jobs. During the same period in Nevada, the BLM's management of public lands supported more than 23,000 jobs and had an overall economic impact of an estimated \$5.5 billion. And, while the BLM receives just over \$1.0 billion in annual discretionary appropriations to support programs nationwide, this work has contributed to the collection and distribution of more than \$5 billion to the U.S. Treasury and to State and local governments in recent years.

### ***Disposal of BLM-Managed Lands***

A number of currently existing authorities and mechanisms, discussed below, already provide for the disposal of BLM- managed public lands.

#### ***Public Land Sales***

The BLM has the authority under FLPMA (Section 203) to sell lands identified for disposal. The proceeds from these sales are deposited into the General Fund of the Treasury. Lands that have been identified in land use plans as potentially suitable for disposal are posted on the BLM's website.

Congress has also provided several Nevada-specific authorities for the responsible disposal of BLM-managed public lands. The Southern Nevada Public Land Management Act of 1998 (SNPLMA) and the Lincoln County Land Act of 2000 (LCLA) authorize the Secretary of the Interior to make certain public lands available for disposal within designated boundaries. Under this framework, suitable BLM-managed lands are offered for sale at fair market value and the proceeds of such sales are paid to the State of Nevada (5%), a local government entity (10%) and a special account in the U.S. Treasury (85%). The Secretary of the Interior can use revenue from the special account for specific purposes outlined in each Act, many of which fund projects developed by State and local governments in Nevada.

To date, over 43,000 acres have been sold out of Federal ownership under the provisions of SNPLMA and LCLA. Furthermore, these Acts have served as models for similar legislation passed in 2004 and 2006 for both Lincoln and White Pine County in Nevada. The projects funded through these Acts have also provided significant economic stimulus and support to local economies throughout Nevada.

#### ***Public Land Exchanges***

Among other purposes, land exchanges allow the BLM to acquire environmentally-sensitive lands while transferring public lands into non-Federal ownership for local needs and the consolidation of scattered tracts. The BLM conducts land exchanges pursuant to Section 206 of FLPMA, or when given specific direction by Congress. To be eligible for exchange under Section 206 of FLPMA, BLM-managed lands must have been identified as potentially available for disposal through the land use planning process and a determination must be made that the

public interest will be well served by completing the exchange. Extensive public involvement is critically important for such exchanges to be successful.

#### *Recreation & Public Purposes Act*

The Recreation and Public Purposes Act is another important land disposal authority that the BLM uses to help states, local communities, and nonprofit organizations obtain lands at no or low cost for important public purposes. Examples of such purposes include parks, schools, hospitals and other health facilities, fire and law enforcement facilities, courthouses, social services facilities, and public works projects.

#### *Federal Land Transaction Facilitation Act*

Enactment of the FLTFA in 2000 (Public Law 106-248) allowed the BLM to 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. Those funds could then be used to acquire, from willing sellers, inholdings within and adjacent to certain Federally-designated areas that contain exceptional resources, and for the administrative expenses necessary to carry out the sale program. Approximately 27,000 acres were sold under this authority and over 18,000 acres of high resource value lands were acquired. Unfortunately, the authorization for the law expired on July 25, 2011. The Administration encourages Congress to reauthorize FLTFA, thus providing the Department with another proven and effective mechanism for the disposal of public lands.

#### **H.R. 1484**

H.R. 1484 would direct the Secretaries of the Interior and Agriculture to convey to the State of Nevada (State), without consideration, millions of acres of eligible Federal lands, if they are selected by the State. Approximately 28 million acres of BLM-managed lands would be eligible for State selection. Following selection and conveyance, the State would manage the conveyed lands to generate revenues to benefit select groups identified in the legislation, environmental health, function, productivity, and sustainability. The State would also be authorized to sell, lease, or securitize the acquired Federal lands to cover management costs.

All lands within the State managed by the Secretaries of the Interior and Agriculture would be eligible for selection, subject to certain exclusions. Lands excluded from selection and conveyance would include lands within National Conservation Areas, National Monuments, Wilderness Areas, Wild Horse and Burro Herd Management Areas, and Areas of Critical Environmental Concern for protection of desert tortoise. Components of the National Park System, the National Wildlife Refuge System, lands withdrawn and reserved for the Department of Defense or Department of Energy, lands administered or held in trust by the Bureau of Indian Affairs, and Bureau of Reclamation Lands not identified as surplus would also be excluded. The National Fish Hatchery System is not excluded. All conveyances would be made subject to valid existing rights.

#### ***Analysis***

The Department strongly opposes H.R. 1484. It would dispose of public lands that should be retained in Federal management for the use and enjoyment of present and future generations,

contrary to the policy formally established with the enactment of FLPMA that public lands should generally be retained in Federal management. It would also transfer out of Federal ownership lands that might in the future be needed for public purposes, such as expansion of Department of Defense installations. The Administration strongly opposes authorizing the selection and conveyance of millions of acres of these public lands.

As discussed above, a number of authorities and mechanisms currently exist that provide for the appropriate disposal of BLM-managed public lands. Lands potentially available for disposal are identified through the BLM's land use planning processes, which ensures all users of the public lands have the opportunity to participate. Tribes, States, local governments, user groups, conservation groups, and the public at large can be actively involved in these processes and final decisions made by the BLM are better and stronger because of that involvement. H.R. 1484 would undermine these important processes.

## **Conclusion**

The BLM's mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. The changes mandated in H.R. 1484 run counter to this mission, and the Department strongly opposes this legislation. We look forward to working with Congress to ensure the continued thoughtful, efficient, and economical disposal of appropriate public lands.