

**Statement of
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U.S. Department of the Interior
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, and Mining
S. 467, Mohave County Federal Land Management Act
July 26, 2017**

Thank you for inviting the Bureau of Land Management (BLM) to testify on S. 467, the Mohave County Federal Land Management Act. This bill provides for the disposal of BLM-managed land, at fair market value, in Mohave County, Arizona, that has been designated as potentially suitable for disposal by the Kingman Resource Area Resource Management Plan (RMP), Lake Havasu Field Office RMP, or the Arizona Strip Field Office RMP. The Department supports the goals of the bill but would like to work with the sponsor on modifications that would benefit Mohave County and the public.

Background

Mohave County, located in the northwestern corner of Arizona, is home to over 200,000 people. Approximately 71 percent of Mohave County is in federal ownership with the BLM managing over 4.8 million acres for a wide range of uses, including mineral development, livestock grazing, and recreation. Currently the three BLM RMPs (Kingman Resource Area, Lake Havasu Field Office, and the Arizona Strip Field Office) in Mohave County have identified over 80,000 acres of lands potentially suitable for disposal.

Public Land Sales

It should be generally noted that the Secretary of the Interior (Secretary) is staunchly opposed to the wide-scale sale or transfer of federal lands. He firmly holds that our treasured public lands are to be maintained and preserved according to the inscription on the Yellowstone National Park Arch that reads “for the benefit and enjoyment of the people.” That said, the Secretary is interested in working with Congress on proposals of this nature in an effort to preserve access and recreation for future generations.

In 1976, with the passage of the Federal Land Policy and Management Act (FLPMA), Congress directed the BLM to retain management of most public lands, thereby reducing the acreage that had been available for disposal in earlier years. 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.

Public land sales remain a component of the BLM’s land management strategy when such sales are in the public interest and consistent with publicly-approved land use plans. The primary land sale authority of the BLM is found in Section 203 of FLPMA. Land sales conducted under FLPMA occur at the discretion of the Secretary and are made at fair market value in accordance with Federal law. Sales are generally conducted under competitive bidding procedures to ensure

a fair return to the American taxpayer. In such cases, sales are widely advertised through public notices, media announcements, and on appropriate BLM websites.

The Department also acknowledges that the process of identifying lands as potentially suitable for disposal through sale or exchange does not include the review of potential impacts to important existing uses and resources, such as the presence of mining claims, oil and gas leases, rights-of-way, threatened and endangered species, cultural or historic resources, and grazing permits. Under FLPMA, this review must occur before a disposal action can be completed. The BLM's work 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 Arizona, the BLM's management of public lands supported more than 5,000 jobs and had an overall economic impact of an estimated \$430 million. Further, 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.

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S. 467 directs the Secretary to conduct the sale of lands that have been identified as potentially suitable for disposal by the BLM in Mohave County, Arizona. The bill directs the Secretary to jointly select land parcels with Mohave County and sell the selected parcels through a competitive bidding process. The competitive bidding process will be for not less than fair market value based on an appraisal and adjoining land owners will be offered first option to match the highest bid. The Department supports this process and is committed to continuing its adherence to the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice and recommends that the bill be modified to clarify that the appraisal process will be managed by DOI's Office of Valuation Services.

Once the land has been jointly selected by the Secretary and Mohave County, the bill withdraws the selected lands from location and entry under the mining laws and from operation of the mineral leasing and geothermal leasing laws until it is sold or two years have passed since the selected parcels were offered for sale. The withdrawals are subject to valid existing rights. The Department supports the temporary withdrawal of the land to be sold, but notes that the administrative process for land sales often exceeds two years and may be particularly challenging in this case because there are currently over 100,000 mining claims in Mohave County. As such, we have concerns with the duration of the withdrawal provision in this bill and would like the opportunity to work with the sponsor and the Subcommittee on technical modifications to address this issue.

In addition, the Department notes that the public lands proposed for sale have not yet been analyzed under the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), or the FLPMA public interest determination. These review requirements provide for public engagement, opportunities to consider environmental and cultural impacts, and will help ensure that unknown or unforeseen issues are not overlooked.

Finally, the majority of the proceeds from the land sales will go to the Treasury for deficit reduction. The Secretary is allowed to keep up to 20 percent, after consulting with Mohave County, to reimburse the administrative costs of preparing the sales. The Department appreciates the ability to retain sale proceeds for the purposes of reimbursement, but would like to work with the sponsor on language that would provide greater flexibility.

One avenue that Congress could consider would be the reauthorization of the Federal Land Transaction Facilitation Act (FLTFA), which provided the BLM with an important tool to facilitate land tenure adjustments. FLTFA expired in 2011. Reauthorization would allow the BLM to sell lands identified as potentially suitable for disposal in recent land use plans, and then use the proceeds from those sales to acquire other lands, including State trust land inholdings, for the purpose of increasing public access, enhancing outdoor recreation like hunting and fishing, conserving wildlife habitat, protecting water quality, preserving historic and cultural resources, and other important benefits. Proceeds from FLTFA would also provide the BLM with a robust mechanism for funding administrative costs associated with the land sales envisioned by this bill. We support the reauthorization of FLTFA as requested in the FY 2018 President's Budget.

Conclusion

Thank you for this opportunity to present testimony on S. 467. The Department supports the goals of this bill and we look forward to continuing to work with the sponsor and the Subcommittee to address minor and technical modification as the bill moves through the legislative process.