

**Statement of
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Senate Committee on Energy & Natural Resources

S. 4424, Recreation and Public Purposes Tribal Parity Act

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Introduction

Thank you for the opportunity to testify on S. 4424, the Recreation and Public Purposes Tribal Parity Act. S. 4424 would amend the Recreation and Public Purposes (R&PP) Act, to make Indian Tribes eligible to obtain Federal lands for certain recreation and public purposes.

The bill under consideration aligns with the Administration’s efforts to strengthen opportunities for Tribal engagement in the management of Federal lands. In January 2021, President Biden established his commitment to strengthen nation-to-nation relationships in his Presidential *Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships*. Consultation and collaboration are essential for Tribal governments to shape decisions for the protection of sacred sites and traditional cultural properties, conservation of native plants and wildlife, recreation, and other uses and values.

Furthermore, President Biden built upon this commitment in announcing that the Departments of the Interior (Department) and Agriculture created the “Tribal Homelands Initiative.” Through joint Secretarial Order 3403, the two Departments codified a policy to facilitate agreements with Tribes to collaborate in the co-stewardship of Federal lands and waters. Moreover, the Departments have also entered into the multi-agency *Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights and Reserved Rights*, which will increase collaboration with Tribes to ensure stewardship and access to sites, and invite Indigenous Knowledge into management, treatment, and protection procedures. The Administration recognizes and affirms that the United States’ trust and treaty obligations are an integral part of each Department’s responsibilities for managing Federal lands.

Recreation & Public Purposes Act

In 1976, the passage of the Federal Land Policy and Management Act (FLPMA) gave the BLM its mission to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. Under FLPMA, the BLM retains management of most public lands; however, Section 203 of FLPMA also authorizes the sale of certain public lands when the sales are in the public interest and consistent with publicly approved land use plans. Land sales conducted under FLPMA occur at the discretion of the Secretary and are made at fair market value in accordance with Federal law.

The BLM regularly leases and conveys lands to local governments and nonprofit entities for a variety of public purposes. These leases and conveyances are typically accomplished under the

provisions of the R&PP Act to help States, local communities, and nonprofit organizations obtain lands at no or low cost. The R&PP Act authorizes the sale or lease of public lands for recreational or public purposes to State and local governments and to qualified nonprofit organizations. The amount of land an applicant can purchase is set by the R&PP Act. Any State, State agency, or political subdivision of a state may purchase for recreation purposes up to 6,400 acres annually. In addition, any State, State agency, or political subdivision of a State may acquire 640 acres annually for each public purpose program other than recreation. 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 the intended public purposes or revert to the Federal government.

S. 4424, Recreation and Public Purposes Tribal Parity Act

S. 4424, the Recreation and Public Purposes Tribal Parity Act, would amend the R&PP Act to add Indian Tribes to the list of entities to which land can be sold or leased for recreational and other public purposes. Under S. 4424, Federally recognized Indian Tribes would be eligible for conveyances of up to 6,400 acres a year for recreational purposes or 640 acres a year for other public purposes.

Analysis

The Department supports amending the R&PP Act to increase Tribal eligibility in public land laws. The transfer of public land under the R&PP Act helps 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. Including Tribes as one of the entities eligible under the R&PP Act is long overdue, bringing parity to Tribes, and the Department supports this provision.

The Department further acknowledges that S. 4421, the Advancing Tribal Parity on Public Lands Act, also amends the R&PP Act to include Tribal entities as part of a broader effort to give the Department more flexibility in responding to Tribal requests and considerations for land tenure adjustments. We appreciate Congress's attention to these issues, as they align with our commitment to collaborate with Federally recognized Tribes in the management of Federal lands and waters.

Conclusion

Thank you for the opportunity to provide this testimony in support of S. 4424.