

**Statement of  
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Bureau of Land Management  
Department of the Interior  
House Natural Resources Committee  
Subcommittee on Public Lands and Environmental Regulations  
H.R. 2095, Land Disposal Transparency and Efficiency Act  
July 19, 2013**

Thank you for the opportunity to testify on H.R. 2095, the Land Disposal Transparency and Efficiency Act which prohibits the Bureau of Land Management (BLM) from acquiring any land until after the establishment of a centralized database of public lands that have been identified for disposal through the BLM's land use planning process. The Department supports transparency and public access to information. We could support the sections of H.R. 2095 regarding providing online access to data on lands identified for disposal if it were clarified to give the BLM flexibility to provide data in a manner that accurately reflects the BLM's land use planning process. However, we have serious concerns about the bill's provisions regarding a ban on land acquisitions. Such a ban would preclude the outstanding benefits that such acquisitions bring for improved manageability and recreational access

**Background**

The 1976 Federal Land Policy and Management Act (FLPMA) provides clear policy direction to the BLM that public lands should generally be retained in public ownership. However, section 203 of FLPMA allows the BLM to identify lands as potentially available for disposal if they meet one or more of the following criteria:

- Lands consisting of scattered, isolated tracts that are difficult or uneconomic to manage; or
- Lands that were acquired for a specific purpose and are no longer needed for that purpose; or
- Lands that could serve important public objectives, such as community expansion and economic development, that outweigh other public objectives and values that could be served by retaining the land in Federal ownership.

BLM land use planning is a public process developed and implemented locally through 157 individual Resource Management Plans (RMPs). Among the hundreds of decisions made during that land use planning process is the identification of lands that are to be retained and those that may be available for disposal. These decisions are made after full public participation and are consistent with FLPMA, the BLM's planning manual and handbook, and all relevant environmental laws. However, lands identified as available for disposal in RMPs do not represent a Federal "multiple listing service." Disposal of the lands is discretionary and BLM must first consider local conditions and needs.

The BLM provides flexibility to its individual field offices in how they identify lands available for disposal through the planning process. Lands may be identified for disposal for specific purposes,

or generally. For example, some plans may identify certain lands available for disposal only under the provisions of the Recreation & Public Purposes (R&PP) Act, which authorizes the Secretary of the Interior to lease or convey public lands at nominal costs for recreational and other public purposes such as schools, fire stations, and public works projects. RMPs may also identify lands available for disposal through exchange or sale, or a combination of these.

When identifying lands as potentially suitable for disposal, RMPs vary from the specific to the general. For example, the September 2012 approved Lower Sonoran and Sonoran Desert National Monument RMP in Arizona identifies 153 individual parcels for disposal totaling over 36,400 acres with legal descriptions for each parcel. The 2008 approved Moab RMP in Utah identifies nearly 15,000 acres for disposal as generally depicted on a single map. Finally, the approved Little Snake RMP in Colorado more generally identifies retention and disposal zones and criteria for disposal without specific parcel identification.

Before the BLM can sell, exchange, or otherwise dispose of any lands that have been identified as being available for disposal through the land use planning process, it must undertake extensive environmental impact analyses, clearances, surveys, and appraisals for the individual parcels, and there may still be substantial impediments to disposal. The process of identifying these lands as potentially available for disposal in an RMP does not typically include site-specific identification of impediments to disposal, such as the presence of threatened or endangered species, cultural or historic resources, mining claims, mineral leases, rights-of-way, and grazing permits. Also not included in this identification process is an appraisal to establish market value or a specific survey of the lands. Furthermore, because land use plans typically extend over many years, lands identified as potentially available for disposal at one point in time may be found later to be unsuitable because of new circumstances such as oil and gas leasing, the listing of threatened and endangered species, the establishment of rights-of-way, or other encumbrances.

### **H.R. 2095**

H.R. 2095 prohibits the acquisition of any lands by the BLM until the agency establishes a centralized database of all lands identified as suitable for disposal by the BLM's RMPs. This type of ban on land acquisitions would preclude the outstanding benefits that such acquisitions bring for improved manageability and recreational access. For example, all of the LWCF acquisitions proposed in the President's FY2014 budget for the BLM would improve access for hunting, fishing, and other recreational activities.

The Department and this Administration support transparency and public access to information. The BLM's planning process is not a one-sized fits all approach directed by the national office, but rather each individual RMP reflects local conditions and needs and lands identified as potentially available for disposal are considered in context of their RMP. We would like to work with the sponsor and the Committee to modify H.R. 2095 to provide flexibility in designing an online tool that supplies access to each of BLM's RMPs and gives context and meaning to the data as well as information for approaching the local BLM offices about the potential sale of land.

### **Conclusion**

Thank you for the opportunity to testify we look forward to working with the Committee to improve public access to the BLM's planning documents and decisions.