

**Statement of  
Steve Feldgus, Ph.D.  
Deputy Assistant Secretary  
Land and Minerals Management  
U.S. Department of the Interior**

**Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests, and Mining  
S. 180, Buffalo Tract Protection Act**

**October 19, 2021**

Thank you for the opportunity to testify on S. 180, the Buffalo Tract Protection Act. The bill would withdraw about 4,200 acres contained in four parcels of public land managed by the Bureau of Land Management (BLM) near Placitas, New Mexico, from location, entry, and patent under the mining laws; and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials. S. 180 aligns with the Administration's conservation goals, and the BLM supports the bill.

**Background**

The lands proposed for withdrawal are located in close proximity to Placitas, New Mexico, which is an unincorporated area of Sandoval County, just north of Albuquerque. The population of the region has grown significantly in recent years, raising community concerns about the potential impacts of additional gravel mining in the area. The area is used for a variety of recreation activities.

S. 180 identifies the four parcels for withdrawal as tracts A (3,127 acres), B (903 acres), C (201 acres), and D (57 acres). Tract A is referred to as the "Buffalo Tract" and is used for hiking, off-highway vehicles (OHVs), and recreational shooting. The Buffalo Tract contains sand and gravel ridges and arroyos with juniper trees, shrubs, and grasses. Approximately 25 percent of tract A has been mined and reclaimed to date. Tract B is known as the "Crest of Montezuma" and is characterized by moderately steep slopes with pinyon and juniper trees intermixed with shrubs and sparse grasses. Tract C, which does not have a specific name, is similar in topography to the Buffalo Tract and is a common hiking area for local community members. Tract D, referred to as "San Francisco," is named after the arroyo that runs through it, and has terrain similar to that of the Buffalo Tract.

**S. 180, Buffalo Tract Protection Act**

S. 180, the Buffalo Tract Protection Act, would, subject to valid existing rights, withdraw four tracts totaling approximately 4,200 acres of Federal mineral estate near Placitas, New Mexico, from all forms of mineral development under all laws pertaining to locatable minerals, mineral leasing, or mineral materials. The bill specifies that nothing in the act would prevent future conveyance of the surface of the withdrawn lands, although the mineral estate would be retained by the Federal government.

The BLM recognizes the importance of locally crafted recreation and conservation areas on public lands and waters and believes they can yield immense economic benefits. The BLM believes the most effective and enduring conservation strategies are those reflecting the priorities, needs, and perspectives of the families and communities that know, live, work, and care for the lands and waters. The BLM is aware that local communities, including a Pueblo and residents from Placitas and unincorporated Sandoval County, support protection of these tracts from future mineral development. The BLM is in the process of updating the Rio Puerco Proposed Resource Management Plan that has jurisdiction over these covered lands, and is committed to ensuring Native American and Hispanic community voices are represented in the process.

**Conclusion**

The BLM appreciates the efforts of the sponsor and the Subcommittee in advancing this important conservation initiative. Thank you again for the opportunity to provide testimony in support of S. 180.

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**Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests, and Mining  
S. 528, the La Paz County Solar Energy and Job Creation Act**

**October 19, 2021**

Thank you for the opportunity to testify on S. 528, the La Paz County Solar Energy and Job Creation Act. The bill proposes to convey to La Paz County, Arizona, at fair market value, approximately 4,800 acres of public lands managed by the Bureau of Land Management (BLM). According to the bill's sponsors, La Paz County intends to use the lands for additional solar opportunities in the county.

Recognizing the urgency of the climate crisis, the Biden Administration has set a goal to achieve a carbon pollution-free power sector by 2035 and the Energy Act of 2020 has set a goal of permitting 25 gigawatts of renewable energy projects on public lands by 2025. The BLM is engaging our Tribal partners, industry, stakeholders, and the states to increase opportunities for renewable energy development on public lands. The BLM supports the sponsors' stated goals of promoting solar energy development, but has some concerns with the approach of the bill as discussed below.

**Background**

La Paz County, located in western Arizona, is home to approximately 20,000 people. The county is home to significant recreational opportunities due to its close proximity to the Colorado River; three National Wildlife Refuges; and a number of cultural and historic sites, including old mines and ghost towns.

The John D. Dingell Jr. Conservation, Management, and Recreation Act (P.L. 116-9) included provisions directing the conveyance to La Paz County of approximately 5,900 acres of BLM-managed public lands for economic development and renewable energy generation. The BLM announced the successful conveyance of this land to La Paz County on May 22, 2020. The approximately 4,800 acres of BLM-managed public land to be conveyed under S. 528 are adjacent to the lands conveyed to La Paz County under the Dingell Act.

Currently, the lands proposed for conveyance are primarily utilized for livestock grazing and include range improvements to facilitate grazing. The BLM is in the midst of processing a photovoltaic solar energy application on 4,654 acres within the 4,800 acres proposed to be conveyed, with a proposed capacity of 800 megawatts, and has nearly completed the initial variance process as identified in the BLM's Western Solar Plan (2012). There is also a BLM-designated energy transmission right-of-way corridor in the proposed conveyance

parcel. The lands have not been identified as potentially suitable for disposal in the Yuma Resource Management Plan, which the BLM completed in 2010.

### **S. 528**

S. 528 directs the Secretary of the Interior to convey approximately 4,800 acres of BLM-managed land to La Paz County as soon as practicable after receiving a request from the county to convey the land. Under the bill, the conveyance would be subject to valid existing rights and such terms and conditions as the Secretary determines to be necessary, and the subsurface would be withdrawn from mineral entry. Any Federal lands with significant cultural, environmental, wildlife, or recreational resources would be excluded from the conveyance. La Paz County would be required to pay fair market value for the land based on an appraisal conducted using uniform appraisal standards, as well as all costs related to the conveyance, including all surveys, appraisals, and other administrative costs.

S. 528 also specifies that as a condition of conveyance, La Paz County and any subsequent owner of the conveyed land are required to make good faith efforts to avoid disturbing tribal artifacts. If tribal artifacts are disturbed, La Paz County would be required to minimize impacts to the artifacts and allow tribal representatives to rebury artifacts at or near where they were discovered. La Paz County is also required to coordinate with the Colorado River Indian Tribes Tribal Historic Preservation Office to identify artifacts of cultural and historic significance. Other than these conditions, the bill does not impose any further use, development, or disposal restrictions for the surface acres conveyed to the county.

### ***Analysis***

The BLM recognizes the importance of efficiently deploying renewable energy projects on both public and private lands to meet the urgent demands of the climate crisis while empowering American workers and businesses to lead a clean energy revolution. We also recognize the sponsors' effort in the bill to protect cultural and tribal resources, and the BLM is aware of public support for using these lands for solar energy development.

The BLM notes that it is currently reviewing a solar energy project within the proposed conveyance area through a process that will ensure full protection for sensitive resources, including cultural resources, and gives full consideration to the cumulative impacts of the multiple solar projects in the area.

Given the BLM's pending review of this project, we question whether the proposed land conveyance is necessary to advance responsible renewable energy development while protecting environmental and cultural resources and the interests of American taxpayers. Furthermore, as currently written, the bill does not guarantee that once the lands are conveyed, those lands would be used for renewable energy development. Should Congress decide to pursue the conveyance, the BLM would like to work with the sponsors on modifications that would solidify the intended use of these lands for renewable energy development and ensure appropriate environmental reviews.

We appreciate the sponsors' inclusion of the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice provision and would

welcome an opportunity to work with the bill sponsors to ensure the responsibilities of each party to the conveyance are clear. The BLM notes that there are several actions that may be required before the BLM can convey public lands, such as environmental assessments and cultural, biological, and cadastral surveys. The BLM is also aware of possible range improvements in the proposed area that may need to be compensated for, in compliance with grazing laws and regulations, in addition to the assessment and survey work required for conveyance. In addition, the BLM would like to work with the sponsors to develop a new official legislative map of the proposed conveyance to La Paz County, including land status, to be referenced in S. 528.

The BLM notes that if this legislation is enacted and some or all of the lands are conveyed, the BLM will not be able to approve the pending photovoltaic solar energy application that the bureau is currently processing. Additionally, the BLM would like to work with the sponsor to exclude from the proposal an important electric transmission corridor. Approximately 1,100 acres of the proposal overlap a BLM-designated right-of-way corridor providing critical east-west capacity for electric transmission and infrastructure between the Phoenix area and Southern California, including the existing Palo Verde to Devers 500 kilovolt transmission line. The BLM recommends this corridor is maintained to facilitate the orderly administration of other proposed renewable energy projects in this region and advance the goal of 25,000 megawatts on public land as required under the Energy Act of 2020.

### **Conclusion**

Thank you for the opportunity to testify on S. 528. We look forward to continuing to work with the Sponsors and the Subcommittee on this important issue.

**Statement of  
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U.S. Department of the Interior**

**Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, and Mining  
S. 607, End Speculative Oil and Gas Leasing Act**

**October 19, 2021**

Thank you for the opportunity to testify on S. 607, the End Speculative Leasing Act, which generally prohibits the Bureau of Land Management (BLM) from leasing oil and gas resources on lands that have been identified as having low or no oil or gas potential in the BLM and U.S. Forest Service (USFS) land use planning process. The bill also establishes a process to review and update future oil and gas resource projections.

The Department supports the bill's goal to update the Federal onshore oil and gas leasing program in a manner that would ensure Federal lands offered for leasing are those that have the highest oil and gas resource potential and therefore serve the best interests of the American taxpayer. We believe that the oil and gas program must be managed with careful consideration of the multiple uses that occur on BLM-managed lands and recognize that offering low potential land for oil and gas development encourages speculation, creates uncertainty in nearby communities, and hinders the management of our public lands. As part of the Department's oil and gas program review, we are specifically considering whether leasing in low potential areas provides a fair return to the American taxpayer and appreciate the sponsor's attention to this very important issue.

**Federal Onshore Oil & Gas Program**

The BLM manages approximately 245 million surface acres, located primarily in 12 western states, and over 700 million acres of subsurface Federal mineral estate. As of today, the BLM manages 35,871 Federal oil and gas leases covering 24.9 million acres. Federal onshore oil and gas production accounts for approximately seven percent of domestically produced oil and eight percent of domestically produced natural gas. In fiscal year 2020, Federal onshore oil and gas development provided over \$2.4 billion in revenues, including \$2.27 billion in royalties, \$92.9 million in bonus bids, and \$23 million in rentals, meaning less than one percent of revenues came from rentals on non-producing leases, and less than four percent came from sales of new leases.

**Oil & Gas Leasing on Federal Lands**

The BLM's land use planning process, through the creation of Resource Management Plans (RMPs), provides a standardized procedure for integrating public input and government-to-government consultation with Native American Tribes with scientific analyses of natural

resource values and potential conflicts to develop a comprehensive blueprint for appropriate uses of our public lands, while ensuring that development is done in a way that minimizes environmental impacts and considers the public interest. Reasonably Foreseeable Development (RFD) scenarios, usually developed during the RMP process, project fluid mineral development potential (ranging from no potential to high potential) for the planning area. For purposes of determining availability for oil and gas leasing and gas development, lands within a planning area are identified as fitting into one of three categories: lands open under standard lease terms, lands open with restrictions, and lands closed to leasing.

While the RMPs identify appropriate uses of public lands, generally it is industry that nominates lands for leasing in the form of an Expression of Interest (EOI). Upon receipt of an EOI, the BLM determines whether lands are available for leasing under the governing RMP. After required environmental reviews and opportunities for public comment, the BLM holds competitive lease sales on eligible lands in accordance with applicable laws and regulations. If a lease receives no bids during the sale, it is available non-competitively to the first applicant who pays the first year's rental and an administrative fee. After a lease is issued, an operator may then submit a permit application to drill on their lease and begin working with the BLM on final surface use and downhole drilling plans.

In managing the Federal mineral estate underlying USFS lands, the BLM cooperates with the USFS to ensure that mutual management goals and objectives for surface protection and development activities are achieved. The BLM is responsible for providing the RFD for oil and gas leasing on USFS lands during the USFS land use planning process, and issues and administers oil and gas leases only after the USFS authorizes leasing for specific lands.

### **S. 607, End Speculative Leasing Act**

S. 607 prohibits leasing lands that are not included in an RFD or have been identified as low or no oil and gas potential lands under an RFD. The BLM is required to ensure there is an RFD for all planning areas, as well to update existing RFDs and publish maps depicting the development scenario potential for all lands. The bill outlines specific criteria to be considered in a new RFD, including the existence of past and present exploration, the types of leases in the vicinity, the geological and geophysical information of the Federal lands, and the economic viability of the oil and gas resources. The bill defines Federal lands to include BLM-managed and USFS lands.

In addition, the bill requires the public be offered the opportunity to participate during the development of these RFDs, requires the Secretaries of the Interior and Agriculture to review and update all RFDs every 15 years, and prohibits leasing in areas where an RFD is older than 15 years. Finally, in circumstances where drainage of Federal oil and gas resources may occur from development on adjacent lands, the bill allows for leasing to prevent the substantial loss of those resources.

The BLM strongly supports the goal of improving the Federal onshore oil and gas leasing process and understands the benefits of offering for lease BLM-managed lands that are the most suitable for oil and gas development. The BLM recognizes that in the past fossil fuel

development has often been prioritized above other uses of our public lands, resulting in presumptions that all lands should be offered for leasing unless they were specifically placed off-limits through Congressional or administrative action. In one of his first actions, President Biden issued Executive Order (EO) 14008, *Tackling the Climate Crisis at Home and Abroad*, directing the Secretary to pause new oil and gas leasing on public lands and in offshore waters pending the completion of a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices. As part of our ongoing oil and gas program review, we are exploring which factors make lands better suited to being open to oil and gas leasing and included in future lease sales, as well as how to discourage speculation and ensure a fair return to taxpayers.

We believe it is important to consider the impact of oil and gas leasing on other important uses of public lands, including outdoor recreation, wildlife habitat, and landscape conservation. We also note that the presence of existing oil and gas leases, whether developed or not, can lead to the exclusion of other land uses, including certain recreation and conservation designations, during the planning process.

Further, over the years, the Government Accountability Office (GAO) has identified the Federal oil and gas program as “high risk” to fraud, waste, abuse, and mismanagement. One study from the GAO reported that noncompetitive leases, which would be expected to be more common on lands identified as having low oil and gas potential, rarely result in oil and gas production: only 1.2 percent of noncompetitive leases analyzed by GAO generated royalties during their primary terms. Given that BLM bears the full expense of analyzing and preparing nominated parcels for lease sales, and that onshore rental rates have not been adjusted in over 30 years, this raises the question whether leasing in low potential areas provides a fair return to the American taxpayer. As part of our review, we will be looking for improvements to the oil and gas program that ensure the public is receiving a fair return for the use of the public lands.

We would appreciate the opportunity to work with the sponsor on a number of technical modifications to clarify and aid in the bill’s implementation. For example, the BLM appreciates the bill’s provision that allows for the BLM to address instances where Federal resources require protection due to drainage from adjacent producing wells, and we would recommend the sponsor utilize the drainage definition included in the BLM’s current regulations (43 CFR §3160.0-5). The BLM and USFS would also appreciate the opportunity to work with the sponsor on the scope of the RFD reviews in coordination of other Federal land management planning policies. Finally, we would like to work with the sponsor to clarify the variance process outlined in Section 7.

## **Conclusion**

Thank you for the opportunity to provide this testimony in support of modernizing the Federal oil and gas program to strike the right balance for lands offered for leasing and fulfill our obligations to taxpayers.



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**Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, and Mining  
S. 1214, State Grazing Management Authority Act**

**October 19, 2021**

Thank you for the opportunity to testify on S. 1214, the State Grazing Management Authority Act. S. 1214 requires the Secretary of the Interior to enter into cooperative agreements with states to administer grazing allotment management plans on Federal lands.

The Bureau of Land Management (BLM) is dedicated to a broad range of stewardship goals in support of the BLM's multiple-use and sustained yield mission set forth by the Federal Land Policy and Management Act of 1976 (FLPMA). This multiple-use mission advances the President's priorities of protecting public lands and the environment, while also emphasizing the interconnection between people, public lands, and the local economies the BLM supports.

Livestock grazing is an integral part of the BLM's multiple-use mission. Our nation's rangelands provide and support a variety of goods, services, and values important to all Americans. In addition to being an important source of forage for livestock, healthy rangelands conserve soil, sequester carbon, store and filter water, provide a home for an abundance of wildlife, provide scenic beauty, and are the setting for many forms of outdoor recreation.

The Department shares the sponsor's interest in identifying opportunities for increasing efficiencies in public land grazing administration. The BLM would like to work with the sponsor and the Committee to further these shared goals. However, the Department cannot support S. 1214 as introduced as it unduly limits the Federal government's authority and ability to ensure appropriate stewardship of our shared public lands and healthy rangelands. Further, it is inconsistent with the BLM's multiple use and sustained yield mission and ignores critical public participation components of the land use planning process, including FLPMA, the National Environmental Policy Act of 1969 (NEPA), and other laws. The Department looks forward to continuing a dialogue with the Congress on these important matters.

**Background**

The BLM supports grazing administration on approximately 155 million acres of public land. This includes improving rangelands through grazing management, vegetation restoration treatments, and development of grazing management structures; as well as inventorying, controlling, and managing noxious weeds and invasive species. In fiscal year (FY) 2020, the BLM permitted 12.3 million animal unit months (AUMs) for ranchers who graze their livestock,

which are mostly cattle and sheep, on public lands. The BLM manages nearly 18,000 permits and leases held by ranchers who graze their livestock at least part of the year on more than 21,000 allotments. The permits and leases administered by the BLM generally cover a 10-year period and are renewable if the terms and conditions of the expiring permit or lease are being met.

### **S. 1214, State Grazing Management Authority Act**

S. 1214 would amend the FLPMA to direct the Secretary of the Interior or the Secretary of Agriculture, at the request of a state, to enter into cooperative agreements with that state to manage grazing allotments under an allotment management plan (AMP). With respect to the responsibilities for NEPA review of the AMPs, the proposed cooperative agreements may either assign those to the state or to the relevant Federal agency. Further, S. 1214 provides for several new categorical exclusions for numerous vegetation restoration projects, changes to the type and number of livestock, installation and maintenance of fencing, water infrastructure improvements, and other actions.

Assigning various aspects of the oversight of livestock grazing on public lands to a state would limit the agencies' ability to ensure grazing permit decisions conform with NEPA requirements, public involvement processes, Federal land use plans, and consultation requirements. Additionally, the Department has technical concerns regarding the applicability of NEPA in certain circumstances of limited Federal involvement.

### **Authorization of Cooperative Agreements**

Cooperative agreements under S. 1214 would remain in effect for a term of 30 years, and may be renewed for additional 30-year terms upon the state's request if the state has satisfied all conditions of the agreement and the applicable state commission determines that monitoring during the period has shown positive outcomes. S. 1214 prohibits the Secretary from imposing any additional requirements or conditions for the renewal of a cooperative agreement.

The Department notes that changes in resource conditions, land use planning, laws, and regulations over the course of a 30-year term are likely to warrant changes in the requirements or conditions of the cooperative agreements. The Department does not support the use of these cooperative agreements, nor their 30-year duration as authorized by the bill, as they would limit the Secretary's ability to manage for healthy rangeland ecosystems across public lands.

### **Permits & Leases**

Under S. 1214, permits or leases for domestic livestock grazing on land covered by a cooperative agreement would be issued by the state for a term of 30 years – triple the 10-year standard terms provided for in FLPMA – running concurrently with the term of the cooperative agreement or renewal. Further, the permits would contain only the terms and conditions included in the AMP adopted or approved by the applicable state commission. The state commission proposed by S. 1214 is comprised of 14 members, 11 appointed by the Governor and three appointed by the Secretary of Agriculture and/or the Secretary of the Interior. Ten members constitute a quorum, which could allow for decisions affecting Federal lands to be made without any representatives from Federal agencies present.

Under the current process, terms and conditions are developed following extensive evaluation including an on-the-ground assessment, environmental analysis, and public involvement ensuring that multiple uses and perspectives are considered. The BLM evaluates the health of the rangelands based on standards and guidelines developed with extensive input from the ranching community, as well as from scientists, conservationists, and other Federal and state agencies. The BLM collects monitoring and assessment data to compare current conditions with the standards and land use plan objectives. This information is used to develop alternative management actions, and to modify grazing management as needed. This robust strategy allows the BLM to address a wide array of multiple uses and critical resource management issues. Authorizing the proposed state commission to approve grazing permit conditions restricts the public from providing input on public resources and could create barriers to accessing public lands. Consequently, the decisions being made would fail to account for the full spectrum of the Nation's use of, and interest in, our public lands.

### **Categorical Exclusions**

S. 1214 creates numerous and loosely defined categorical exclusions under NEPA for certain actions taken under AMPs. For instance, the bill establishes categorical exclusions for vegetation restoration projects, pinyon or juniper treatments, and water infrastructure improvements made by any method that the applicable state commission considers to be appropriate. Authorizing the state commission to determine the application of categorical exclusions on a case-by-case basis would likely create uncertainty and inconsistency in how the proposed categorical exclusions are interpreted and applied. The Department cannot support provisions that could result in uneven application of the laws governing the public lands. Further, a categorical exclusion for activities described under the bill would only apply to grazing allotments covered under a cooperative agreement, creating disparities in implementing NEPA across public lands, even within the same state.

### **Grazing Fees**

The bill directs grazing fees to continue to be based on the formula in Executive Order 12548, *Grazing Fees*. However, the cooperative agreements are to include a provision for revenue sharing between the state and the Secretary concerned in proportion to the services that each party provides. The Taylor Grazing Act (43 USC § 315(i) and § 315(j)) and FLPMA (43 USC § 1751(b)(1)) direct the distribution of fees collected from livestock grazing. One-half of grazing receipts are currently returned to the Treasury to be appropriated and made available for range betterment. The Department notes that deviation from the prescribed distribution would require amending these authorities as well. The bill would also allow for states to charge their own separate fee for the use of grazing on public lands under the AMPs. Under the bill, the state would retain full proceeds from this secondary fee. The Department does not support this provision as it would not provide a fair return to American taxpayers for the use of the public lands.

### **Conclusion**

Thank you for the opportunity to present testimony on S. 1214. The Department is committed to collaborating with states to sustain the health, diversity, and productivity of our public lands for the benefit of present and future generations, and we look forward to working with the Congress to increase efficiencies in managing livestock grazing on our nation's public lands.

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**Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests and Mining  
S. 1411, Lander County Land Management and Conservation Act**

**October 19, 2021**

Thank you for the opportunity to testify on S. 1411, the Lander County Land Management and Conservation Act. The bill conveys approximately 21,000 acres of Federal lands to Lander County, Nevada, designates over 14,000 acres of wilderness, and releases approximately 12,000 acres from Wilderness Study Area (WSA) status.

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and restore balance on public lands and waters. The President's directive recognizes the opportunities America's lands and waters offer and outlines a historic and ambitious challenge to the nation to conserve at least 30 percent of our lands and waters by 2030. The President's America the Beautiful initiative specifically emphasizes the value of conserving the nation's natural resources, recognizing multiple uses of our lands and waters, including its working lands, can be consistent with the long-term health and sustainability of natural systems.

The Department supports the conservation goals of S. 1411 that align with these important Administration priorities. We would also welcome the opportunity to work with the sponsors and the Subcommittee on modifications to the bill, including certain changes to the bill's conveyance provisions, and creating new legislative maps for the proposal. The Department defers to the Department of Agriculture regarding provisions in the bill concerning the lands and interests administered by the U.S Forest Service (USFS).

**Background**

Lander County, located in northern Nevada, is home to approximately 5,800 people. The Bureau of Land Management (BLM) manages over 2.6 million acres of public lands within Lander County for a wide range of multiple uses. These include various recreational activities, such as hiking, camping, horseback riding, and off-highway vehicle riding; renewable energy projects; rights-of-ways for utilities; and mineral development. The county includes BLM recreation and conservation areas – such as the Mill Creek Campground, Hickison Petroglyph Recreation Area, and the Shoshone OHV Trail system – and significant historic, cultural, and paleontological treasures. The County is also home to Ormat's McGinness Hills Geothermal Plant, which is the top producing geothermal plant on public lands.

***Public Land Sales***

Under the 1976 Federal Land Policy and Management Act (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. 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.

### ***Public Purpose Land Conveyances***

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 Recreation and Public Purposes (R&PP) Act or through direction supplied by specific Acts of Congress. Such direction allows the BLM to help states, local communities, and nonprofit organizations obtain lands at nominal cost. As a matter of policy, the BLM generally supports these legislative conveyances at nominal cost if the lands are appropriate for disposal, will be used for public purposes consistent with the R&PP Act, and if the conveyances include reversionary clauses to enforce this requirement.

## **S. 1411**

### ***Public Land Conveyances (Title I)***

Title I of S. 1411 directs the Secretary to make several conveyances of BLM-managed lands to Lander County, Nevada, upon request. These conveyances are to be used for public purposes and include a reversionary clause requiring the lands to be used for their intended public purposes or they will revert to the Department. The conveyances are for use by the county for watershed protection, recreation, parks, and to improve the Kingston airport and related infrastructure. Under the bill, these conveyances to the county also include the mineral rights, subject to valid and existing rights.

The BLM would like to work with the sponsors on language ensuring consistency with the R&PP Act. We would also like to work with the sponsors on several technical modifications or boundary adjustments to the bill, as some of the lands identified to be conveyed to the county may have title or mineral conflicts that could prevent them from being used for their intended purposes. The BLM notes that under public purpose conveyances, which occur at little or no cost, the mineral rights are not usually included, and we recommend the bill be modified accordingly. The BLM would also like to work with the sponsors to ensure cultural and historic resources are preserved on lands identified for conveyance. Finally, the BLM notes that the lands underlying the Kingston Airport are already patented to the county and the BLM has the ability to administratively convey any additional land to the county if an expansion is needed.

### ***Wilderness (Title II)***

Title II of S. 1411 designates approximately 14,000 acres of new wilderness on BLM-managed lands. This title would create the Cain Mountain Wilderness and the Desatoya Mountains Wilderness in western Lander County, Nevada. Title II also releases approximately 12,000 acres from WSA status, allowing these lands to be managed according to the existing land use plans of the area. This title also allows for the continuation of any existing livestock grazing that occurred

prior to designation within the boundaries of the new wilderness areas. Finally, Title II would allow for the Secretary to authorize the installation and maintenance of hydrologic, meteorologic, or climatological data collection devices if the Secretary determines that these facilities are essential to flood warning, flood control, or water reservoir operations.

The Department supports these wilderness designations as the lands generally serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, hunting, rock climbing, camping, horsepacking, and other forms of outdoor recreation in the Nevada desert. The Department would like to work with the sponsors on minor technical amendments to this section to allow for enhanced manageability.

**Conclusion**

Thank you for the opportunity to present testimony on S. 1411. The Department supports the conservation efforts of the bill, which align with the Administration's priorities, and we look forward to working with the sponsors and the Committee on the bill as it moves forward.

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**Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, and Mining  
S. 1459, Protecting Unique and Beautiful Landscapes by  
Investing in California Lands Act  
October 19, 2021**

Thank you for the opportunity to testify on S. 1459, the Protecting Unique and Beautiful Landscapes by Investing in California (PUBLIC) Lands Act. The bill would designate nearly 600,000 acres of wilderness, including over 97,000 acres of land managed by the Bureau of Land Management (BLM), 31,000 acres of land managed by the National Park Service (NPS), and over 470,000 acres of land managed by the U.S. Forest Service (USFS). S. 1459 would designate over 500 miles of wild and scenic rivers (WSR) spread among lands managed by the BLM, NPS and USFS. The bill also expands the San Gabriel Mountains National Monument to include approximately 109,000 acres of additional National Forest System land.

On January 27, 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, which launched a government-wide effort to confront climate change and restore balance on public lands and waters. The President's directive recognizes the opportunities America's lands and waters offer to be part of the climate solution and outlines a historic and ambitious challenge to the nation to conserve them. The Biden Administration's America the Beautiful initiative calls for collaborative, locally-led conservation efforts of diverse landscapes and waterways that are vital in so many ways, providing habitat for fish and wildlife, holding resources that sustain our own lives, counteracting the damaging impacts of climate change, and underpinning our global economy. S. 1459 aligns with the Administration's conservation goals and the Department of the Interior supports the bill.

We defer to the U.S. Department of Agriculture (USDA) regarding provisions in the bill concerning lands and interests managed by the USFS.

**Title I, Northwest California Wilderness, Recreation, and Working Forests**

Title I provides direction for future management of Federal lands in Del Norte, Humboldt, Mendocino, Tehama, Siskiyou, and Trinity counties, California, and Josephine County, Oregon. Title I establishes the South Fork Trinity-Mad River Restoration Area, creates or expands 17 wilderness areas, designates seven new potential wilderness areas, and designates new wild, scenic, and recreational rivers on lands managed by the BLM, NPS, and USFS). Of the approximately 313,000 acres of new wilderness that would be designated by this title, approximately 246,000 acres are on USFS-managed lands while approximately 36,000 are on BLM-managed public lands and the remaining 31,000 are NPS-managed lands.

Title I also designates the Horse Mountain Special Management Area and Sanhedrin Conservation Management Area on lands managed by the USFS and authorizes the designation or study of three new recreation trails on lands primarily managed by the USFS, with a small portion of one of the trails traversing BLM-managed public lands. Finally, the bill includes language to facilitate the restoration of the Redwood National and State Parks, to authorize the Northwest California Public Lands Remediation Partnership, and to establish two visitor centers.

***Restoration & Economic Development (Subtitle A)***

Subtitle A creates the approximately 730,000-acre South Fork Trinity-Mad River Restoration Area for the purpose of establishing, restoring, and maintaining fire-resilient forest structures, reducing wildfire risk, protecting and restoring aquatic habitat and fisheries, and protecting the quality of water resources. The vast majority of the lands within this proposed area are managed by the USFS, while 1,291 acres are managed by the BLM.

The subtitle also authorizes the formation of a Northwest California Public Lands Remediation Partnership among multiple entities to remediate impacts from illegal marijuana cultivation on public lands. The BLM currently partners with Federal, state, tribal, county, and local partners to support a number of anti-marijuana cultivation initiatives and task forces, including the White House Office of National Drug Policy High Intensity Drug Trafficking Area Initiatives, the California Department of Justice Campaign Against Marijuana Planting Task Force, and the North State Major Investigative Team. The Department supports efforts to combat the deleterious effects of illegal marijuana cultivation on public lands.

Subtitle A authorizes initiatives to restore degraded redwood forest ecosystems in Redwood National and State Parks. The Department recognizes the need to rehabilitate degraded landscapes in Redwood National and State Parks and notes that the NPS is currently engaged with state and nonprofit partners, through existing authorities, in an effort to implement forest restoration treatments on approximately 39,500 acres in the parks.

Subtitle A also authorizes the establishment of a visitor center in Del Norte County, California, to assist in fulfilling the purposes of Redwood National and State Parks and the Smith River National Recreation Area. Currently, the NPS cooperates with state and nonprofit partners to operate existing visitor facilities in the county. Additionally, the NPS has formed a Visitor Center Futures working group to thoughtfully examine how to best meet visitor needs within the context of a park's larger portfolio of assets. The NPS would engage in careful planning to make the best choices for long-term fiscal and operational sustainability for the park and any potential visitor center.

Subtitle A authorizes a study to evaluate the feasibility and suitability of establishing overnight accommodations on Federal land at the southern and northern boundaries of Redwood National and State Parks, or on land within 20 miles of their boundaries. If found to be suitable and feasible, the bill further authorizes the establishment of agreements with private and nonprofit organizations for the development, operation, and maintenance of overnight accommodations. The Department recommends that the study be completed before Congress decides whether to authorize new partnerships for the purpose of offering overnight accommodations at Redwood National and State Parks.



### ***Recreation (Subtitle B)***

Among other provisions affecting the USFS, Subtitle B authorizes a study for the Bigfoot National Recreation Trail. The proposed trail route is primarily on USFS-managed lands, with less than three trail miles crossing BLM-managed public lands. The Department concurs that the USFS should be the lead agency in assessing the feasibility of the trail and ultimately administering it.

Subtitle B authorizes the establishment of agreements with qualified private and nonprofit organizations to undertake trail and campground maintenance, public education, visitor contacts, outreach, and visitor center staffing on Federal lands in Mendocino, Humboldt, Trinity, and Del Norte counties in California. The Secretary currently exercises existing authorities to work with private and nonprofit entities for these functions. We would appreciate the opportunity to work the Subcommittee to refine this section to ensure it does not conflict or overlap with existing law.

### ***Conservation (Subtitle C)***

Subtitle C creates or expands 17 wilderness areas and creates seven potential wilderness areas on over 313,000 acres of Federal land in northwestern California. These designations are on lands managed primarily by the USFS (approximately 246,000 acres), BLM (approximately 36,000 acres), and the NPS (approximately 31,000 acres). The BLM-managed public lands proposed for wilderness designation by Subtitle C serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, hunting, rock climbing, horseback riding, and other forms of outdoor recreation in northwestern California.

The Department notes creation of the proposed Headwaters Forest Wilderness in Subtitle C may create a conflict of law between the enabling legislation of the Headwaters Forest Reserve (P.L. 105-83), the associated management plan, and the less restrictive Wilderness Act. In 1997, Congress authorized the Headwaters Forest Ecological Reserve managed in partnership with the California Department of Fish and Wildlife (CDFW). In 2003, supplementary rules were published for the Reserve, which prohibit horse use, direct hikers to use only established trails, and disallow camping. Horseback riding, hiking, and camping are permitted by the Wilderness Act. These more restrictive visitor management and recreation rules, intended to preserve and restore old growth forest ecosystems, could result in uncertainty among the public about what uses are permitted. The and the Department would like the opportunity to work with the sponsor to clarify intended management of the proposed wilderness.

The Department notes some of the proposed wilderness boundaries include portions of Wilderness Study Areas (WSAs). The Department would like to work with the sponsor on a few boundary modifications to include full rather than partial portions of WSAs. Further, the Department welcomes the opportunity to review the proposed wilderness boundaries with the sponsor to evaluate areas that currently contain roads used by private landowners, grazing lessees, CalFire, and the BLM for administrative use.

Subtitle C would also designate approximately 379 miles of new Wild and Scenic Rivers (WSRs) under the Wild and Scenic Rivers Act. Over 35 creeks and rivers are impacted by the

bill, including 20 that cross BLM-managed public lands and three that cross NPS-managed public lands. The BLM notes many of the proposed river segments have recently been evaluated and found eligible and suitable for WSR designation. The BLM recommends adjusting the proposed river classifications to include additional WSR designations that would align with the BLM's Wild and Scenic River Eligibility Report. Additionally, the BLM and NPS would like to work with the sponsor on language in the legislation that would make certain WSR designations contingent upon land acquisitions. WSR segments that cross private lands can be managed for their outstanding natural, cultural, and recreational values through voluntary partnerships, in accordance with the WSR Act and agency policy.

Finally, Title III designates approximately 31,000 acres of Redwood National Park as potential wilderness and directs the potential wilderness area to be managed as wilderness. The bill further requires a report to Congress every three years on the status of ecological restoration within the potential wilderness area and the area's progress toward eventual wilderness designation. The designation is to occur within 10 years or upon completion of restoration work that would be incompatible with a wilderness designation. The Department notes these lands are in need of extensive and long-term ecological restoration. The Department appreciates the flexibilities provided to continue ecological activities in the potential wilderness area and would like to work with the sponsor to ensure NPS has adequate time to rehabilitate forested watersheds throughout Redwood National and State Parks before a wilderness designation.

## **Title II, Central Coast Heritage Protection**

Title II would designate three wilderness areas within the Carrizo Plain National Monument managed by the BLM. Title II would also establish the Black Mountain Scenic Area on lands managed by the BLM and the USFS, and designate or expand nine wilderness areas within the Los Padres National Forest, two of which would include some BLM-managed public lands. Finally, Title II designates the Condor National Recreation Trail across the Los Padres National Forest and small portions of BLM-managed public lands.

The Carrizo Plain National Monument, which includes over 206,000 acres of public lands, was designated in 2001. The monument, located only a few hours from Los Angeles in San Luis Obispo and Kern Counties, California, features the white alkali flats of Soda Lake, the pictographs of Painted Rock, open grasslands, and a broad plain rimmed by mountains. When conditions are right, numerous wildflowers can carpet the valley floor. In addition, the Chumash, Salinian, and Yokuts Tribes have called this area home for at least the last 10,000 years. Lands within the monument boundary are cooperatively managed by the BLM, CDFW, and The Nature Conservancy through a Memorandum of Understanding established to ensure the three entities manage their respective lands in a complementary fashion.

Under the monument's 2010 Resource Management Plan (RMP), the BLM currently manages approximately 44,500 acres of public lands for the protection of wilderness characteristics. The decision to manage these public lands for wilderness characteristics under the RMP occurred as part of a 10-year collaborative planning effort with strong public support. Within the monument, the BLM also manages the approximately 17,984-acre Caliente WSA in a manner that does not

impair its suitability for potential future preservation by Congress as wilderness, as required by the Federal Land Policy and Management Act of 1976.

***Wilderness (Sections 203-204, 206)***

The three new wilderness areas proposed for designation within the Carrizo Plain National Monument include the Caliente Mountain Wilderness (approximately 35,600 acres), the Soda Lake Wilderness (approximately 13,300 acres), and the Temblor Range Wilderness (approximately 12,500 acres). Each of these areas generally serves as habitat for a variety of plant and animal life, including tule elk, upland game birds, and other species managed by CDFW. They also provide many recreational opportunities, such as hunting, hiking, camping, and provide visitors with outstanding opportunities to be alone in nature.

The bill would also designate or expand nine additional wilderness areas within the Los Padres National Forest. We defer to the USDA regarding provisions in the bill concerning lands and interests managed by the USFS; however, the proposed addition to the Garcia Wilderness Area would include approximately 120 acres of BLM-managed public lands, and the proposed addition to the Machesna Mountain Wilderness Area would include approximately 530 acres of BLM-managed public lands. The Department recommends expanding the proposed wilderness boundaries to encompass the Caliente WSA boundary and adjacent lands identified with wilderness characteristics as identified in the 2010 Carrizo Plain RMP. Further, the BLM would like to work on minor and technical amendments to clarify references to land management agencies.

***Wild & Scenic Rivers (Section 205)***

Section 205 of S. 1459 pertains to lands managed by the USFS. The Department defers to the USDA regarding these provisions.

***Scenic Areas (Section 207)***

Section 207 of the bill would designate two scenic areas – the Condor Ridge Scenic Area (approximately 18,600 acres) in the Los Padres National Forest and the Black Mountain Scenic Area (approximately 15,800 acres) on lands administered by the USFS and the BLM. The Department supports this designation of BLM-managed lands and defers to the USDA on the designation of USFS-managed lands.

***National Trails (Section 208)***

Section 208 of the bill would establish the Condor National Scenic Trail. The trail almost exclusively traverses USFS lands, and the Department defers to the USDA on Section 208.

***Miscellaneous Provisions (Sections 209-211)***

Sections 209 and 210 of the bill pertain to lands managed by the USFS. The Department defers to the USDA regarding these provisions. The Department has no objection to section 211, which addresses use by members of Native American tribes.

**Title III, San Gabriel Mountains Foothills and Rivers Protection**

The Department shares the desire to enhance the protection of resources and increase opportunities for recreation within the San Gabriel River and Mountains area of greater Los

Angeles. However, we have significant concerns with the manner in which the bill would establish the national recreation area and provide for its management as currently written in Subtitle A of Title III.

The park unit that would be established by Subtitle A would be unlike any other entity in the National Park System. With an advisory council that has a joint role in creating the management plan for the unit, and a partnership organization modeled partially on a national heritage area local coordinating entity, we believe that the management of the area would be complicated and confusing. In addition, the NPS would manage little, if any, Federal land within the designated area. It is unclear exactly what the NPS role would be under this legislation.

A congressionally-directed 2013 NPS study found that a portion of the area met the criteria for inclusion in the National Park System, but recommended that the area be added as a unit of the Santa Monica Mountains National Recreation Area rather than designated as a separate national recreation area. We continue to recommend that the area be administered as a unit of the Santa Monica Mountains National Recreation Area, which will allow NPS to leverage existing administrative resources and extend its existing partnership-based management approach.

Subtitle B of Title III of the bill concerns lands managed by the USFS. The Department defers to the U.S. Department of Agriculture regarding these provisions.

### **Conclusion**

Thank you again for the opportunity to testify on S. 1459, the Protecting Unique and Beautiful Landscapes by Investing in California Lands Act. The Department supports S. 1459, and we look forward to working with the sponsor and the Subcommittee on minor modifications.

**Statement of  
Steve Feldgus, Ph.D.  
Deputy Assistant Secretary  
Land and Minerals Management  
U.S. Department of the Interior**

**Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, and Mining  
S. 1589, Oregon Recreation Enhancement Act  
October 19, 2021**

Thank you for the opportunity to testify on S. 1589, the Oregon Recreation Enhancement Act. S. 1589 would establish two new recreation areas encompassing nearly 130,000 acres of public lands managed by the Bureau of Land Management (BLM) and expand the Wild Rogue Wilderness by adding approximately 60,000 acres of BLM-managed lands in western Oregon. The bill would also withdraw approximately 101,000 acres of Federal lands managed by the U.S. Forest Service (USFS) and the BLM in southwestern Oregon from the operation of the public land, mining, and mineral and geothermal leasing laws.

President Biden's Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, recognizes the opportunities offered by America's public lands and outlines a historic and ambitious challenge to conserve at least 30 percent of our lands and waters by 2030. Conservation can and should improve access for outdoor recreation, help protect the quality of our air and drinking water, increase resilience to the impacts of climate change, protect wildlife habitat, and support our economy, among other benefits. Our nation's awe-inspiring landscapes are an economic engine, attracting visitors from around the globe to America's public lands. According to the Bureau of Economic Analysis, outdoor recreation contributes an estimated \$460 billion to the nation's economy, with mayors and local leaders recognizing parks and open spaces as indispensable infrastructure for livable and prosperous communities. The Department welcomes the sponsor's efforts to support outdoor recreation and wilderness designations to improve conservation and appreciation of our nation's public lands, and we support S. 1589.

**Management of BLM Lands in Western Oregon**

More than 75 percent of Oregon's population resides in its western region, which also boasts some of the most productive forest lands in the world. The forests of western Oregon are critical to sustainable fish and wildlife habitat, recreation, timber, clean water, and many other values that Americans hold dear.

The Oregon and California Revested Lands Sustained Yield Management Act of 1937 (O&C Lands Act) placed 2.4 million checkerboard acres of Oregon and California Railroad and Coos Bay Wagon Road grant lands (the O&C lands) under the jurisdiction of the Department. Under the O&C Lands Act, the Department manages the O&C lands for "the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities." The Act also provides that the 18 O&C counties receive yearly payments

equal to 50 or 75 percent of receipts from timber harvests on O&C lands in these counties. In addition to the O&C lands, the BLM manages approximately 212,000 acres of public domain forests and other acquired lands in western Oregon. These and other BLM-managed lands also provide outstanding recreational opportunities, with over 5 million people visiting each year to enjoy hiking, camping, hunting, and fishing.

The Department manages these O&C lands, public domain forests, and other acquired lands under the 2016 Western Oregon Resource Management Plans (RMPs) and other applicable RMPs (such as the Cascade-Siskiyou National Monument RMP). The 2016 RMPs provide direction for the management of approximately 2.5 million acres of BLM-administered lands and offer opportunities for tourism, recreation, and timber harvest, while maintaining protections for the northern spotted owl, listed fish species, and water resources.

### **S. 1589, Oregon Recreation Enhancement Act**

#### **Rogue Canyon & Molalla Recreation Areas**

Section 3 of S. 1589 establishes the Rogue Canyon Recreation Area on 98,000 acres of BLM-administered lands surrounding the banks of the Rogue River and overlapping Wild Rogue Wilderness. The Rogue River is well known for its challenging whitewater, steelhead and salmon fishery, rock-lined banks, and extraordinary wildlife viewing opportunities. The Department supports the establishment of the Rogue Canyon Recreation Area to improve conservation and appreciation of our public lands and waters.

The Molalla Recreation Area, also proposed for designation in Section 3, encompasses 30,000 acres of BLM-managed lands on the banks of the Molalla River, including over 5,700 acres of the Table Rock Wilderness. A remnant of a lava flow that once covered this region along the western foothills of the Cascades, the "fortress" of Table Rock stands at 4,881 feet. This rugged terrain provides habitat for the northern spotted owl, deer, elk, and endangered plants such as Oregon sullivantia and Gorman's aster. The Department supports designation of the Molalla Recreation Area.

Section 3 also withdraws Federal surface and subsurface lands within the recreation areas, subject to valid existing rights, from entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

The BLM recognizes the importance of locally crafted recreation and conservation areas on public lands and waters and believes they can yield immense economic benefits. The BLM believes the most effective and enduring conservation strategies are those reflecting the priorities, needs, and perspectives of the families and communities that know, live, work, and care for the lands and waters. While we support the value of safeguarding these treasured lands for present and future generations, the BLM notes the recreation designations involve O&C lands within the harvest land base established under the 2016 RMPs. If S. 1589 is enacted, BLM would likely amend its RMPs to account for the recreation orientation of the affected lands.

#### **Wild Rogue Wilderness Area Expansion**

Section 4 of S. 1589 would add approximately 60,000 acres of BLM-managed public lands to the existing 8,000-plus acres of BLM's Wild Rogue Wilderness in southwestern Oregon. These

lands serve as habitat for a diversity of plant and animal life for forest-dependent species, including the northern spotted owl, Pacific salmon, steelhead trout, and green sturgeon, and provide important opportunities for fishing, rafting, boat tours, hiking and backpacking, and other forms of outdoor recreation in the forested mountains of southwestern Oregon. The Department supports the proposed expansion of the Wild Rogue Wilderness as it aligns with the Administration's conservation goals.

### **Wildfire Risk Assessment & Mitigation Plan**

S. 1589 also directs the Secretary to complete a wildfire assessment of the recreation areas, Wild Rogue Wilderness, and adjacent Federal land in consultation with the Oregon Governor's Council on Wildfire Response. One year after completion of the wildfire assessment, the Department is directed to complete a wildfire mitigation plan addressing vegetation management, public evacuation routes, and outreach. The BLM notes wildfire risk assessment and fire and fuels management are currently addressed in the BLM's land use planning process. Additionally, the BLM works in close collaboration with the Pacific Northwest Wildfire Coordinating Group, an interagency assembly of five wildland fire agencies, two state forestry agencies, and two state fire marshal associations.

By working cooperatively, all partners can administer fire, fuels, and aviation programs in a manner that eliminates duplication, increases program efficiency, and capitalizes on the expertise of each organization's personnel. The BLM supports the sponsor's direction to pursue interagency networks to provide fire prevention services and fire safety information to the community.

### **Withdrawal of Federal Lands in Curry & Josephine Counties**

S. 1589 would permanently withdraw 5,215 acres of BLM-managed public lands in the Coos Bay and Medford Districts and 95,806 acres of USFS-managed lands. The proposed withdrawal area includes the Klamath Mountains and the North Fork of the Smith River, which originates in the Kalmiopsis Wilderness and drains most of the area under consideration for withdrawal. Creeks feeding the North Fork and other rivers that flow to the Oregon Coast offer unique ecological features stemming from the confluence of the Coast Range, Cascades, and Siskiyou Mountains. A high concentration of rare plants, forested trails, and scenic views are all emblematic of these drainages. Rough and Ready Creek and Baldface Creek are listed as eligible for National Wild and Scenic River designation by the USFS.

These lands were administratively withdrawn for 20 years by Public Land Order 7859 on December 30, 2016, for the purpose of protecting the lands while Congress considered a permanent legislative withdrawal. The Department supports permanent protection of these lands.

### **Conclusion**

Thank you for the opportunity to testify in support of S. 1589, which would serve to provide opportunities for recreation while conserving pristine and unique natural areas in western Oregon.

**Statement of  
Steve Feldgus, Ph.D.  
Deputy Assistant Secretary  
Land and Minerals Management  
U.S. Department of the Interior**

**Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests, and Mining  
S. 2130, RISEE Act**

**October 19, 2021**

Thank you for the opportunity to present the Department of the Interior's views on S. 2130, the Reinvesting In Shoreline Economies and Ecosystems Act (RISEE Act). The Department is supportive of efforts to advance offshore wind development on the Outer Continental Shelf (OCS) in an economically and environmentally responsible manner, as well as increase coastal adaptation and resiliency to a changing climate. However, the Administration has concerns with the impact to the Treasury and recognizes the need to further evaluate the implication of diverting revenue and creating further dependence on funding from energy development for conservation and resilience.

**Background**

As part of tackling the climate crisis, the Administration is committed to advancing the Nation's transition to a clean energy future. Just last week, Secretary of the Interior Deb Haaland outlined the path forward for future offshore wind leasing to meet the Biden-Harris administration's goal to deploy 30 gigawatts (GW) of offshore wind energy by 2030 and beyond. These ambitious plans include up to seven new offshore lease sales by 2025 in the Gulf of Maine, the New York Bight, the Central Atlantic, and the Gulf of Mexico, as well as offshore the Carolinas, California, and Oregon. The Department is laying out an ambitious roadmap as we advance the Administration's plans to confront climate change, create good-paying jobs, and accelerate the nation's transition to a cleaner energy future.

The Department's Bureau of Ocean Energy Management (BOEM) is working on refining its process for identifying additional Wind Energy Areas, and developing clear goals, objectives, and guidelines that can be shared with government agencies, Tribes, industry, ocean users, and others prior to identifying such areas. In addition, BOEM will use the best available science as well as knowledge from ocean users and other stakeholders to minimize conflict with existing uses and marine life.

BOEM completed its review of a Construction and Operations Plan (COP) for the Vineyard Wind project earlier this year and plans to issue a record of decision on a second project later this year and review at least 16 COPs by 2025 representing more than 19 GW of clean energy capacity.



### **S. 2130, the Reinvesting In Shoreline Economies and Ecosystems Act (RISEE Act).**

S. 2130 would establish an offshore wind revenue sharing model for adjacent coastal states, dedicate a percentage of offshore wind revenues to the National Oceans and Coastal Security Fund (NOCSF), and amend the Gulf of Mexico Energy Security Act (GOMESA) to eliminate the cap on state revenue sharing, increasing the percentage of revenues shared with states from 37.5% to 50%. The Administration has concerns with how provisions in the RISEE Act could reduce funding to the Treasury and impact revenues necessary to carry out authorized activities.

#### ***Offshore Wind Receipts***

Revenues from offshore wind leases are necessary to support critical needs to advance the Administration's ambitious offshore wind goals, including lease area and project reviews, research, public outreach and engagement, mitigation activities, and staff to support those activities. Under current law, OCS wind leases are projected to provide over \$1.4 billion to the Treasury over the next 5 years (FY 2022-2026). Of that total, this bill would redirect \$723 million to the states and \$542 million to the NOCSF, leaving only \$181 million for the Treasury, a decline of over \$1.25 billion. Additionally, there is no requirement that any portion of the funds provided to the states or NOCSF be used for programs or activities related to offshore wind development.

The Administration believes that revenues from offshore wind should benefit Americans broadly. The President's FY 2022 Budget invests in programs that help ensure responsible offshore wind development to meet the Administration's clean energy targets; to identify and mitigate potential impacts; form partnerships to improve regional collaboration; and ensure robust and ongoing engagement with states and coastal communities early and often throughout the offshore wind development process.

#### ***GOMESA Revenue Sharing***

The GOMESA amendments in S. 2130 would have even more significant fiscal impacts. Under GOMESA's current terms, the states of Alabama, Louisiana, Mississippi, and Texas are expected to share \$375 million each year from 2022 through 2055. The Department's preliminary estimate is that eliminating that cap, changing the revenue allocation share to 50 percent, and changing the eligible date for future payments from leases existing on or after 2007 to those leases existing on or after 2000 would result in a projected additional \$9.4 billion going to those four states over the next ten years, a number that could increase significantly in subsequent decades.

Broadly, the Department supports funding and programs for coastal resilience activities and conservation. However, the Department also acknowledges the need to further evaluate the implication of diverting that amount of revenue and creating further dependence on funding from energy development in order to accomplish conservation and resilience goals, given the variability of such funding on global energy prices and the level of industry activity.

The Department has and continues to work with states and coastal communities experiencing sea level rise, ocean acidification, higher storm surges, more frequent extreme weather events, erosion, and flooding to adapt to and build resilience for a changing climate. Highlights of such collaboration in the recent Department of the Interior Climate Action Plan include the National Park Service's Coastal Adaptation Strategies Handbook, and the Bureau of Ocean Energy

Management's leasing of sand and sediment resources to restore, nourish, and protect shores, beaches, and wetlands.

**Conclusion**

The Department looks forward to working with the Committee and the sponsors of this legislation to meet the challenges of a changing climate through advancing offshore renewable energy development and coastal climate adaptation and resiliency.

**Statement of  
Steve Feldgus, Ph.D.  
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**Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests, and Mining  
S. 2433, Federal Land Asset Inventory Reform Act**

**October 19, 2021**

Thank you for the opportunity to testify on S. 2433, the Federal Land Asset Inventory Reform Act. The bill directs the Department of the Interior (Department) to develop and maintain a current multipurpose cadastre of Federal real property and provide a report to Congress on such property. The Department supports the goals of S. 2433 to modernize and make publicly available the nation's inventory of Federal real property assets and would welcome the opportunity to work with its sponsors on a number of issues discussed below.

**Background**

Cadastral surveys create, restore, mark, and define boundaries and subdivisions of land. First proposed by Thomas Jefferson and enacted into law by the Land Ordinance of 1785, cadastral surveys provide the public and public land managers with the essential information needed to correctly determine ownership rights and privileges and facilitate good land management decisions.

As our nation grew, Congress created the General Land Office in 1812 to handle the rapidly increasing number of surveys, public land sales, patents, and land entries. The Bureau of Land Management (BLM) assumed responsibility for cadastral surveys in 1946, when the merger of the General Land Office and the Grazing Service created the BLM. Today, the BLM's Cadastral Survey Program maintains the official records of more than 200 years' worth of title and cadastral survey records, 12 million of which have been scanned, indexed, and published online by the BLM for use by the public and Federal land managers since 1992.

In 1994, an executive order established the interagency Federal Geographic Data Committee (FGDC), which provides managerial and advisory direction for geospatial initiatives across the Federal government. The FGDC is tasked with promoting the coordination and dissemination of geospatial data nationwide and was codified under the Geospatial Data Act of 2018. The Secretary of the Interior serves as the Chair of the FGDC and the BLM leads the FGDC Cadastral Subcommittee, which coordinates cadastral data-related activities among Federal, state, Tribal, and local governments, and the private sector. The BLM publishes two key datasets through the FGDC: 1) the Public Land Survey System, which is a coordinated dataset based on cadastral survey information used for parcel level mapping; and 2) the Surface Management Agency dataset, which captures the best available Federal ownership information. Both of these datasets support large scale depiction of Federal ownership information. The

FGDC was also tasked to develop and manage the National Spatial Data Infrastructure, which is comprised of the technology, policies, and resources necessary to improve utilization of geospatial data.

As part of these efforts, the BLM is responsible for the surveying of Federal lands and maintaining the associated land title records. In total, the Federal government manages approximately 640 million surface acres of the nearly 2.3 billion acres of land that constitute the United States. In addition to these surface lands, the Federal government also manages subsurface estate and hundreds of thousands of buildings, structures, and other properties. Of all the Federal agencies, the BLM administers the largest portfolio of land and interests, with 245 million surface acres and approximately 700 million acres of onshore Federal mineral estate.

### ***Modernizing Record Systems***

The Department is committed to the continued development of geospatial data and technology as critical investments for our nation and is involved in many efforts to modernize cadastral and geographic data to better serve a variety of users. In 2019, the BLM initiated an effort to consolidate and modernize its land status records systems through the development of the Mineral and Land Records System (MLRS). The MLRS will replace the current systems used by the BLM, including the Legacy Rehost 2000 case management system, the Alaska Land Information System, and the older status records, such as master title plats, historical indexes, and tract books. The MLRS will be a customer-centric, geospatially-enabled land information system that employs standardized business practices. The new system will help ensure the quality and accuracy of land and mineral records, while securely making them available to the public and land managers.

### **S. 2433, the Federal Land Asset Inventory Reform Act**

S. 2433 directs the Department to develop and maintain a multipurpose cadastre of all Federal real property, including land, buildings, crops, forests, and other resources, as well as information about the use, assets, and infrastructure of all parcels. Under the bill, the cadastre must be made publicly available on the internet in a graphically geo-enabled and searchable format.

The Department notes that the scope of the cadastre in S. 2433 – which would span across every Federal landholding agency – extends beyond the current resources of the Department, and would require extensive new resources to fulfil the bill’s objectives.

### ***Development of Cadastre***

The Department supports the goal of modernizing inventory and cadastre systems and is currently in the process of developing a new records system with capabilities that align with some of the requirements of the bill. The Department welcomes the opportunity to work with the sponsors of S. 2433 to determine the necessary authority and capacity to consolidate Federal real property inventories of cadastre data across all landholding agencies, consistent with applicable laws. Although the Department oversees roughly 420 million acres of Federal lands, many agencies manage hundreds of thousands of acres of real property assets which are outside of the Department’s jurisdiction. While there may be some advantages in designating the Department as the lead under the bill, we would like to work with the sponsors to adequately

address the extensive interagency coordination, and assignment of roles and responsibilities, necessary to develop and maintain the cadastre.

We would also like to work with the sponsors to refine a number of the bill's definitions, including those for real property and assets, as well as to clarify the role of the Department and the BLM in engaging with other agencies to ensure alignment with the requirements of the Geospatial Data Act and compatibility with their respective FGDC responsibilities. Finally, we would like to work with the sponsors to ensure requirements for contracting services for the development of the cadastre, as directed in the bill, are consistent with the Department of the Interior's procurement and contracting practices and include opportunities for small and disadvantaged business communities.

### ***Implementation Timeframe***

Section 2 provides 18 months to develop interagency standards to ensure compatibility among all Federal databases relating to Federal real property. Additionally, Section 2 requires the development of the cadastre to be completed in less than 2 years. We would also like to work with the sponsors to develop more achievable deadlines.

### ***Report to Congress***

The bill also requires the Department to submit a report to Congress, within 180 days of enactment, that describes the existing Federal real property inventory and cadastre and recommends whether these existing inventories should be eliminated or consolidated into the new multipurpose cadastre required under S. 2433. The bill specifies that the report should include all real property owned or maintained by the entire Federal government, including land; resources such as crops or forests associated with the land; buildings or structures; and any interest or rights in these properties. Furthermore, under the bill, the Department must include the anticipated cost savings that will be achieved as part of the creation of the new multipurpose cadastre, as well as a plan for the implementation of the new multipurpose cadastre. Finally, as part of the requirements of the report, the Department would need to provide legislative recommendations to increase the cost savings and enhance the effectiveness of consolidating Federal real property inventories into one multipurpose cadastre.

The Department is cognizant of its duty to be responsive and accountable to Congress. Given the magnitude of real Federal property and records that must be identified in the report required by S. 2433, which includes real Federal property maintained by Federal agencies outside of the Interior Department, the Department would like to work with the sponsors to narrow the scope of the report to DOI jurisdiction to help ensure successful completion.

### **Conclusion**

The Department and the BLM are proud of its involvement with the nation's cadastre and appreciates the Committee's interest in this important topic. The Department looks forward to working further with the sponsors of S. 2433 to achieve the bill's objectives.