

**Statement of
Amanda Kaster
Acting 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, To Streamline the Oil & Gas Permitting Process
September 16, 2020**

Thank you for the opportunity to testify on S. 180. The bill would streamline the Federal oil and gas permitting process by eliminating the requirement for Applications for Permit to Drill (APDs) on non-Federal surface estate when the subsurface mineral estate is less than 50 percent Federal in drilling and spacing units. We look forward to working with the committee on refinements to S. 180.

The Department of the Interior (DOI) supports streamlining administrative processes and reducing unnecessary procedural reviews and believes the bill would help modernize Federal oil and gas permitting. We appreciate the Sponsor's focus on finding reasonable solutions to expedite permitting on Federal lands and to reduce burdens on industry without sacrificing environmental protections.

Enhancing Federal Oil & Gas Development

The Bureau of Land Management (BLM) manages about 245 million surface acres and 700 million subsurface acres, located primarily in 12 western states. Oil and gas production from Federal lands is an essential component of the Nation's energy supply – and supports numerous jobs for hard-working Americans. The Trump Administration continues to make environmentally responsible development of all domestic energy sources and minerals a top priority. The BLM supports an “all of the above” energy development approach, fulfilling the Administration's promise to facilitate domestic energy production, generate revenue, and support good paying American jobs.

Revenues generated from public lands represent one of the Federal government's largest sources of non-tax revenues. Oil, natural gas, coal, and other mineral resources generate the highest revenue values of any uses of public lands. Over the last two years, oil and gas production from Federal lands generated more than \$3.2 billion in Federal royalties, rental payments, and bonus bids. Approximately half of this revenue was shared with the state where production activities occurred, with the remainder directed to the U.S. Treasury. States and counties utilize these important funds to support the construction and maintenance of roads, schools, and other community needs. Further, the DOI Economic Report estimated that in Fiscal Year (FY) 2018, the Federal onshore oil and natural gas program alone provided approximately \$71.5 billion in economic output and supported approximately 300,000 jobs nationwide.

As a result, the American taxpayer has reaped enormous rewards. In FY 2018, the BLM generated over \$1.1 billion from oil and gas lease sale bids. This represented the highest grossing year on

record for onshore lease bonus bids, nearly tripling the collections received from BLM oil and gas lease sales held in 2008, the previous high year. In FY 2019, the BLM continued to build on past energy development milestones by holding 28 oil and gas lease sales – with 1,710 new leases covering 1.9 million acres. These lease sales resulted in almost \$219 million in bonus bids, rentals, and fees.

Promoting Efficiencies & Maintaining Safeguards

In response to several Executive Orders related to energy development on public lands, the Department and the BLM have conducted an extensive assessment of its policies to help reduce burdens and improve environmental reviews and permitting authorizations for energy and infrastructure projects. The assessment resulted in a number of new Secretary's Orders (S.O.s), ranging from S.O. 3355, *Streamlining National Environmental Policy Act Reviews and Implementation of Executive Order 13807*, which provides a number of internal Departmental directives to increase efficiency of environmental reviews, to S.O. 3349, *American Energy Independence*, which directed bureaus to examine specific actions impacting oil and gas development.

The BLM also reviewed all regulations pertaining to domestic oil and natural gas development on public lands, resulting in several policy changes related to permitting. For example, the BLM issued guidance on June 12, 2018, which established policies and procedures for processing Federal APDs that propose drilling into leased Federal minerals from well pads located entirely on non-Federal locations. In addition, the BLM issued guidance on June 10, 2020, to establish the BLM's policy and procedures for detecting and deterring trespass on Federal and Indian mineral estates. The BLM established the steps to follow when a BLM office discovers a mineral trespass, often a result of situations S.180 is attempting to address. Further, the BLM issued guidance on June 6, 2018, to remind BLM offices of the existing procedures for streamlining NEPA review under applicable statutes, regulations, and guidance and to encourage BLM offices to use these tools consistently and effectively.

Finally, the BLM's approach to oil and natural gas production on public lands has focused on being both better business partners and environmental stewards. As part of this, the BLM is working diligently to improve its oil and gas permitting processes. In FY 2019, the BLM approved 3,741 APDs on Federal and Indian lands. By prioritizing permitting efficiency, modernizing databases, and shifting resources across BLM offices, the average APD processing time for an administratively complete application continues to drop – to an average of 44 days processing time with the BLM in FY 2019, compared to 63 days with the BLM in FY 2018, and 120 days in FY 2017.

S. 180 will enhance the BLM's ongoing effort to reduce burdens on operators and lead to more efficient review of APDs.

S. 180

S. 180 eliminates the requirement that an operator submit to the BLM a Federal APD in instances where there is non-Federal surface estate and where the subsurface mineral estate is less than 50 percent Federal. S. 180 does not alter the amount of royalties due the United States from production of Federal oil and gas, nor does it negate operator compliance with BLM rules during

production operations or plugging operations.

If enacted, S. 180 would no longer require the BLM to analyze surface impacts on non-federal lands with less than a 50 percent Federal mineral interest in drilling and spacing units. The BLM appreciates the goal of S. 180 to focus the BLM's review of Federal actions to Federal lands. These changes could help reduce burdens on industry and the BLM by making the planning and NEPA process more efficient and less expensive, and could allow the BLM to focus on surface and downhole implications where the mineral estate is more fully within the jurisdiction of the Federal Government. The Department also notes that the bill may affect the BLM's trust responsibilities and processing APDs for certain Indian leases.

The BLM frequently encounters two different situations related to the development of Federal oil and gas leases involving private lands. First are the split estate operations where the drill site is located on non-Federal surface lands directly overlying the Federal oil and gas minerals. Second, as technology has increased, operations have allowed for development from predominantly private surface to private and Federal minerals in the lateral length of the drilled hole – which are commonly referred to as “Fee-Fee-Fed” wells. Often Fee-Fee-Fed wells produce only a marginal amount of Federal minerals. In both instances, no Federal surface is impacted, yet, under current law, the BLM must require an APD for the Fee-Fee-Fed wells. For these APDs, the BLM must still fulfill requirements of NEPA, the National Historic Preservation Act (NHPA), and the Endangered Species Act (ESA). S. 180 would provide significant efficiencies to both operators and the Federal Government by eliminating unnecessary Federal permit requirements in these instances of only limited Federal resources.

To ensure the BLM's ability to track the commencement of operations that could impact Federal resources, the BLM would like to work with the Sponsor to add language that would require an operator to submit a copy of the state approved drilling permit to the BLM. Further, the BLM recognizes that in instances where there is minimal Federal interest, it may not be necessary for the BLM to conduct NEPA and ESA review or for NHPA consultation to be triggered. The BLM therefore recommends that for these instances, the bill clarify NEPA requirements for the exploration, development or production of oil and gas. This would allow the BLM to better use its limited resources while decreasing unnecessary analysis on non-Federal split estate lands.

While we appreciate the bill's direction to maintain DOI's authority to receive royalties for the Federal resources, we also recommend adding language to maintain the Department's authority to audit and invoke penalties for any misreported production under the Federal Oil & Gas Royalty Management Act, in order to ensure that Federal resources are properly accounted for and the interests of American taxpayer are protected.

Conclusion

The Department remains committed to promoting responsible oil and gas production that helps create and sustain jobs, promotes a robust economy, and contributes to America's energy independence, while also protecting consumers, public health, and public land resources and uses. I will be glad to answer any questions.

**Statement of
Amanda Kaster
Acting 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. 1295, Federal Land Asset Inventory Reform Act
September 16, 2020**

Thank you for the opportunity to testify on S. 1295, 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 Federal property.

Under the Administration's leadership, one of the guiding principles of the work of the Bureau of Land Management (BLM) is to pursue excellence in business practices, improve accountability to our stakeholders, and deliver better service to our customers across the bureau's diverse uses. The BLM supports the goals of S. 1295 and welcomes the opportunity to work with its sponsors and the Committee on language that would help realize the cost savings, efficiency, and accessibility outcomes they wish to achieve.

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 surveys, public land sales, patents, and land entries. The BLM assumed responsibility for cadastral surveys in 1946, when the merger of the General Land Office and the Grazing Service formed 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 (PLSS), which is a coordinate dataset

based on cadastral survey information used for parcel level mapping; and 2) the Surface Management Agency (SMA) 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 a National Spatial Data Infrastructure (NSDI), 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 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. Management decisions for BLM lands and resources are made through individual Resource Management Plans, which are developed with full public participation at the local level.

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 (LR2000) case management system; the Alaska Land Information System (ALIS); 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. 1295, the Federal Land Asset Inventory Reform Act

S. 1295 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 BLM 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 BLM notes that the scope of the project proposed in S. 1295 – which would span across every Federal agency – extends beyond current resources of the Department and BLM and would require extensive new resources to fulfil the bill’s objectives. The BLM welcomes the opportunity to work with the sponsors of S. 1295 to determine the necessary authority and capacity to consolidate Federal real property inventories of cadastre data consistent with applicable laws. 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 FGDC responsibilities.

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 whether these existing inventories should be eliminated or consolidated into the new multipurpose cadastre required under S. 1295. 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.

The BLM 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. 1295, 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.

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 BLM stands ready to provide assistance and input on proposed legislation, while also respecting Congress' primacy in the legislative process. The BLM has traditionally accomplished this through a variety of methods, including providing data and information, and supplying technical assistance. The BLM welcomes the opportunity to work with the sponsors to ensure this specific provision is in keeping with the Bureau's and Congress' roles in the legislative process. The Bureau will also continue to provide assistance to members of Congress as they craft legislation on this issue.

Conclusion

The BLM is proud of its involvement with the nation's cadastre and appreciates the Committee's interest in this important topic. The BLM looks forward to working further with the sponsors of S. 1295 to achieve the bill's objectives. Thank you for the opportunity to testify today. I would welcome any questions you may have.

**Statement of
the Department of the Interior
before
the Senate Committee on Energy and Natural Resources
on
S. 1870 Miracle Mountain Designation Act
September 16, 2020**

Thank you for the opportunity to present this statement on S. 1870, the Miracle Mountain Designation Act.

Background

The bill designates a currently unnamed 7,575-foot peak in Utah County, Utah, and partially within the Uinta-Wasatch-Cache National Forest as “Miracle Mountain.” The proposed name refers to a wildfire that threatened the community of Elk Ridge City in 2018. The fire suddenly changed direction and stayed behind the mountain.

The Board on Geographic Names is the interagency organization of the U.S. Government established to maintain uniform geographic name usage in Federal documents and maps. As per its Policy I, the Board would not take any action on a proposed naming of a feature currently being considered by Congress.

S. 1870

The Department of the Interior (Department) does not have a position on the bill.

Thank you for the opportunity to provide the Department’s views. This concludes our statement.

**Statement of
the Department of the Interior
before
the Senate Committee on Energy and Natural Resources
on
S. 2533, a bill to amend the Alaska Native Claims Settlement Act to exclude certain
payments to Alaska Native elders for determining eligibility for certain programs
September 16, 2020**

Thank you for the opportunity to present this statement on S. 2533, a bill to amend the Alaska Native Claims Settlement Act to exclude certain payments to Alaska Native elders for determining eligibility for certain programs, and for other purposes.

S. 2533

S. 2533 amends Section 29(c) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1626(c), to exclude Settlement Trust funds or benefits for Alaska Natives or their descendants who are 65 or older in determining eligibility for the supplemental nutrition assistance program; Social Security Act aid, assistance, or benefits; or to receive any other Federal program or federally-assisted program based on need. This legislation does not have any known impacts to Bureau of Indian Affairs programs. The Department of the Interior (Department) supports the intent of the bill in ensuring that the Alaska Native Claims Settlement Act does not replace or diminish any right, privilege, or obligation of the United States to protect and promote the rights or welfare of Alaska Natives as citizens of the United States.

Conclusion

Thank you for the opportunity to provide the Department's views. This concludes our statement.

**Statement of
Amanda Kaster
Acting 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. 2828, Malheur Community Empowerment for the Owyhee Act
September 16, 2020**

Thank you for the opportunity to testify on S. 2828, the Malheur Community Empowerment for the Owyhee Act. S. 2828, if enacted as currently proposed, would require the development of a programmatic Environmental Impact Statement allowing for adaptive management of certain Federal lands in Malheur County, Oregon, and the development of an ecological restoration plan. It would also designate 1.1 million acres of wilderness, release approximately 200,000 acres of existing Wilderness Study Areas, and direct approximately 800,000 acres of lands with wilderness characteristics to be managed under the applicable land use plan. It would also designate approximately 15 miles of the Owyhee River as Wild and Scenic and includes provisions aimed at encouraging tourism and providing improvements to state parks.

The Department supports the goal of providing improved economic and recreational opportunities and important local community development. However, we cannot support S. 2828 as currently written.

As a matter of policy, the Department of the Interior (DOI) supports Congressional action to resolve wilderness designation and wilderness study area (WSA) release issues on public lands across the West, and we welcome opportunities to further those efforts. However, we also want to ensure that designating new wilderness areas on public lands outside of existing WSAs is the most appropriate land management tool. While wilderness designation may be appropriate for some of the areas included in this legislation, the Department is concerned that certain designations in the bill may present management challenges and be inconsistent with the intent of the Wilderness Act or existing land uses, as well as other uses that are of importance to the public.

The Department also has concerns with some of the provisions of the bill that would launch administratively complex and potentially duplicative planning efforts. The Department welcomes the opportunity to work cooperatively with the sponsor of the legislation, the Committee, and all members of the Oregon delegation on wilderness and planning issues in the State.

Background

Malheur County is located in the southeast corner of Oregon. It is the second largest county in the state with an area of 9,874 square miles or 6.3 million acres, and has a population of 31,313, according to the 2010 census. For many years, cattle ranching and agriculture have been the

major economic enterprises in the county. Over 70 percent of the county is in public ownership, including 4.4 million acres managed by the Bureau of Land Management (BLM).

The BLM is committed to ensuring the long-term sustainability of healthy and productive lands, consistent with its multiple-use mandate under the Federal Land Policy and Management Act. We believe partnerships and local public involvement are vital to managing sustainable, working public lands. This means being a good neighbor to local communities, respecting the ties that communities have to public lands, allowing state and local economies to prosper, and welcoming and valuing diverse views into our planning processes. As part of our commitment to healthy and productive landscapes, the BLM is in the process of amending the Resource Management Plan (RMP) for public lands within Southeastern Oregon, including BLM lands in Malheur County covered by S. 2828. The 90-day public comment period on the Draft Southeastern Oregon RMP Amendment and Draft Environmental Impact Statement ended on August 28, 2019.

S. 2828

Adaptive Management of Public Land (Sec. 4)

S. 2828 directs the DOI to develop, within one year of enactment, a programmatic Environmental Impact Statement (PEIS) allowing for adaptive management of Federal lands managed by the BLM in Malheur County, as well as a restoration plan for areas that are “ecologically degraded.” Lands subject to the PEIS are to be monitored by a collaborative Monitoring Network composed of Federal, State, and local organizations. The Department is concerned that the bill does not define what constitutes an “ecologically degraded” area, which would complicate and potentially impede BLM management decisions. The Department believes the bill should also provide a more sufficient timeframe of at least two years for the BLM to produce the required PEIS and restoration plan. Additionally, the Department recommends clarifications of key aspects of the PEIS, including scope, the potential application of wilderness-specific analysis for activities occurring outside of wilderness areas, and references to BLM manual sections.

Further, the bill establishes the Malheur Community Empowerment for Owyhee Group (Malheur CEO Group) consisting of representatives of the Burns Paiute Tribe, ranchers and other county businesses. Under the bill, members of the Malheur CEO Group are to be appointed by the Secretary of the Interior and advise on the PEIS and adaptive management of the land. The Department notes that the Southeast Oregon Resource Advisory Committee already provides advice and recommendations on all aspects of public land management to the BLM’s Burns and Vale District Offices, including lands in Malheur County. As currently written, the bill assigns the Malheur CEO Group with a role that is largely duplicative of the Southeast Oregon Resource Advisory Committee, and as such, the Department believes this Group is unnecessary.

Land Designations (Sec. 5)

S. 2828 establishes 1.1 million acres of wilderness and releases approximately 200,000 acres of wilderness study areas from consideration for wilderness designation. It also directs approximately 800,000 acres of lands with wilderness characteristics to be managed under the applicable land use plans, which is the BLM’s current practice. Additionally, Section 5 designates a 14.7-mile segment of the Owyhee River as a recreational river. The Department recognizes that the wide-ranging lands proposed for wilderness designation encompass scenic

canyons, volcanic rock formations, and rolling hills which serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, camping, horseback riding, and other forms of outdoor recreation. The Department also notes that Lookout Butte, Dry Creek, Wild Horse Basin, as well as some of the other proposed designations, are within existing WSAs that were not recommended as suitable for wilderness in 1991.

The Department would like the opportunity to work further with the sponsor to refine the initial maps referenced in S. 2828 and thoroughly assess boundary manageability, grazing allotments, and potential conflicts with the intent of the Wilderness Act, including current uses such as roads, inholdings, bicycling, motorized recreation, and access to recreation and historic sites. Additionally, the Department would like to discuss with the sponsor the wilderness management provisions related to fire and invasive species management.

The Department supports the bill's approach in section 5 that directs lands released from further wilderness study to be managed consistent with local land use plans. It is the local planning process through which the BLM makes important decisions on management of these lands, including, among other things, mineral development, grazing, off-highway vehicle use, hunting, and the consideration of natural values. The BLM uses the land use planning process to determine how to manage lands with wilderness characteristics as part of the BLM's multiple-use mandate.

Lastly, the twenty-year administrative withdrawal of lands within the Leslie Gulch Area of Critical Environmental Concern (ACEC) would be made permanent by Section 5. As an ACEC, Leslie Gulch is managed by the BLM to protect the values of high-quality scenery, California bighorn sheep habitat and special status plant species habitat. Further, 85 percent of the ACEC is made up of portions of three WSAs and managed in a manner that maintains the area's suitability for preservation as wilderness. The Department continues to manage Leslie Gulch to protect its environmental and conservation values, but is reviewing the potential supply of critical mineral resources in the area, which could ultimately impact future management decisions. The Department cannot support this section while this review is underway.

Economic Development (Sec. 6)

Section 6 of the bill directs the Department, the County, and "Travel Oregon" to establish requirements for four loop roads to promote tourism. Safety upgrades, including surfacing and signage, to improve access to recreational opportunities are to be completed within one year of enactment. The Department recommends providing additional time for the completion of safety upgrades as environmental analysis under the National Environmental Policy Act are likely to be required and could lengthen the time involved in completing safety upgrades to the loop roads.

Tribal Protections (Sec. 7)

The Department is focused on restoring full collaboration and coordination with tribal communities and making the Department a better neighbor. Under Section 7, approximately 21,000 acres of BLM-managed public lands would be held in trust for the Burns Paiute Tribe. The Department notes that adjacent Federal lands are currently accessed by the public for hunting and other forms of outdoor recreation. The Department, through Secretary's Orders 3347, 3356, 3366, and 3373, has pledged to expand access to America's public lands to increase hunting, fishing, and recreational opportunities nationwide. It would be critical for the

Department to facilitate access to adjacent Federal parcels to ensure continued public access for hunting and outdoor recreation.

Conclusion

Thank you again for the opportunity to testify on S. 2828. The Department looks forward to working with the sponsor and the Committee to address the issues outlined above as this bill moves through the legislative process.

**Statement of
Amanda Kaster
Acting 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. 2890, Douglas County Economic Development and Conservation Act
September 16, 2020**

Thank you for inviting the Department of the Interior to testify on S. 2890, the Douglas County Economic Development and Conservation Act. This bill authorizes public land sales and conveyances in Douglas County, Nevada, and provides for the transfer of approximately 2,669 acres of public lands to be held in trust for the benefit of the Washoe Tribe of Nevada and California. The bill also designates the 12,392-acre Burbank Canyons Wilderness Area, and releases approximately 1,065 acres from the Burbank Wilderness Study Area from consideration for wilderness designation. Finally, S. 2890 conveys U.S. Forest Service (USFS) land to the state of Nevada.

The Department has pledged to expand access to America's public lands, to increase hunting, fishing, and recreational opportunities nationwide, and to enhance conservation stewardship through Secretary's Orders 3347, 3356, 3366, and 3373. To advance those goals, we are focusing on restoring full collaboration and coordination with local communities and making the Department a better neighbor.

Secretary Bernhardt is committed to ensuring that public access for outdoor recreation is adequately weighed when determining the appropriateness of the disposal or exchange of public lands, which is why Secretary's Order 3373 was one of his first orders signed as Secretary. The Order helps ensure that before the BLM disposes of any lands, it must consider what impact it will have on the public's access for outdoor recreation, including existing access, and access managed by other Federal, state, and county agencies. While the Department supports the goals of S. 2890 that align with this important priority, we are concerned that the broad scope of the proposed land disposals in S. 2890 as currently written could ultimately decrease public access and limit outdoor recreational opportunities. The Department defers to the Department of Agriculture regarding provisions in the bill concerning the lands and interests administered by the USFS.

S. 2890

Land Conveyances (Title I, Sec. 103)

Section 103 of S. 2890 directs the conveyance of nearly 7,800 acres of public land to Douglas County (County) for the purpose of flood control or other public purposes consistent with the Recreation and Public Purpose Act (R&PP Act) within 180 days after being requested by the County. S. 2890 also provides that the land would revert to the United States, at the discretion of the Secretary of the Interior, if it ceases to be used for public purposes. While the County would receive the land itself at no cost under the bill, the County would pay any administrative costs

associated with the conveyance. The County would also have the option under S. 2890 to purchase the reversionary interest at fair market value, as determined by an appraisal, for all or any portion of the lands conveyed.

As a matter of policy, the Department supports working with local governments to resolve land tenure issues that advance worthwhile policy objectives. In general, the Department supports the proposed conveyance if it is consistent with the existing R&PP Act authority. We are concerned, however, that the total acreage proposed for conveyance is significantly larger than what is normally authorized for public purposes under the R&PP Act.

Land Sales (Title I, Sec. 104)

Section 104 of the bill directs the sale of approximately 60 acres identified by a map referenced in the bill, and the sale of not more than 10,000 acres of lands that have been identified as potentially suitable for disposal by the BLM's Carson City Consolidated Resource Management Plan or subsequent amendment. Under the bill, all land sales would be subject to valid existing rights. The Secretary is directed to work with the County to jointly select the public lands to be sold for fair market value through a competitive bidding process to qualified bidders within one year of enactment.

Proceeds from the sales directed by the bill would be disbursed to the state of Nevada, the County, and a special account in the U.S. Treasury for a number of specific purposes outlined in the bill. Proceeds from any purchase of the reversionary interest in Section 103 of the bill would follow the same distribution. The special account would be available to the Secretary for the purpose of reimbursing costs associated with preparing sales and land to trust conveyances directed by S. 2890 and acquisition of environmentally sensitive land within the County.

Finally, Title I amends the Southern Nevada Public Land Management Act to include the County as an eligible entity to apply for funds to acquire land or interests in land for parks, trails, or natural areas; for conservation initiatives within the Carson and Walker River watersheds; and for conservation of sage-grouse habitat.

The Department is committed to ensuring access to America's public lands, but is concerned with the broad scope of the conveyances and sales in Title I. The BLM notes that the deadlines established in the bill would be difficult to meet, and we would like to work with the sponsor on more practical timeframes. We would also welcome the opportunity to work with the sponsor on clarifying language in the bill, and to develop a legislative map to ensure the proposed conveyances and sales do not inadvertently decrease public access or recreation opportunities in Douglas County as directed by Secretary's Order 3373.

Tribal Cultural Resources (Title II)

Title II of S. 2890 directs approximately 2,670 acres of public land managed by the BLM and USFS to be held in trust for the benefit of the Washoe Tribe of Nevada and California. The transfer of lands under this title are subject to valid existing rights and shall become part of the reservation of the Tribe. Under the bill, class II and class III gaming under the Indian Gaming Regulatory Act would be prohibited on these lands.

Further, the bill requires survey of the boundary lines of the land taken into trust within 180 days of enactment. In addition, S. 2890 authorizes the Secretaries of the Interior and Agriculture to implement fuel reduction or landscape restoration activities in consultation and coordination with the Tribe.

The Department supports the transfer of these lands to be held in trust for the benefit of the Tribe and appreciates the opportunity to work collaboratively with the Tribe on fuel reduction and landscape restoration activities. We would welcome the opportunity to work with the sponsor on minor technical modifications to simplify transfer of the lands.

Wilderness (Title III)

Title III of S. 2890 designates 12,392 acres of BLM-managed public lands as the Burbank Canyons Wilderness, and releases 1,065 acres of public lands from the Burbank Canyon Wilderness Study Area (WSA) from consideration for wilderness designation. Only Congress can determine whether to designate WSAs as wilderness or to release them for multiple use. The WSA included in the proposed wilderness designation has been pending final resolution by Congress since it was established in 1991.

As a matter of policy, the Department supports congressional action to resolve wilderness designations and WSA release issues on public lands across the west, and we welcome opportunities to further those efforts. If Congress opts to proceed with designation of these lands as wilderness, we would like to work with the sponsor on the boundary map and minor amendments, including the use of standard wilderness designation language.

Conclusion

As a matter of policy, the Department supports the goal of working with state, local, and tribal partners to achieve mutually optimal outcomes for the management of public lands. We look forward to working with the bill's sponsor further on this legislation.

**Statement of
Amanda Kaster
Acting 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. 3241, Cerro de la Olla Wilderness / Río Grande del Norte National Monument
September 16, 2020**

Thank you for the opportunity to testify on S. 3241. The bill would amend the John D. Dingell, Jr. Conservation, Management, and Recreation Act (P.L. 116-9) to establish approximately 13,000 acres in the Río Grande del Norte National Monument in New Mexico as the Cerro de la Olla Wilderness.

The Department of the Interior (Department), through Secretary's Orders 3347, 3356, 3366, and 3373, has pledged to expand access to America's public lands, to increase hunting, fishing, and recreational opportunities nationwide, and to enhance conservation stewardship. In addition, the Department is focused on restoring full collaboration and coordination with local communities and making the Department a better neighbor.

While wilderness designation may be appropriate for some of the areas included in this legislation, the Department is concerned that the designation in the bill may present management challenges and be inconsistent with traditional uses that are of importance to local communities and the public. The Department cannot support S. 3241 as currently written.

Background

The Río Grande del Norte National Monument lies north of Taos on the border with Colorado, and straddles New Mexico's Taos and Rio Arriba Counties. The area is comprised of rugged, wide open plains at an average elevation of 7,000 feet, dotted by volcanic cones, and cut by steep canyons with rivers tucked away in their depths. The unique nature of these lands also provides a wealth of recreational opportunities, including whitewater rafting, hunting, fishing, hiking, mountain biking, and camping.

In March 2019, President Trump signed the John D. Dingell, Jr. Conservation, Management, and Recreation Act into law, which established the Cerro del Yuta and Río San Antonio Wilderness Areas within the Río Grande del Norte National Monument. These designations were among more than 100 individual bills that were ultimately incorporated into P.L. 116-9. Under Secretary Bernhardt's leadership, the Department has prioritized implementation of P.L. 116-9, including the establishment of a Departmental task force to facilitate and prioritize implementation through Secretary's Order 3374, *Implementation of the John D. Dingell, Jr. Conservation, Management, and Recreation Act*.

S. 3241

S. 3241 would designate approximately 13,000 acres of land administered by the Bureau of Land Management (BLM) as the Cerro de la Olla Wilderness within the Rio Grande del Norte National Monument. The Cerro de la Olla volcanic cone provides a visible reminder of the area's volatile past, while wildlife species – including deer, elk and antelope – bring both hunters and wildlife watchers to the area. As such, these lands have benefitted the public by providing opportunities for recreation, as well as grazing, and the collection of firewood and piñon nuts. The Department notes these uses could be diminished by a wilderness designation that would limit vehicular access for recreation, range improvement maintenance, and traditional firewood collection. Local residents have expressed these concerns and the BLM is concerned the wilderness designation may negatively impact residents' abilities to responsibly use the public lands they depend upon.

Additionally, the proposed designation overlaps a significant portion of a reserve common grazing allotment that the BLM has set aside for the temporary use of permittees displaced due to wildfire, vegetation treatment, drought, and other issues. Range improvements supporting the health of the reserve common allotment could be hindered by a wilderness designation. The Department also has concerns that a wilderness designation would have a detrimental effect on planned hazardous fuels reduction and forest management activities by limiting the use of motor vehicles and motorized tools. Furthermore, because this area poses significant wildfire risk, the limitations of a wilderness designation are inconsistent with the President's Executive Order 13855 and the Secretary's Order 3372 on promoting active land management to reduce wildfire risk.

The Department would welcome the opportunity to work with the sponsor and the Subcommittee to ensure that this wilderness designation on public lands is the most appropriate mechanism to adequately protect the natural resources of this area. For instance, the BLM builds and maintains water catchments to provide water on a consistent dependable basis to benefit wildlife. The Department is concerned that S. 3241, as written, would limit the BLM's ability to support wildlife by constructing new water catchments. Alternative management approaches, outside of a wilderness designation, could conserve sensitive resources while still accommodating other uses and activities permitted within the monument.

If Congress opts to proceed with designation of these lands as wilderness, we would also like to work on minor and technical amendments, including boundary adjustments to enhance manageability and to ensure that the traditional public uses are preserved.

Conclusion

Thank you again for the opportunity to testify on S. 3241.

STATEMENT OF THE U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY & NATURAL RESOURCES SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING CONCERNING S. 3366, A BILL TO AMEND THE FEDERAL LANDS RECREATION ENHANCEMENT ACT TO MAKE THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS AVAILABLE AT NO COST TO MEMBERS OF GOLD STAR FAMILIES.

September 16, 2020

Chairman Lee, Ranking Member Wyden, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on S. 3366, a bill to amend the Federal Lands Recreation Enhancement Act to make the National Parks and Federal Recreational Lands Pass available at no cost to members of Gold Star Families.

The Trump Administration supports our military, veterans, and Gold Star Families. The Department believes free access to national parks and other Federal lands should be extended to all veterans and Gold Star Families. We share the desire of the sponsors of this legislation to express our gratitude to veterans and the family members of the brave men and women in the Armed Services who have given their lives in the defense of our Nation. We are deeply indebted to those who have suffered the loss of parents, children, and siblings to that cause. Extending free access to our most treasured natural resources is a meaningful way to honor these truly exemplary patriots, and is consistent with the Trump Administration's commitment to support our veterans and Gold Star Families as they supported our country selflessly.

S. 3366 would amend the Federal Lands Recreation Enhancement Act (Public Law 108-447) (FLREA) to require the Secretaries of the Interior and Agriculture to make the National Parks and Federal Recreational Lands Pass available to Gold Star Families free of charge. These passes provide for one year of free entry to fee-charging units of the National Park System and other Federal lands to the pass holder and those accompanying the pass holder.

Gold Star Family members for the purposes of S. 3366 are individuals who were awarded a Gold Star Lapel Button after losing a family member in a war, an international terrorist attack, or a military operation outside of the United States while serving with the U.S. armed forces. The bill uses the same criteria to determine eligibility for a Gold Star Parks Pass as the Department of Defense uses to determine eligibility for a Gold Star Lapel Button. Eligible individuals may include parents, children, and siblings, and other immediate family members of deceased Service members, such as stepchildren. Our Nation has used this term since World War I, when homes of fallen Service members displayed Gold Star flags in their windows to indicate their families' loss.

FLREA, enacted in 2004, authorizes the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), the U.S. Forest Service (USFS), the Bureau of Land Management (BLM), and the Bureau of Reclamation (BOR) to collect and retain revenue and requires that fee revenue be used to enhance the visitor experience. At least 80 percent of the money stays in the park or recreation site where it is collected, and the other 20 percent benefits parks or sites that do not collect fees.

As a part of FLREA, Congress established the multi-agency America the Beautiful - the National Parks and Federal Recreational Lands Pass Program (Interagency Pass Program) to cover entrance fees for NPS and FWS and standard amenity recreation fees for the BLM, USFS, and BOR. The Interagency Pass Program began in 2007 and includes an annual pass for \$80, a \$10 lifetime pass (later changed to \$80) for those age 62 years or older (Lifetime Senior Pass), and a free lifetime pass for persons with permanent disabilities (Access Pass). Public Law 113-121, enacted in 2014, authorizes the U.S. Army Corps of Engineers to also participate in the Interagency Pass Program. In 2019, these six agencies sold an estimated three million passes. Revenue from the sale of the passes—which totaled nearly \$95 million in 2019—is a significant source of supplemental funding that enhances our efforts to address the maintenance backlog at our national parks, better manage other federal lands, and respond quickly to changes in visitation levels and service requirements.

The Department supports the goal of ensuring that individuals eligible for a Gold Star Families pass have free access for life, making the program more akin to the Lifetime Senior Pass or Access Pass than to the situational passes. This goal is consistent with the Trump Administration’s commitment to support Gold Star Families as they supported our country by selflessly sharing their loved ones for the noble cause of freedom. We look forward to working with the Committee and our partner agencies to resolve questions we have regarding implementation, such as simple ways to verify Gold Star Family members’ eligibility at Federal recreation sites.

Chairman Lee, this concludes our statement.

STATEMENT OF THE U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE SENATE ENERGY & NATURAL RESOURCES SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING CONCERNING S. 3366, A BILL TO AMEND THE FEDERAL LANDS RECREATION ENHANCEMENT ACT TO MAKE THE NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS AVAILABLE AT NO COST TO MEMBERS OF GOLD STAR FAMILIES.

September 16, 2020

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Chairman Lee, this concludes our statement.

**Statement of
Amanda Kaster
Acting 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. 3427 Modernizing Access to Our Public Lands Act
September 16, 2020**

Thank you for the opportunity to testify on S. 3427, the Modernizing Access to Our Public Land Act, which would direct the Department of Interior (Department), the U.S. Forest Service (USFS), and the Army Corps of Engineers to jointly develop and adopt interagency compatibility standards for Federal databases for the collection and dissemination of public lands recreation data.

The Department supports the overall goals of the bill which align with the Secretary's priority to increase access and promote recreational opportunities on public lands. Public lands have value for recreation only when people can access those lands, and the Department has issued several Secretary's Orders to pursue this priority, such as Secretary's Order 3347, *Conservation Stewardship and Outdoor Recreation*; Secretary's Order 3356, *Hunting, Fishing, Recreational Shooting, and Wildlife Conservation Opportunities and Coordination with States, Tribes, and Territories*; Secretary's Order 3366, *Increasing Recreation Opportunities on Lands and Waters Managed by the U.S. Department of the Interior*; and Secretary's Order 3373, *Evaluating Public Access in Bureau of Land Management Public Land Disposals and Exchanges*.

We believe that this bill has the potential to address some long standing challenges surrounding public access and data management, and we look forward to working with the sponsor and the Committee to address a number of technical issues in the measure, as discussed further below.

Background

Federal land management agencies oversee approximately 640 million surface acres. The Bureau of Land Management (BLM) manages approximately 245 million of those surface acres while the USFS manages another 193 million. Most other Federal land is managed by the U.S. Fish and Wildlife Service (FWS), with over 89 million surface acres as part of the National Wildlife Refuge System, and the National Park Service (NPS), with approximately 80 million surface acres. The Bureau of Reclamation (Reclamation) and the Army Corps of Engineers also manage Federal lands that are used for recreation. The Department is committed to the Administration's priority of expanding access for the American people to the vast recreation opportunities on public lands, including hunting, fishing, and many other uses.

Federal Geographic Data Committee

The Federal Geographic Data Committee (FGDC) is an interagency committee which leads the development, implementation, and review of Federal policies, practices, and standards related to geospatial data. The U.S. Geological Survey serves as its Executive Secretariat. Under the Geospatial Data Act (GDA; P.L. 115-254), the FGDC undertakes its mission with the understanding that jointly developing standards promotes the interoperability of Federal data and makes it more useful to more citizens.

For example, as part of the Federal Data Strategy FY2020 Action Plan, the FGDC and the Chief Data Officers Council will develop machine interpretable processes to better relate data that are kept in different databases. Also, the Department of the Interior has agreements with the U.S. Forest Service to improve interagency data management. Lastly, the Geoplatform, the Federal government's geospatial shared service, provides one place for national-level data to be registered and accessed by users. These ongoing efforts are improving the accessibility and usefulness of existing data assets.

Under the FGDC organizational structure, the BLM leads the FGDC Cadastral Subcommittee, which develops and implements plans to coordinate cadastral data-related activities among Federal, state, tribal, and local governments, and the private sector. The BLM publishes two key datasets through the FGDC: the Public Land Survey System (PLSS), which is a coordinate dataset based on cadastral survey information used for parcel level mapping, and the Surface Management Agency (SMA) dataset, which captures the best available Federal ownership information. Both of these datasets support large scale depiction of Federal ownership information and will enhance our ability to depict parcel level data for many purposes, including public access.

There are currently several ways for the public to access the National Park Service (NPS) Land Resources Program's geospatial boundary and land ownership data through web map services and data downloads on platforms like the NPS Integrated Resource Management Applications (IRMA) data store and Data.gov. Additionally, the NPS provides web-based information to the public for all park units, including the routes of roads and trails, location of campgrounds, and safety information. Digitization of all maintained routes across NPS land may not meaningfully add to the visitor experience and would be a significant undertaking.

S. 3427

The Department shares the sponsors' interest in improving geospatial data for Federal land management. We are working towards this objective using the authorities of the GDA. The U.S. Army Corps of Engineers is not covered by the GDA, but nonetheless have been active FGDC participants and supportive of its efforts.

Data Consolidation, Digitization, and Publication

Most of the data attributes identified in the bill will require agencies to coordinate across many locations and levels, and some of them are likely to change regularly or may not currently exist in a digital format. These requirements are similar but smaller in scope to those listed in S.1295, the Federal Land Asset Inventory Reform (FLAIR) Act. The capacities of the FGDC will help agencies meet such challenges. However, several provisions within Section 5(a) of this bill appear to overlap with the requirements of the Dingell Act, which requires the BLM to publish

public lands access priorities every two years. The BLM Public Lands Access Project has already begun an internal initiative to digitize recreational access information into geospatial files and make that information available to the public.

In 2019, the BLM also initiated an effort to consolidate and modernize the BLM land status records systems, through the development of the Mineral and Land Records System (MLRS). The future MLRS will replace the current systems used by BLM – the Legacy Rehost 2000 (LR2000) case management system, the Alaska Land Information System (ALIS), and the older status records, such as master title plats, historical indexes, and tract books. MLRS will be a customer-centric, geospatially-enabled land information system that employs nationally standardized business practices. The new system will help ensure the quality and accuracy of land and mineral records and data while securely delivering land records information to relevant BLM employees, customers, and the public.

Definitions of Key Terms & Concepts

The Department believes that additional definitions of key terms and concepts would provide clarity to the bill. Specifically, “outdoor recreation data relating to Federal land” as used in Section 4 could be interpreted to mean lands that are open to certain types of recreational activities, miles of roads and trails open to motor vehicles, or information referenced expressly in Section 5 of the bill. The meaning of “regulated” or “closed” as used in Section 5(a)(5), including any temporal restrictions on “closed” (e.g., short-term closures, long-term closures, seasonal closures, etc.), if intended, would also be helpful. The Department is happy to provide any requested technical assistance.

The Department also suggest that with the popularization of e-bikes, that section (5)(a)(4)(C) be revised to read “non-motorized bicycles” to distinguish traditional bicycles from e-bikes. Sponsors should consider including e-bikes as a standalone category in section 5(a)(4) given that several bureaus within the Department have proposed e-bike rules and, in the future, there may be roads and trails that are open to e-bikes and traditional, non-motorized bicycles but not off-road vehicles, and other roads and trails that are open to non-motorized bicycles but not e-bikes or off-road vehicles.

Implementation Timeframe

Regarding timeframes in the bill, Section 4 provides only 18 months to develop inter-agency geospatial data and/or metadata standards. Based on past experience, this effort could take 24-36 months to complete. Section 5(a) requires the Secretaries to digitize and make publicly available the GIS data within 3 years after enactment of the bill. If agencies fail to meet this deadline, agencies named in the bill could be open to failure to act claims brought under 5 U.S.C. § 706(1). The extension of timeframes in this bill would provide more reasonable and achievable deadlines.

Digitization of Roads & Trails Data

Section 5(a)(2-4) requires the digitization of information regarding roads and trails. The BLM uses a travel and transportation planning process to incorporate roads and trails into its transportation system, which includes determining the status and usage information identified by Section 5(a)(2-4). To date, the BLM has incorporated 90,000 miles of roads and trail routes into

its transportation system through completion of 153 travel plans, which is about 18% of the travel plans needed to inventory, evaluate, and incorporate the remaining 400,000 miles of routes into the transportation system. Given the sheer volume of roads and trails on BLM lands and the lengthy process required to complete a single travel plan, it may not be feasible to obtain the required road and trail information within three years, let alone digitally publish it.

Historic & Archaeological Resource Data

The Department also recommends the addition of a provision to Section 5 stating that the GIS data made publicly available pursuant to section 5(a) should not divulge information regarding the “location, character, and ownership” of historic resources and the “nature and location” of archaeological resources, the disclosure of which is prohibited by the National Historic Preservation Act, 54 U.S.C. § 307103, and the Archaeological Resources Protection Act, 16 U.S.C. § 470hh, respectively.

Conclusion

The Department appreciates the Committee’s interest in this important topic. The Department strongly supports efforts to promote recreational use of public lands and looks forward to working further with the sponsors and the Committee on these issues.

**Statement of
Amanda Kaster
Acting Deputy Assistant Secretary
Land and Minerals Management
U.S. Department of the Interior**

**on
S. 3485, The OFFSHORE Act of 2020
before the
Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests, and Mining**

September 16, 2020

Thank you for the opportunity to testify on S. 3485, the Opening Federal Financial Sharing to Heighten Opportunities for Renewable Energy Act of 2020 (“OFFSHORE Act of 2020”).

President Trump has made it a priority to boost domestic energy production to stimulate the Nation’s economy and to ensure its national security, while at the same time providing for responsible stewardship of the environment. The Department of the Interior (Department), which manages the public lands and federal waters that provide resources critical to the Nation’s energy security, is committed to ensuring that American taxpayers receive a fair return from the clean and safe development of these public resources, including conventional and renewable energy assets.

Within the Department, The Bureau of Ocean Energy Management (BOEM) is responsible for overseeing offshore renewable energy leasing and development and the Office of Natural Resources Revenue (ONRR) is responsible for the management of revenues associated with federal offshore, onshore, and American Indian leases, as well as revenues received as a result of offshore renewable energy efforts.

S. 3485, the OFFSHORE Act of 2020

In general, S. 3485 would amend the National Oceans and Coastal Security Act and amend the Outer Continental Shelf Lands Act (OCSLA) to expand revenue sharing for offshore wind. Key provisions of the bill are discussed below.

Specifically, Section 2 of the legislation would expand amounts deposited into the National Oceans and Coastal Security Fund by requiring in addition to amounts appropriated or otherwise made available for deposit into the Fund, a percentage of operating fees, rentals, bonuses, royalties, and other payments that are paid to the Secretary of the Interior from certain offshore wind energy projects, as authorized by S. 3485.

Section 4 of the legislation would expand revenue sharing derived from certain offshore wind energy projects to those projects that are located outside the area extending three nautical miles

seaward of state submerged lands and that are not currently eligible for revenue sharing. S. 3485 would allocate revenue from these projects as follows: 50 percent would be credited to miscellaneous receipts in the Treasury; 12.5 percent would be deposited in the National Oceans and Coastal Security Fund, discussed above; and 37.5 percent would be deposited in a special account in the Treasury and disbursed by the Secretary, subject to criteria provided in the legislation, to eligible states to fund certain delineated activities, including coastal and marine-related conservation, mitigation, restoration and related activities, and onshore infrastructure projects to mitigate the impact of activities carried out on the Outer Continental Shelf (OCS), among other things.

Section 5 would exclude the proposed offshore disbursements to states from the sequestration requirements under the Balanced Budget and Emergency Deficit Control Act of 1985.

While BOEM's most recently published FY21 budget forecast shows a relatively low estimate of near-term revenue from offshore wind, the longer-term outlook looks positive. Current revenue collections by ONRR show that the Office collects, on average, over \$10 billion dollars in annual revenue from all Federal energy development. In fiscal year 2019, the most recent year for which complete information is available, ONRR collected over \$410 million dollars from the development of offshore wind. Sharing this revenue with adjacent coastal states could require substantial outlays from the Treasury in the future relative to current law.

There have been several significant changes over the past two years that have impacted the outlook for offshore wind in OCS waters. First, many Atlantic states have implemented renewable energy standards with mandated targets for offshore wind production, which have created a need for electricity from offshore wind projects. Second, the offshore wind leveled cost of electricity has declined over the last few years. Several factors have driven these gains, but most importantly the increasing size and efficiency of offshore wind turbines. It is estimated these two factors may result in an increase in BOEM's renewable energy activity estimates and corresponding revenue forecasts.

However, there are several unknown factors, such as scheduling of lease sales and construction and operation plan changes, that could result in a significantly different forecast in the future.

Conclusion

The Department manages the resources under its jurisdiction on behalf of and for the benefit of the American people. The United States Constitution gives Congress the power to enact laws respecting the property belonging to the United States, including federal lands and resources. The Administration's policy is to promote clean and safe development of our Nation's vast energy resources and to ensure that the Federal taxpayers benefit from the revenues generated from such development.

**Statement of
Amanda Kaster
Acting 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. 4431, Emergency Wildfire and Public Safety Act
September 16, 2020**

Thank you for the opportunity to testify on S. 4431, the Emergency Wildfire and Public Safety Act. The bill seeks to reduce wildfire risk and improve forest management by establishing wildfire mitigation projects, providing expedited review of certain fuel break projects, promoting the development and use of biomass, and easing certain timber export restrictions. The bill also includes provisions concerning the re-initiation of consultation on land management plans under the Endangered Species Act, as well as other provisions.

The Department of the Interior (Department) recognizes the importance of reducing wildfire risk and protecting our communities. This is an issue that impacts the whole country, and under the Trump Administration the Department has prioritized identifying and implementing ways to reduce wildfire risk. Alongside the President's Budget, the Administration has submitted to Congress a package of legislative reforms to improve forest management and reduce wildfire risk. The proposals, copies of which are included with this statement, are intended to support healthy forests and rangelands and aid in efforts to protect homes and infrastructure from catastrophic wildfires. The Department supports enactment of these proposals and recommends that they be included in S. 4431.

With regard to S. 4431, the Department supports the goals of the legislation but, as discussed below, certain critical improvements to the bill are necessary, including the addition of language that ensures the Department receives the same active management and wildfire risk reduction authorities under the bill that are provided to the USDA Forest Service, as discussed below.

Background

Effectively managing the risk of and response to wildfires is vitally important to protect people, communities, and the natural environment. In most areas, the window in which wildfires traditionally occur has grown from five to seven months of the year. Wildfires are also becoming larger in scale. From 2000 to 2019, the average number of acres burned was double the number burned between 1980 to 1999.

One of the primary factors driving wildfires is the accumulation of vegetation that acts as fuel. Dense undergrowth and invasive annual grasses have increased across much of the nation's public lands, providing fuel for catastrophic wildfires and worsening insect infestation, invasive species, and disease. These conditions adversely affect the Nation's forests and rangelands and contribute to increased wildfire risk to surrounding communities.

Of the total acres burned over the past 19 years in the continental U.S., 56 percent burned in rangelands and 44 percent burned in forests. Within the Department's jurisdiction, 73 percent of all acres burned in the West over the last 19 years were on rangelands, and most of those acres burned in cheatgrass-invaded landscapes. Cheatgrass, an invasive grass species, is rapidly altering rangelands throughout the western United States. As little as one percent of cheatgrass cover can double the risk of wildfire in sagebrush. Cheatgrass-dominated lands burn every 1 to 5 years, as opposed to the natural 50 to 100-plus year wildfire cycle. Invasive grasses fuel wildfire ignitions and are a range-wide, multi-jurisdictional challenge that react quickly to disturbance and threaten infrastructure. Impacts from rangeland fires are often just as devastating as forest fires – long-term impacts are felt by communities, ranchers, hunters, and recreationists.

To address this threat, in 2018, President Trump issued Executive Order (EO) 13855, directing active management of America's forests and rangelands to reduce wildfire risk. The EO includes specific targets to reduce accumulated vegetation and increase active forest management. In January 2019, the Secretary signed Secretary's Order 3372, *Reducing Wildfire Risks on Department of the Interior Land through Active Management*, to implement EO 13855 and directed the Department's agencies to implement policies to improve forest and rangeland management practices by reducing hazardous fuel loads, mitigating fire risk, and ensuring the safety and stability of local communities through active management on forests and rangelands.

The Department has implemented an aggressive strategy to more effectively manage, treat, and prevent wildfires – resulting in the completion of fuels management treatments on more than 1.4 million acres of Federal lands in 2019. This was the largest fuel load reduction on Federal lands in a decade, and BLM analysis shows that the treatments helped control wildfire and changed fire behavior.

That tremendous success is due to the hard work and dedication of Department and its agencies' wildland fire employees. So far in Fiscal Year 2020, the Department has completed over 900,000 acres of fuels management treatments, prioritizing areas with the highest wildfire risk, which is approximately three quarters of all planned treatments for the year and exceeds the benchmark established in the EO.

S. 4431, Emergency Wildfire & Public Safety Act

S. 4431 aims to reduce wildfire risk and improve forest management on Federal lands through a variety of provisions outlined below. We would like to work with the sponsor to include provisions to also address fire risk in rangelands.

Wildfire Mitigation Projects

The bill (Section 101) directs the Secretaries of the Interior and Agriculture to jointly select three forest landscape projects to reduce fire risk and restore forest health. The forest landscape projects must be selected in coordination with the governor of each state. In selecting proposals, the Secretaries are to consider the strength of the collaborative process in developing the proposal, the potential to achieve reductions in long-term wildfire management and ecological restoration costs, and the potential to provide energy from woody biomass and small-diameter trees. In carrying out activities under the forest landscape projects, the Secretaries must

maximize the retention of old-growth, consider the best available science, and may not establish a permanent road.

The Department currently plans fuels management projects with multiple partners, including other Federal agencies, tribes, states, counties, local organizations, and private landowners. The Department notes that Section 101 is consistent with various existing practices of the Department and we support these efforts. However, the Department notes that the bill, as drafted, could add some administrative complications, and we would like to work with the sponsor on modifications to promote efficiency.

Satellite Data & Wildfire Detection Technologies

Section 102 of S. 4431 instructs the Department and the USDA to expand the use of satellite data to assist wildfire response and expedite placement of wildfire detection to the extent practicable. The Department supports maximizing development and use of technology to assist in wildfire response.

Streamlining Fuel Break Projects & Emergency Fuels Reduction Actions

S. 4431 (Section 103) provides a categorical exclusion under the National Environmental Policy Act (NEPA) to streamline the establishment and maintenance of fuel breaks near roads, trails, transmission lines, and pipelines. Categorical exclusions allow for expedited application review under NEPA, while including the appropriate level of analysis, and ensuring compliance with all other Federal laws. Under the bill, the proposed fuel breaks are not to exceed 3,000 acres and must be located primarily in an area described in section 605(c)(2) of the Healthy Forests Restoration Act of 2003 (HFRA). Because section 605 of HFRA was limited to designations on National Forest System lands, the categorical exclusion provided under S. 4431 would not be available for projects on Department lands. The Administration's forest management legislative reforms contain a similar provision that is applicable to Department lands, and we would like to work with the sponsor to incorporate all of the Administration's proposals into S. 4431.

The bill (Section 104) authorizes the Secretary of Agriculture to conduct certain emergency actions to mitigate the harm to life, property, or important natural or cultural resources. Permitted emergency actions include the removal of salvage timber, the harvest of damaged trees, sanitation harvest for the control of disease or insects, and reforestation and reconstruction of utility lines and underground cables. As written, the language does not extend these same authorities to the Department, and we recommend the inclusion of the Department in these new forest management authorities provided by the bill.

ESA Consultation on Land Management Plans

The bill includes provisions (Section 105) concerning the re-initiation of consultation on land management plans under the Endangered Species Act. Under S. 4431, plan-level consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act would not be required following the finding of new information unless the new information is peer reviewed, printed in a publication that is publicly accessible, or influential information (as defined by the Office of Management and Budget guidance document, "Final Information Quality Bulletin for Peer Review" and dated December 16, 2004).

Consistent with the sponsor's goals, the Department seeks a permanent, comprehensive solution for re-initiation of consultation on land management plans resulting from new information revealing effects to a listed species or critical habitat. Project-specific consultations under Section 7 of the ESA currently ensure consideration of newly listed species, newly designated critical habitat, and new information on effects of plan implementation on these species and critical habitats. These consultations allow federal agencies to engage in timely and efficient land management activities, fulfil their conservation mandate, and further the goals of the ESA. The Department would like to work with the sponsor on modifications needed to implement the sponsor's objectives.

Biomass

The bill (Title II) would authorize the Department of Energy (DOE) to promote the development and use of conversion facilities in western states to utilize biomass generated from preventive and wildfire fuel treatments. Notably, Title II would direct the DOE to establish a program to make grants, direct loans, and guarantee loans available for the removal and transportation of woody biomass from Federal land. The Department notes that biomass rarely has enough value to pay for its harvest and transportation to a biomass conversion facility.

CA Timber Export Restrictions

Title III of S. 4431 seeks to ease timber export restrictions for dead and dying trees from U Forest Service lands in California for five years. As written, these provisions do not apply to Department-managed lands in California. The Department recommends expanding these provisions to apply to Department lands in California as well.

Western Prescribed Fire Center

Title IV, Section 402, directs the Secretaries of Agriculture and the Interior to establish a center – located in the western United States – to train individuals in prescribed fire methods to mitigate wildfire risk. The Department currently provides such training through the Prescribed Fire Training Center in Tallahassee, Florida. Florida ecosystems and weather allow for prescribed training opportunities in the Fall, Winter, and Spring months when most wildland fire personnel are available for training. Prescribed fire training is best done with on-the-ground field work, but western states, particularly California, restrict prescribed burns based on air quality conditions to mitigate smoke impacts on public health. The Department recommends examining augmentation of the capabilities of the existing Prescribed Fire Training Center and increasing its accessibility rather than establishing a new western training center that would subject on-the-ground training to potential limitations due to off-season weather conditions.

Conclusion

Thank you again for the opportunity to testify on S. 4431. We look forward to working with the sponsors and the Committee on effective ways to reduce wildfire risk on public lands.

**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. 4475, the La Paz County Solar Energy and Job Creation Act
September 16, 2020**

Thank you for inviting the Department of the Interior to testify on S. 4475, the La Paz County Solar Energy and Job Creation Act. The bill proposes to convey to La Paz County, Arizona, approximately 4,800 acres of public lands managed by the Bureau of Land Management (BLM). According to the bill's sponsors, the lands to be conveyed are intended to be used to expand a solar energy project in La Paz County. The BLM notes it has the authority to lease public lands for solar development, which may be an alternative approach to conveyance.

The Administration is committed to developing a diverse portfolio of energy resources, including oil, gas, coal, and renewables, such as wind, geothermal, and solar. The BLM is a key contributor to this "all of the above" energy development approach, helping to fulfill the Administration's promise to facilitate domestic energy production, generate revenue, and support jobs in the energy sector.

To achieve these priorities, Secretary Bernhardt is focused on restoring full collaboration and coordination with local communities, working with partners to promote multiple use on public lands, and making the Department a better neighbor. The Department supports the goals of S. 4475 that align with these important priorities. We also would welcome an opportunity to work with the bill sponsors to ensure the responsibilities of each party to the conveyance authorized by the bill are clear.

Background

La Paz County, located in western Arizona, is home to over 20,000 people. The county holds important recreational value because of 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 approximately 4,800 acres of BLM-managed public land to be conveyed to La Paz County under S. 4475 are primarily utilized for livestock grazing and include range improvements to facilitate grazing. The lands have not been identified as potentially suitable for disposal in the Yuma Resource Management Plan, which the BLM completed in 2010.

On March 12, 2019, President Trump signed into law Public Law 116-9, also known as the John D. Dingell Jr. Conservation, Management, and Recreation Act, which represented the single largest public lands package in a decade. P.L. 116-9 included provisions directing the conveyance to La Paz County of approximately 5,900 acres of public lands for economic development and renewable energy generation. Following the passage of P.L. 116-9, Secretary Bernhardt signed Secretary's Order 3374, which created a task force at the Department to ensure

all timelines laid out in the law were met. On May 22, 2020, Secretary Bernhardt and the BLM announced the successful land conveyance to La Paz County in fulfillment of the requirements of P.L. 116-9.

S. 4475

S. 4475 directs the Secretary of the Interior to convey approximately 4,800 acres managed by the BLM to La Paz County as soon as practicable after receiving a request from the county to convey the land. The conveyance shall be subject to valid existing rights and such terms and conditions as the Secretary determines to be necessary, and the lands would be withdrawn from mineral entry. The Secretary is required to exclude from the conveyance any Federal land that contains significant cultural, environmental, wildlife, or recreational resources.

The bill requires La Paz County 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. The proceeds from the sale of the land shall be deposited in the Federal Land Disposal Account and used in accordance with the requirements of the Federal Land Transaction Facilitation Act.

As a condition of the conveyance, La Paz County and any subsequent owner of the conveyed land is required to make good faith efforts to avoid disturbing tribal artifacts. If tribal artifacts are disturbed, La Paz County is 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.

Analysis

The BLM is supportive of protecting known resources as part of its multiple use mission, but would like to work with the sponsor to clarify the scope of the resources to be excluded from the lands to be conveyed and ensure the exclusionary language is tailored to align with the sponsors' goals. The BLM also 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. 4475.

The Department is committed to continuing its adherence to the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice and appreciates the sponsors including these provisions in the bill. 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 present that may need to be compensated for in compliance with the grazing laws and regulations, in addition to the assessment and survey work required for conveyance.

Conclusion

Thank you for the opportunity to present the Department's views on S. 4475. We look forward to working with the sponsors and the Committee on the legislation as it moves forward. I would be happy to answer any questions that you may have.