

**Statement of
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Bureau of Land Management
Department of the Interior
Senate Energy & Natural Resources Committee
Subcommittee on Public Lands, Forests & Mining
S. 2379, Udall Park Land Exchange Completion Act
April 21, 2016**

Thank you for inviting the Department of the Interior to testify on S. 2379, the Udall Park Land Exchange Completion Act. The bill provides for the conveyance of the Federal government's reversionary interest in a 173-acre parcel of land known as Udall Park located in the city of Tucson, Arizona. While the Department supports the goal of conveying the reversionary interest to the City of Tucson, we cannot support S. 2379 in its current form. The Department could support S. 2379 if it were amended to ensure the payment of fair market value for the conveyance of the reversionary interest in this parcel to the City of Tucson.

Background

The Bureau of Land Management (BLM) regularly transfers public land to local governments and nonprofits for a variety of public purposes. These transfers are typically accomplished under the provisions of the Recreation and Public Purposes Act (R&PP) or through direction supplied through specific Acts of Congress. The R&PP Act is a statute frequently used by the BLM to help states, local communities, and nonprofit organizations obtain lands – at no or low cost – for important public purposes. Examples include parks, schools, hospitals and other health facilities, fire and law enforcement facilities, courthouses, social services facilities and public works. Because these lands are transferred at far below market value, R&PP conveyances and many similar legislated conveyances include a reversionary clause requiring that lands be used for public purposes or revert to the Federal government. Over the years, the BLM has addressed many requests to release the Federal government's reversionary interest in such lands, and has consistently required the payment of fair market value for the reversionary interest.

Udall Park is a popular, heavily used urban recreation park located in the eastern part of the City of Tucson (City). The 173-acre park was established in 1980, when the City entered into an R&PP Act lease with the BLM. Udall Park then was transferred to the City in 1989, under an R&PP Act patent. Both the lease and patent transferring title to the City included a reversionary clause prohibiting certain commercial uses of the property.

The BLM has authority to convey a reversionary interest retained by the Federal government under the R&PP Act at fair market value in accordance with uniform appraisal standards, under Sec. 203 of the Federal Land Policy and Management Act (FLPMA). In this case, the BLM has been exploring the possible conveyance of the reversionary interest in Udall Park to the City,

thus enabling the City to allow commercial uses of the land such as the installation of a cellular tower.

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S. 2379 requires the Department of the Interior to convey to the City the reversionary interest of the United States in the Udall Park parcel for the purpose of enabling economic development of the parcel. Under the bill, the City is to pay the costs associated with the conveyance, but is not required to pay the fair market value of the reversionary interest.

The BLM supports the goal of conveying to the City the United States' reversionary interest in the Udall Park parcel, but cannot support S. 2379 as currently written. We recommend amending the legislation to ensure the payment of fair market value for the reversionary interest. The value of the reversionary interest in Udall Park would be established through an appraisal by the Department of the Interior's Office of Valuation Services, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice. Upon receiving that appraisal, the City could make a decision on purchasing the reversionary interest on the parcel, thus owning the land outright.

Conclusion

Thank you for the opportunity to testify. We look forward to working with the sponsor and the Committee to address the needs of the City of Tucson.