Questions for the Record by Republican Members

Questions from Ranking Member Westerman for Mr. John Byrd, President, Miller/Wenhold
Capitol Strategies

1. What has the Government Accountability Office said about Managing Federal Real
Property and the way that federal agencies inventory their land?

*The Government Accountability Office (GAO) has placed 'Managing Federal Real Property' in its High-
Risk Series since 2003. GAO reports highlight the lack of a current, accurate inventory of Federal Real
Property. On the other hand, the Federal government funds a variety of single-purpose databases.
Technology, specifically geographic information systems (GIS), allows stewardship decisions based on
one uniform, interoperable database. The rest of GAO highlights from the 2012 Field Hearing is
found on page 4 of my written testimony.*

2. What is the status of President Bush's 2004 Executive Order on Federal Real Property
Asset Management in as much the roles for the Bureau of Land Management and U.S.
Forest Service in their land and property inventory management?

*The Bush Administration took a significant step toward properly managing its real property holdings.
Executive Order 13327, on Federal Real Property Asset Management, was issued on February 4, 2004. It
called on agencies to "identify and categorize all real property owned, leased, or otherwise managed by
the agency." Additionally, it instructs that "In order to ensure that Federally owned lands, other than the
real property covered by this order, are managed in the most effective and economic manner, the
Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their
management of public lands and National Forest System lands and shall develop appropriate legislative
proposals necessary to facilitate that result." To my knowledge, these departments have never fulfilled
that responsibility.*

3. As you know, I sponsored the Geospatial Data Act (GDA) of 2018 which was enacted via
P.L. 115-254. H.R. 5522 references the GDA. How will the GDA and H.R. 5522 benefit
each other?

*In the 114th and 115th Congresses, several bills entitled the Geospatial Data Act were introduced in the
Senate and House of Representatives. Congress did not act on legislation introduced in the 114th
Congress; however, in September 2018, a version of the bill, the Geospatial Data Act of 2018 (GDA), was
included in H.R. 302, the FAA Reauthorization Act of 2018, as Subtitle F of Title VII. Congress passed H.R.
302 on October 3, 2018 and was signed into law on October 5 as P.L. 115-254. Ranking Member
Westerman and Rep. Seth Moulton (D-MA) provided the critical leadership needed in making sure this
bipartisan bill became law. The federal government has recognized the need to organize and coordinate
the collection and management of geospatial data since at least 1990. In that year, the Office of
Management and Budget (OMB) revised Circular A-16—which provides guidance regarding coordination
of federal surveying, mapping, and related spatial data activities—to establish the Federal Geographic
Data Committee (FGDC) and to promote the coordinated use, sharing, and dissemination of geospatial
data nationwide.*

Section 2 of H.R. 5522 references the Geospatial Data Act (GDA) to improve coordination "in the

establishment of such standards and common protocols as are necessary to ensure the interoperability of geospatial information pertaining to the cadastre" via Section 757, as well as the "Federal Geographic Data Committee" via Section 753(a), and transparency and public access via Section 759. It is also critical to point out that Sections 759B and 759C of the GDA are also covered in H.R. 5522, and therefore H.R. 5522 and the GDA will both benefit from these consistencies.

4. The MAPLand Act was recently enacted into P.L. 117-114. How will the MAPLand Act and H.R. 5522 benefit from each other?

On April 29, 2022, the Modernizing Access to Our Public Land (MAPLand) Act, H.R. 3113, was signed into Public Law 117-114 thanks to the critical leadership of Reps. Blake Moore (R-UT) and Joe Neguse (D-CO), among others. This bill directs the Department of the Interior, the Forest Service, and the U.S. Army Corps of Engineers to jointly develop and adopt interagency standards to ensure compatibility and interoperability among federal databases for the collection and dissemination of outdoor recreation data related to federal lands and used to depict locations at which recreation uses are available to the public. Interior, the Forest Service, and the Corps of Engineers must digitize and publish geographic information system (GIS) data that includes federal interests, including easements and rights-of-way, in private land; status information as to whether roads and trails are open or closed; the dates on which roads and trails are seasonally opened and closed; the types of vehicles and recreational uses that are allowed on each segment of roads and trails; and the boundaries of areas where hunting or recreational shooting is permanently restricted or closed. Interior, the Forest Service, and the Corps of Engineers may work with the U.S. Geological Survey to collect, digitize, standardize, or publish data to meet the requirements of this bill. The digitized land records from P.L. 117-114, as portrayed in the GIS database can be integrated and aggregated in the national cadastre as authorized in H.R. 5522. The accuracy of the data as found in the GIS database harmonized between the MAPLand Act and the FLAIR Act will improve decision-making by a variety of stakeholders.
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Questions for the Record by Democrat Members

Questions from Rep. Lowenthal for John Byrd, President, Miller/Wenhold Capitol Strategies

1. Mr. Byrd, you have testified on bills that reflect goals to increase the federal government's capacity to understand our own federal lands and our country's underlying geology. Why is it so important for the federal government to have this information?

In order to be a good steward of our public lands, the Federal Government must first know precisely what land it owns. Unfortunately, the Federal government's ability to manage its public lands and indeed all its real property assets is terribly hampered by the lack of a current, accurate land inventory. Once the multipurpose inventory is complete, the government can become a better real property asset manager, and a responsible steward of its land holdings. This will result in more efficient land management, again providing savings. Additionally, areas for multiple use can be better identified, thus enhancing the American citizens' use of public lands and generate more revenue from leasing, mineral rights, recreation, and fees from other activities.

2. Mr. Byrd, as you know, the FLAIR Act helps address the fact that the Department of the Interior currently uses more than 100 types of data on federal lands. How would a consolidated system improve and increase efficiency, and decision making?

The bill will save money in many ways. It will reduce the many duplicative inventories the Department of the Interior currently operates and maintains. The FLAIR Act authorizes the Department of the Interior to develop and manage such a multipurpose, uniform Federal GIS database to track and account for all Federal Real Property. The Secretary of the Interior is authorized to conduct an "inventory of inventories" to identify all inventory databases, whether efficient or inefficient. The efficient databases will be merged into a single multipurpose cadastre while the inefficient databases are repealed, thus preventing waste and duplication to continue. Proper surveys, mapping and an inventory of Department of the Interior lands would improve land management, avoid wasteful duplication and redundancy, generate hundreds of millions of dollars in new revenue, and further the goal of "map it once, use it many times."

3. Mr. Byrd, can you explain "gap analysis" using geographic information systems (GIS) as it pertains to inventorying parcels and acreage for DOI-managed land?

This Federal effort helps state and local agencies verify their ongoing efforts to identify what each level of government owns. This will also enable government at all levels to find missing property through a "gap analysis." One of the benefits of such an effort is to avoid land ownership conflict. With better land ownership records, the better the chance to avoid such conflicts. Many units of local government -- cities, counties -- have used such land information systems, or even single purpose digital parcel or mapping programs, to inventory real estate more accurately and efficiently within the jurisdiction. These systems have paid for themselves many times over, many in the first year alone. It is time the U.S. government invested in a similar methodology and technology to identify and inventory its land holdings. Section 2 of H.R. 5522 includes a cost sharing provision to encourage the inclusion of non-Federal land in a State in the cadastre as part of the "gap analysis."

4. Mr. Byrd, the Broad Agency Announcement (BAA) process for USGS 3DEP sounds like it brings tremendous value to stakeholders. How would the BAA bring value to those stakeholders dealing with sinkholes?

The 3DEP Broad Agency Announcement (BAA) is a fair and equitable process that allows Federal, State, local, Tribal, and even private organizations to propose data acquisition projects. 3DEP relies on investments from a wide range of 3DEP stakeholders with interest in developing partnerships to share data acquisition costs in support of individual mission and business requirements. The 3DEP BAA provides a vehicle for partnering with the USGS and other Federal agencies to acquire high-quality 3D Elevation data to advance the program's goal of providing the first-ever national baseline of consistent high-resolution topographic elevation data – both bare earth and 3D point clouds. Since the first BAA in FY15, the USGS has supported over 210 projects resulting in more than 1,000,000 square miles of new data. The FY23 BAA for 3DEP is scheduled for release in August 2022. The BAA provides detailed information on how to partner with the USGS and other Federal agencies to acquire high-quality 3D Elevation data. The BAA instructional webinar to be held on August 10, 2022. This webinar provides an overview of the Federal FY 2023 3DEP BAA solicitation and application process.

5. Mr. Byrd, you mentioned that USGS 3DEP nationwide coverage is expected by the conclusion of FY2026. What is next for 3DEP once it achieves nationwide coverage in 2026?

Optimally, USGS views 3DEP to be funded at $146 million annually. USGS is on pace to achieve 100% national coverage by the end of FY2026, thus providing a recognized baseline for a consistent nationwide elevation dataset. The 3D National Topographical Model (3DNTM) is the next generation of 3DEP. This initiative will integrate USGS elevation and hydrography datasets to model the Nation's topography in 3D. The 3DNTM, including the next generation of 3DEP, will provide foundational data to meet the most demanding scientific requirements and enable data-driven decisions across user communities.

For more information, I would encourage your review of the USGS scope and description for 3DNTM (https://www.usgs.gov/national-hydrography/3d-national-topography-model-call-action-part-1-3d-hydrography-program).

6. Mr. Byrd, you mentioned emergency response in your answer to my question during the hearing. It's my understanding that USGS 3DEP is not only connected to sinkholes, but to other hazards. What is this connection to hazards, and how can other stakeholders benefit from USGS 3DEP?

I would refer you to these key points found below provided by the U.S. Geological Survey's fact sheet on USGS 3DEP as connected to Landslide Recognition, Hazard Assessment, and Mitigation Report: https://pubs.usgs.gov/fs/2016/3094/fs20163094.pdf

A core mission of the U.S. Geological Survey (USGS) is to provide information that leads to reduced loss of life and damage to property and infrastructure from landslides. Gathering this information relies on a detailed and accurate understanding of the landscape. The USGS Landslide Hazards Program conducts landslide hazard assessments, pursues landslide investigations and forecasts, provides technical assistance to respond to landslide emergencies, and engages in outreach. All of these activities benefit from the availability of high-resolution, three-dimensional (3D) elevation information in the form of light detection and ranging (LiDAR) data and interferometric synthetic aperture radar (IfSAR) data. Research on landslide processes addresses critical questions of where and when landslides are likely to occur as well as their size, speed, and effects. This understanding informs the development of methods and tools

for hazard assessment and situational awareness used to guide efforts to avoid or mitigate landslide impacts. Such research is essential for the USGS to provide improved information on landslide potential associated with severe storms, earthquakes, volcanic activity, coastal wave erosion, and wildfire burn areas. Decisionmakers in government and the private sector increasingly depend on information the USGS provides before, during, and following disasters so that communities can live, work, travel, and build safely. High-resolution 3D elevation data significantly aid in the refinement of assessments of where and when landslides will occur, improving information delivered to decisionmakers and the public. A nationwide program to provide a baseline of high-quality 3D elevation data is essential for supporting improved hazard assessments, response preparation, and effective response execution.

The 3D Elevation Program (3DEP) is collecting 3D elevation data in response to a call for action to address landslide applications and a wide range of other urgent needs nationwide. 3DEP furnishes the programmatic infrastructure and provides data to users, reducing their costs and risks and allowing them to concentrate on their mission objectives. The programmatic infrastructure includes (1) data acquisition partnerships that leverage funding, (2) contracts with experienced private mapping firms, (3) technical expertise, standards, and specifications, and (4) most important, providing public access to high-quality 3D elevation data. The conservative annual benefit of 3D elevation data to landslide applications in the United States is estimated to be $20.2 million. Examples of landslide recognition, hazard assessment, and mitigation support activities using 3D elevation data include:

• Providing input data for slope-stability models used to identify locations where shallow landslides may mobilize into fast-moving, potentially damaging and deadly debris flows.

• Giving fundamental and highly detailed descriptions of boundary and initial conditions for landslide initiation and mobility models.

• Providing information helpful in planning for evacuations and staging areas.

• Creating accurate landslide inventory and deposits maps and estimating the shape and relative activity of landslides. According to Baum and others (2014), using 3DEP data identified 3 to 200 times the number of landslides located when mapping the same densely forested areas using other technologies.

• Providing baseline reference information needed for change-detection comparisons, such as estimating sediment transport rates following a wildfire.

• Developing novel approaches for estimating landslide thickness and relative and calibrated ages of landslide deposits.

I would also encourage the following benefits to additional stakeholders be subject to your review as found here per the following USGS links:

Broadband
https://pubs.usgs.gov/fs/2021/3056/fs20213056.pdf

Energy
https://pubs.usgs.gov/fs/2019/3051/fs20193051.pdf

Federal Best Practices
https://pubs.usgs.gov/fs/2020/3062/fs20203062.pdf

Flood Risk Management
https://pubs.usgs.gov/fs/2017/3081/fs20173081.pdf

Infrastructure
https://pubs.usgs.gov/fs/2016/3093/fs20163093.pdf

Precision Agriculture
https://pubs.usgs.gov/fs/2016/3088/fs20163088.pdf

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