

STATEMENT OF C. BRUCE SHEAFFER, COMPTROLLER, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION OF THE HOUSE NATURAL RESOURCES COMMITTEE CONCERNING H.R. 3294, TO ESTABLISH A STREAMLINED PROCESS THROUGH WHICH A STATE MAY CLAIM AUTHORITY OVER AND RESPONSIBILITY FOR MANAGEMENT OF FEDERAL LANDS LOCATED IN THE STATE WITHOUT CLAIMING OWNERSHIP OF THE LAND, AND FOR OTHER PURPOSES.

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Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department on H.R. 3294, a bill to establish a streamlined process through which a State may claim authority over and responsibility for management of Federal lands located in the State without claiming ownership of the land, and for other purposes.

The Department strongly opposes H.R. 3294. This bill would seriously undermine the longstanding framework established by Congress for the management of Federal lands under the stewardship of the National Park Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the U.S. Forest Service. The lands managed by these bureaus belong to all Americans, not just the residents of the States in which they are located, and therefore should continue to be managed in accordance with laws established by the Federal government, not individual State governments.

H.R. 3294 would allow a State to submit a petition to enter into a cooperative agreement with the Secretary of the Interior or Secretary of Agriculture (Secretary) for purposes of managing certain qualifying Federal lands located in the State. The bill would require the Secretary to approve or deny such a petition not later than 90 days after the date on which the Secretary receives the petition if the Secretary determines that the petition meets certain criteria identified in the bill. The bill provides conditions for the submittal of a petition by the State, and for the denial of a petition by the Secretary.

The bill provides that State laws shall supersede Federal laws on the qualifying Federal lands administered by a State under a cooperative agreement to the extent that such laws are more restrictive than the corresponding Federal laws. The bill also provides that the United States shall retain all right, title, and interest in and to such lands, and provides for conditions under which a cooperative agreement authorized under this bill shall terminate.

The Department has a number of concerns with H.R. 3294. Our fundamental concern is that the bill would erode the idea of a Federal system of public lands, and the system of laws, regulations, and policies that govern the management of those lands. The management of Federal lands involves the exercise of inherently Federal functions and decision making by land managers to make decisions for the long-term benefit of all Americans. State governments have very different responsibilities for the management of State lands than the Federal government, and are accountable only to residents within their particular States. Accordingly, each State would be under strong pressure to manage according to local rather than the national interest.

H.R. 3294 would allow a State to take over the administration of lands that are currently managed by four separate bureaus with different missions. Each of these land management bureaus is governed by different laws, regulations, and policies, and they are responsible for managing resources for different purposes. It would be virtually impossible for a State to fully carry out each of the individual missions of these bureaus, and to provide for the long-term management of these Federal resources for the benefit of all Americans.

For example, many National Wildlife Refuges were established as stopover and wintering habitat for migrating birds. They are managed as a system so that the location and timing of food and cover are available to waterfowl and other migratory birds where and when they need it - during spring and fall migrations and breeding and wintering seasons. Ensuring the coordinated management of these migratory species across multiple states and even international borders is most effectively coordinated by the Federal government.

This bill would not only compromise the statutory protection that Congress has provided to these lands, but may also cause legal confusion for Federal agencies, partners, and stakeholders. State management of Federal lands would eliminate consistency and predictability for companies and partners that invest resources in long-term or large-scale projects on Federal lands, or that rely on Federal laws that authorize partnerships, business services and uses related to these lands, such as lease-holders, miners, ranchers, right-of-way holders, commercial guiding operations, concessions, cooperative associations, and non-profit educational institutions. It may also introduce a new risk of potential liability for the Federal government, States, and others conducting activities on Federal lands during the interim.

While the Department opposes being required to enter into agreements with States to manage Federal lands, we recognize that it is productive to have some discretionary authority to enter into agreements to share management responsibilities with States and localities, where it is appropriate. Land management agencies already have the necessary authority to enter into cooperative agreements with States to carry out legally authorized activities for a public purpose. In addition, other authorities exist that promote shared responsibilities.

The National Park Service, for example, has authority to enter into cooperative management agreements with States where the sharing of resources provides for more effective and efficient administration of the park lands. But the law that permits cooperative management agreements for park lands specifically prohibits the transfer of administration responsibilities for National Park System units to other entities. Similarly, the U.S. Fish and Wildlife Service has authority to enter into agreements with States under the Fish and Wildlife Coordination Act of 1956, but is not authorized under the National Wildlife Refuge System Administration Act to transfer administration of the Refuge System. And, the Bureau of Land Management also has broad authority, under the Federal Land Policy and Management Act, to enter into cooperative agreements related to the management, protection, and development of public lands. The Bureau of Land Management has a variety of agreements with State and local law enforcement agencies, including contracting with a State law enforcement agency to provide dispatch services and supplemental patrols on public lands during high-use periods.

In addition, there may be individual cases where it makes sense to have a cooperative management arrangement between a Federal land management agency and a State. For example, the City of Rocks National Reserve, which is Federally-owned, is cooperatively

managed by the National Park Service and the Idaho Department of Parks and Recreation. That management arrangement was authorized by Congress specifically for that site. The Department believes these types of management arrangements should continue to be considered on a case-by-case basis.

Mr. Chairman, this concludes my testimony. I would be happy to answer any questions you or any other members of the subcommittee may have.