

**Statement of  
Karen Mouritsen, Deputy Assistant Director  
Energy, Minerals & Realty Management  
Bureau of Land Management  
Department of the Interior  
House Natural Resources Committee  
Subcommittee on Public Lands & Environmental Regulation  
H.R. 5040, Idaho County Shooting Range Land Conveyance Act  
September 9, 2014**

Thank you for the opportunity to present the views of the Department of Interior on H.R. 5040, the Idaho County Shooting Range Land Conveyance Act, which conveys a 31-acre parcel of BLM-managed public land to Idaho County, Idaho, for use as a shooting range. The Bureau of Land Management (BLM) supports the conveyance and supports H.R. 5040 with an amendment to add a reversionary clause if the land was to be used for non-public purposes.

**Background**

Idaho County is the largest county in Idaho, covering over 5.4 million acres of land in north-central Idaho. Approximately 4.4 million acres of these steep, heavily-forested lands are administered by the U.S. Forest Service; the BLM manages 91,000 acres of public land in the County, most at lower elevations. While recreational opportunities in Idaho County are abundant, the steep topography and densely-forested landscape yield few opportunities for safe recreational target shooting.

The BLM has been working in partnership with Idaho County for several years to address the County's strong interest in the establishment of a shooting range site on a 31-acre parcel of public land near Riggins. The parcel is currently being used recreationally by local hunters and residents of Riggins. The County would also like to use the range for law enforcement purposes. There is no sanctioned shooting range in Idaho County, and the BLM understands that the County is willing to regulate and maintain the shooting range for both recreational and law enforcement use.

The BLM regularly leases and conveys lands to local governments and nonprofit entities for a variety of public purposes. These leases and conveyances are typically accomplished under the provisions of the Recreation and Public Purposes Act (R&PP) or through direction supplied by specific Acts of Congress. Such direction allows the BLM to help states, local communities, and nonprofit organizations obtain lands at no or low cost for important public purposes, including shooting ranges.

In June of 2011, Idaho County submitted an R&PP application to the BLM for a public shooting range on the 31-acre parcel near Riggins. The parcel is located east of the Lower Salmon River and State Route 95, and is within a portion of the Lower Salmon River corridor that was identified by the BLM for potential inclusion in the National Wild and Scenic River System. Additionally, the parcel lies within an Area of Critical Environmental Concern (ACEC) established by the BLM due to the presence of MacFarlane's four-o'clock, which is listed as a

threatened plant. Surveys have determined that the plant is not present on this parcel. Nonetheless, the parcel cannot be transferred administratively because of these restrictions.

**H.R. 5040**

H.R. 5040 requires the Secretary of the Interior to convey a 31-acre parcel of public land to Idaho County to be used as a shooting range, subject to valid existing rights and without consideration. The County is required to pay all survey costs and other administrative costs associated with the conveyance, and to release the United States from liability for uses on the land prior to the conveyance. The BLM notes that inventories and surveys conducted when analyzing the County's 2011 conveyance proposal have already been completed, and we believe these prior analyses should reduce conveyance costs for the County. The County is also required to accept reasonable terms and conditions that the Secretary determines necessary.

The BLM supports the conveyance, but would like to work with the sponsor on an amendment to H.R. 5040. As is standard with these types of conveyances, we recommend the addition of a reversionary clause to ensure that the parcel continues to be used as a shooting range or for other public purposes. If an effort were made to sell the land or use it for non-public purposes it would revert to the Federal government at the discretion of the Secretary.

**Conclusion**

Thank you again for the opportunity to testify in support of H.R. 5040, the Idaho County Shooting Range Land Conveyance Act. We appreciate the sponsor's work on this legislation, and we look forward to working with the sponsor and the Committee to meet the needs of Idaho County.

**Statement of**  
**Karen Mouritsen, Deputy Assistant Director**  
**Energy, Minerals & Realty Management**  
**Bureau of Land Management**  
**Department of the Interior**  
**House Natural Resources Committee**  
**Subcommittee on Public Lands & Environmental Regulation**  
**H.R. 5074, Land Agency Notification and Disclosure (LAND) Act**  
**September 9, 2014**

Thank you for the opportunity to testify on behalf of the Department of the Interior (DOI) on H.R. 5074, which requires notification of the public of Federal land acquisitions and conveyances and disclosure of third-party facilitator information. The Administration supports the intention of H.R. 5074 and notes that many of the provisions of H.R. 5074 are included in the current regulation, policy and standard procedures of the Bureau of Land Management (BLM).

**Background**

Within the Department of the Interior, the BLM manages approximately 245 million acres of public land, primarily in the 11 western states. In 1976, with the passage of the Federal Land Policy and Management Act (FLPMA), Congress mandated that the BLM retain most public lands, while allowing the BLM the authority to sell (Sec. 203), acquire (Sec. 205), and exchange lands (Sec. 206) or convey Federal mineral interests (Sec. 209), in certain circumstances. The BLM completes ownership transactions involving land and interests in land when such transactions are in the public interest and consistent with publicly-approved land use plans. The BLM's land tenure program is designed to improve management of natural resources through consolidation of Federal, Tribal, State and private lands; secure access to public lands; preserve open space and traditional landscapes; and allow for expansion of communities and consolidation of non-Federal land ownership.

The BLM conducts the majority of acquisitions and disposals under the authority of the FLPMA and complies with the National Environmental Policy Act (NEPA) in doing so, to ensure that actions are in the public interest and consistent with approved land use plans. The land use planning process is a key step in providing the public an opportunity to be engaged in and informed about land tenure actions, especially concerning acquisitions. BLM regulations and policy focus on an open, transparent and comprehensive approach, detailed in 43 CFR part 2000, the BLM Land Acquisition Manual Handbook (H-2100-1) and BLM Land Exchange Manual Handbook (H-2200-1). Public notice and involvement is an integral part of the analysis for each land exchange, sale, or acquisition.

In advance of land exchanges, the BLM publishes a Notice of Exchange Proposal (NOEP) in newspapers of general circulation in the counties of the Federal and non-Federal lands or interests proposed for exchange, pursuant to 43 CFR 2201.2. The BLM notifies authorized users, state and local governments, the Congressional delegation, and other parties, as appropriate. The BLM Land Exchange Manual Handbook (Chapter 5) further requires distribution of the NOEP to all authorized users of the Federal and non-Federal lands, owners of any interests in the Federal and non-Federal lands, Resource Advisory Councils, local governments, adjoining landowners, special interest groups, and other interested parties.

Pursuant to 43 CFR 2201.7-1, the BLM publishes a notice of availability of the decision to approve or disapprove an exchange in newspapers of general circulation. The BLM Land Exchange Manual Handbook (Chapter 9) further requires distribution of the notice of availability identical to that conducted with publication of the NOEP.

For land sales, the BLM publishes a notice of realty action in the Federal Register offering tract or tracts of public lands, identified for disposal in the land use plan, for sale not less than 60 days prior to the sale, pursuant to 43 CFR 2711.1-2. The BLM sends the notice to the Member of the U.S. House of Representatives and the U.S. Senators for the State in which the public lands proposed for sale are located, the Governor, county, municipalities, and known interested parties of record including adjoining landowners and current land users.

Often, the BLM utilizes third-party facilitators to assist in land tenure adjustment actions. As defined in the BLM Acquisition and Land Exchange handbooks, a facilitator is “an entity involved in a Federal land tenure adjustment action that 1) is not the current owner of the non-Federal land and/or will not be the "end owner" of the Federal land, 2) is involved in the lands included in the action and/or involved in the processing of the action in a project management/coordination role, and 3) is not a Federal contractor retained to perform services for processing the action. A facilitator may be either a non-profit or for-profit entity.”

BLM policy provides guidance on developing proposals with facilitators for sales and exchanges. In any sale or exchange in which a facilitator is involved, the administrative record would identify the name, address, and telephone number of the facilitator, and describe the role(s) of the facilitator. In addition, agreements for transactions involving a facilitator would include a full disclosure provision. If a verbal or written contract exists between the facilitator and a third party for some or all of the non-Federal land, documents would reference that the land is currently owned by a third party, identify the current owner, and reference the type of contract between the facilitator or non-Federal party and the current owner. If a verbal or written contract exists with a third party (end owner) for the Federal land in a land exchange, the documents would reference the type of contract between the facilitator or non-Federal party and the end owner.

### H.R. 5074

H.R. 5074 would amend FLMPA to require written notice to adjacent landowners as part of an acquisition, sale, or exchange. H.R. 5074 would also amend FLPMA to require, as a condition of the approval of the acquisition or conveyance involving third-party facilitators, disclosure of information, including submission of all purchase contracts and related agreements held by the facilitator related to the parcel to be acquired or conveyed, supervisor review of such purchase contracts and related agreements, and for conveyances, submission to appraisers of contact information for prospective end owners of the parcel to be conveyed.

The Department of the Interior is committed to an open and transparent approach to land tenure actions involving public lands, consistent with FLPMA and NEPA. As discussed above, the BLM achieves this through our land use planning process and adherence to regulation and policy for sales and exchanges, which include notification of affected parties and adjacent landowners as well as disclosure and review of third-party facilitator information. While the Department supports the intentions of H.R. 5074, this bill is unnecessary as the provisions in H.R. 5074 are included in the BLM's policy and standard practices related to land exchanges and conveyances. If the Congress proceeds with the legislation, we would like to work with the sponsor and Committee on amendments to clarify the direction in H.R. 5074 to be consistent with these existing standard practices, so that BLM may most efficiently implement Congressional intent.

### Conclusion

Thank you for this opportunity to present testimony on H.R. 5074. We look forward to working with the Committee to ensure public land acquisitions and conveyances are completed in a transparent and timely process.



**Statement of**  
**Karen Mouritsen, Deputy Assistant Director**  
**Energy, Minerals and Realty Management**  
**Bureau of Land Management**  
**Department of the Interior**  
**House Committee on Natural Resources**  
**Subcommittee on Public Lands & Environmental Regulation**  
**H.R. 5167, Olgoonik Land Conveyance Act**  
**September 9, 2014**

The Department of the Interior appreciates the opportunity to present testimony on H.R. 5167, the Olgoonik Land Conveyance Act. This bill directs the Administrator of the General Services Administration (GSA), on behalf of the Secretary of the Interior, to sell, at fair market value, approximately 1,518 acres of Federal property located in the National Petroleum Reserve in Alaska (NPR-A) to the Olgoonik Corporation (Corporation), an Alaska Native Corporation established under the Alaska Native Claims Settlement Act (ANCSA). The lands are part of a former withdrawal for the U.S. Air Force (USAF) to operate a Distant Early Warning (DEW) Line site near Wainwright, Alaska. Sale of these lands to the Corporation will consolidate their land ownership and support economic development in the area. The Department supports the goal of H.R. 5167, and would like to work further with the sponsor and the Committee to convey these lands to the Olgoonik Corporation.

**Background**

In 1923, President Harding signed an executive order establishing the nearly 23 million acre Naval Petroleum Reserve Number 4, on the North Slope of Alaska. The Naval Petroleum Reserves Production Act of 1976 (1976 Act) renamed the area the National Petroleum Reserve in Alaska, transferred authority and administrative responsibility to the Department of the Interior, and withdrew the lands from disposition. Under subsequent amendments to the 1976 Act, and implementing regulations, the BLM is required to balance the exploration and development of oil and gas resources with, among other values, the protection of wildlife, habitat, and the subsistence values of rural residents and Alaska Natives.

In addition to withdrawing NPR-A lands from disposition, the 1976 Act revoked an existing withdrawal known as the Wainwright DEW Line site. The site was originally withdrawn for defense purposes. After the withdrawal was revoked, BLM issued a right-of-way (ROW) for approximately 1,518 acres that allowed the USAF to continue to operate the station. The USAF no longer needs the parcel. The USAF is now in the final stage of cleaning up the lands of hazardous materials as part of its obligation under the terms of the ROW.

The Wainwright DEW Line site lands are surrounded by Corporation lands and as such are difficult to manage by the BLM. The DEW Line site lands were unavailable for selection in the ANCSA conveyance process because the site required decommissioning and environmental cleanup. Olgoonik's ANCSA land entitlement has now been fulfilled and the BLM cannot utilize ANCSA authorities to transfer the 1,518 acres to the Corporation.

### **H.R. 5167**

H.R. 5167 authorizes the Administrator of the GSA, on behalf of the Secretary of the Interior, to sell, at fair market value, to the Corporation all right, title, and interest of the United States in approximately 1,518 acres of public land in the NPR-A in Alaska. Under the bill, the Secretary of the Interior would be required within 180 days of enactment to complete a survey to establish the exact acreage and legal description of the land. The bill also requires an appraisal of the land prior to conveyance, and requires the Corporation to pay the appraised value to the Treasury. The Corporation is required to pay all survey and appraisal costs associated with the conveyance and is required to accept reasonable terms and conditions that the Secretary determines necessary. Finally, the bill exempts the conveyance from environmental review under the National Environmental Policy Act (NEPA).

The BLM supports the conveyance, but would like to work with the sponsor on a few amendments to H.R. 5167. The BLM is committed to providing environmental review and public involvement opportunities as provided under NEPA. This engagement provides for meaningful consideration of impacts and leads to more sound decision making. Additionally, the Administration is committed to continuing its adherence to the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice and recommends the appraisal process be managed within the Department and sale of the BLM lands be completed under the current BLM sale regulations.

Further, there are a number of issues that we would welcome the opportunity to discuss should this legislation move forward. The BLM notes that surveys have been conducted on these lands and we believe these prior surveys should reduce conveyance costs for the Corporation. Additionally, to ensure the accuracy of any conveyance, we recommend that the bill be amended to include a map of the lands. The BLM would be happy to work with the sponsor to provide such a map. We believe, in general, that adhering to existing FLPMA processes as much as possible is important. The BLM recommends that the sale of public lands be completed by the Department of the Interior rather than the GSA and that Olgoonik pay all administrative costs that are incurred. In addition, the bill's 180-day time period for conveyance does not allow sufficient time to conduct appraisals to establish the fair market value of the surface and mineral estates. A mineral report would need to be completed for the area before an appraisal of the mineral estate could be conducted.

### **Conclusion**

Thank you again for the opportunity to testify on H.R. 5167. This legislation is important to the Olgoonick Corporation and the BLM looks forward to working with the sponsor and the committee on this legislation. I would be glad to answer your questions.