

**Statement for the Record
Bureau of Land Management
U.S. Department of the Interior**

**House Committee on Natural Resources
Subcommittee on National Parks, Forests and Public Lands**

**H.R. 3682, Land Grant and Acequia Traditional Use Recognition and Consultation Act
June 18, 2020**

Thank you for the opportunity to provide a Statement for the Record on H.R. 3682, the Land Grant and Acequia Traditional Use Recognition and Consultation Act. H.R. 3682 provides additional opportunities for the Department of the Interior (DOI) and Department of Agriculture (USDA) to engage with certain communal land grant entities in New Mexico called "land grant-mercedes." The bill also provides a process for recognition of the historic-traditional boundaries of land grant-mercedes.

The Bureau of Land Management (BLM) understands the importance of working closely with New Mexico's land grant-mercedes and appreciates the cultural and historical role they have played and continue to play throughout New Mexico. We support the goal of the bill to better enhance the BLM's coordination with governing bodies of the historic-traditional land grant-mercedes and in New Mexico. We would also like to work with the Sponsor and the Committee to address potential implementation concerns. The BLM defers to the USDA regarding any changes to the management of lands under its administration.

Background

A land grant-merced is a community, town, colony, or pueblo that includes certain land granted by Mexico or Spain. According to the Government Accountability Office, between the 17th century and 1848, Spanish and Mexican governments made 295 grants of land within what is today the State of New Mexico, including 141 to private individuals and 154 communal grants to communities to promote the settlement of these lands. The latter included 23 grants by Spain to indigenous Indian Pueblos. Most of the Federal lands within the traditional boundaries of land grant-mercedes are currently managed by the United States Forest Service, but some are also BLM-managed lands.

At the end of the 1845-1848 war with Mexico, the United States and Mexico signed the 1848 Treaty of Guadalupe Hidalgo (confirmed by the Senate in 1854). In the Treaty, Mexico ceded to the United States, for \$15 million, lands that now include the States of California, Arizona, New Mexico, and parts of Utah, Nevada, Colorado, and Texas. The United States agreed in the Treaty to establish a process for adjudicating and recognizing land held by people within the lands newly acquired by the United States.

Today, the BLM consistently seeks ways to work more closely with land grant-mercedes throughout New Mexico. For example, in 2013, the BLM appointed a BLM liaison to the New Mexico Land Grant Council, a State agency which represents the land grant-mercedes. Since 2013, the BLM liaison has attended the Council's regular monthly meetings, updating it on all

activities of the BLM that may be of interest to the land grant-mercedes throughout the State. The BLM is also pleased to have started a pilot process for online fuelwood permitting, which enables members from land grant-mercedes to apply for fuelwood permits online rather than having to travel potentially long distances.

Furthermore, the BLM invites those land grant-mercedes that are political subdivisions of the State of New Mexico to participate as cooperating agencies on planning efforts. This allows the land grant-mercedes the ability to meet with the BLM throughout the planning process. For example, the San Joaquín del Río de Chama Land Grant is a cooperating agency on the BLM Farmington Mancos-Gallup Resource Management Plan Amendment. Additionally, the San Antonio del Río Colorado Land Grant and the New Mexico Land Grant Council are cooperating agencies on the BLM Río Grande del Norte National Monument Management Plan.

H.R. 3682

H.R. 3682 requires additional coordination between the DOI, USDA, and the governing bodies of certain land grant-mercedes in New Mexico. The bill applies to Federal land that contains a portion of a qualified land grant-mercedes, or is adjacent to or nearby a land grant-mercedes, and directs the DOI and USDA to provide certain notice and comment opportunities for the governing body of the relevant land grant-merced. Under the bill, the Departments would be required to hold at least two meetings with the governing body before adopting, amending, or revising a Federal land management plan or conducting a Federal action that involves preparation of an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA).

H.R. 3682 also requires the Departments to provide guidance to land grant-mercedes on Federal permits issued for certain activities and waives permit fees for historical-traditional uses and special use permit requirements. Further, the bill directs the Departments to work with land grant-mercedes to identify spiritual and cultural sites when updating a land management plan and to revise the Departments' guidance for land disposals. Finally, H.R. 3682 establishes a process for the Federal government to determine and recognize historical-traditional use boundaries of qualified land grant-mercedes.

Notice & Comment Requirements

While the BLM welcomes opportunities to increase outreach to and coordination with land grant-mercedes, the BLM believes H.R. 3682, as currently written, has the potential to significantly increase processing times and reduce project completions. The BLM is also concerned that some of the communication requirements of the bill are inefficient.

For example, the bill (Section 4) requires that the Departments provide notice and an opportunity to comment to a land grant-merced 90 days before the Departments revise land management plans or conduct a Federal action on Federal land that contains any portion of, is adjacent to, or "nearby" a qualified land grant-merced. The BLM believes this requirement is overly broad and recommends that it be limited to land grant-mercedes that contain or are adjacent to Federal land. The BLM also has concerns with the 90-day notification requirement for any Federal actions that require an EIS. The BLM processes many projects that meet this requirement, which would all necessitate notifications, and has concerns that this provision would potentially dilute communications on issues of priority to the land grant-merced. The BLM would like to work with

the Sponsor on alternative ways to better enhance communication and engagement between the Federal government and land grant-mercedes to provide a more targeted approach for notice on projects of interest to individual land grant-mercedes. The BLM also wishes to clarify the scope of mitigation measures required under Section 4(e) of the bill.

The BLM also has concerns with some of the timeframes outlined in the bill (Section 4). For example, the bill's requirement to notify a land grant-merced of the date, time, location, and subject matter 30 days prior to a public meeting is inconsistent the BLM's current public meeting notification requirements of 15 days. The BLM believes this change would cause unnecessary delays in scheduling public meetings and or the finalization of projects and is inconsistent with the Department's ongoing streamlining reform efforts. The BLM would like to work with the Sponsor and the Committee on revisions to H.R. 3682 that would more closely align with the notification requirements under current regulations.

Finally, the bill requires the Departments to maintain, periodically update, and verify that the information in the database of each governing body of a qualified land grant-merced is correct before providing Federal notices to them. The BLM believes the State agency that serves as a liaison between land grants-mercedes and the Federal Government is better equipped to provide the updated contact information.

Permitting for Qualified Land Grant Mercedes

While the BLM understands the goal to provide more certainty to land grant-mercedes when interacting with the BLM within the traditional boundaries of the land grant-mercedes, the BLM has concerns that some of the bill's requirements are duplicative. For example, Section 5 requires the Departments to provide written guidance on permits issued for activities conducted by a land grant-merced, which would ultimately add an unnecessary requirement for uses that are already covered under the appropriate BLM Land Use Plan.

Further, the BLM has concerns with the bill's provisions that would waive any cost-sharing or fee requirements when obtaining a permit for a historical-traditional use by a land grant-merced. We believe this will result in a substantial loss of revenue, and more importantly, the BLM is concerned that these provisions could have unintended consequences resulting in the inconsistent treatment of other BLM users, including our tribal partners. The BLM would like to work with the Sponsor and Committee on adding clarifying language to ensure consistency with other applicable laws and Federal regulations and requirements.

Identification of Spiritual & Cultural Sites & Recognition for Historical Traditional Use Boundaries

Finally, the BLM has concerns that substantial resources will be necessary to meet the bill's requirement for the Departments to work with land grant-mercedes to identify spiritual and cultural sites when updating a land use plan and to determine and recognize historical-traditional use boundaries of qualified land grant-mercedes.

The BLM notes that many of the land grants and mercedes addressed in H.R. 3682 are part of the aboriginal territory of one or more Native American tribes. The tribes have their own spiritual and cultural sites on these same lands and work with the Federal Agencies involved maintaining their

traditional sites and obtaining access. The bill does not recognize or address this potentially competing interest, and the DOI through the Bureau of Indian Affairs would like to work with the Sponsor on language to ensure deconfliction of legitimate use of Federal lands by tribes.

We would like to work with the Sponsor on clarifying several definitions included in the bill. For example, we would like to ensure the defined term "Federal Land" does not include Federal Land held in trust for Indian tribes or Pueblos. We would also like to ensure that any Spanish grants that are now part of tribal lands would be excluded from the provisions of the bill. Further, Section 9 defines "spiritual and cultural" site in a manner that may be inconsistent with the National Historic Preservation Act of 1966 (NHPA) interpretation of traditional cultural property. We would like to ensure that this definition is consistent with NHPA. The BLM also notes that currently any active cemetery could be transferred by direct sale or sale under the Recreation and Public Purposes Act, or direct sale under Section 203 of the Federal Land Policy and Management Act.

Conclusion

Thank you for the opportunity to provide a Statement for the Record. The BLM appreciates the Subcommittee's interest in this important topic in addition to the valuable contributions that the land grant-mercedes have made to the culture and history of New Mexico.

**Statement for the Record
Bureau of Land Management
U.S. Department of the Interior**

**House Natural Resources Committee
Subcommittee on National Parks, Forests, and Public Lands
H.R. 244, Advancing Conservation and Education Act
June 18, 2020**

Thank you for the opportunity to provide a Statement for the Record on H.R. 244, the Advancing Conservation and Education Act. This bill would establish a new mechanism to allow western States to relinquish State trust land within Federally designated conservation areas and select replacement land from lands administered by the Bureau of Land Management (BLM) land within the respective States.

The Department of the Interior (Department) recognizes the significant work of the bill sponsors in the Senate and House to resolve a long-standing problem facing Federal and State land managers throughout the West: the often conflicting needs of Federal agencies charged with managing lands designated for conservation purposes and of State agencies charged with meeting differing management mandates.

The Department, through Secretarial Orders 3347, 3356, 3366, and 3376, 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.

The Department supports the goals of H.R. 244, which we believe has the potential to address some long-standing management issues in a manner that would be consistent with the Secretary's priorities to improve recreation, public access, and collaborative conservation. We would welcome the opportunity to work with the sponsors and the Subcommittee to address a number of issues outlined in this statement.

Background

In 1976, with the passage of the Federal Land Policy and Management Act (FLPMA), Congress directed the BLM to retain management of most public lands, thereby reducing the acreage that had been available for disposal in earlier years. Under FLPMA, the BLM is directed to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

The admission of Ohio into the Union in 1803 marked the beginning of Congressional action to provide land to the individual States through their Enabling Acts. Beginning in 1848, new States tended to receive two sections of land in each township, generally sections 16 and 36. That increased to four sections with the admission of Utah, Arizona, and New Mexico, which generally received sections 2, 16, 32, and 36. When Alaska entered the Union in 1959, rather

than being assigned specific sections, the provisions of the Alaska Statehood Act entitled the State to select over 103 million acres of Federal land.

Each of the thirteen States covered by H.R. 244 – Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming – has State laws governing the management of these lands. On the whole they are dedicated to providing revenue to benefit education and other State purposes. While the somewhat random disbursement of sections may have seemed logical in the 19th and early 20th centuries, today it has given us an ownership pattern of lands that makes management difficult and challenging for both the States and the Federal government. These ownership patterns can also prove confusing for the many users of the public lands.

Today, many of these State sections – nearly 3 million acres with over half of those acres in Alaska – lie within conservation units established by Congress and the President. Among these are State lands within national parks, wildlife refuges, national monuments, national conservation areas, and designated wilderness areas. While these conservation designations only apply to Federal lands within those designated areas, the ability of States to fully access or develop the resources of these inholdings may be limited.

The BLM has the authority under section 206 of FLPMA to exchange public land with States or other entities if the Secretary of the Interior “determines that the public interest will be well served by making that exchange.” Furthermore, FLPMA requires that all exchanges be of equally valued lands as determined by appraisals conducted according to the Federal Uniform Appraisal Standards.

H.R. 244

H.R. 244, the Advancing Conservation and Education Act, addresses the scattered nature of State land parcels in 13 western States by establishing a new mechanism for the States to relinquish inholdings within Federally-designated conservation units and then allowing the States to subsequently select replacement land from other BLM-administered lands within the States. The Department supports the goals of H.R. 244 and would like to work with the sponsors to achieve these goals consistent with FLPMA and other resource management laws.

The Department appreciates several major improvements that the sponsors have incorporated in H.R. 244 from prior versions of the legislation. For example, we note the addition of provisions regarding the protection of public access, hunting, fishing, recreational shooting, and outdoor recreation. We would welcome the opportunity to work with the sponsors and Congress to address a few additional issues outlined below.

Valuation & Cost

The Department strongly supports the completion of major land exchanges that consolidate ownership of scattered tracts of land, thereby easing BLM and State land management tasks. The Department is also committed to continuing its adherence to the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice. We recommend that any appraisal process be managed by DOI’s Appraisal and Valuation Services Office, which provides credible, timely, and efficient valuation services to

ensure public trust in Federal real property transactions. We also recognize that it may be appropriate to consider alternative methods for low-value parcels and environmental review as envisioned by this legislation.

The Department appreciates that the costs of conveyances under the bill would be split equally between the State and Federal government and that the value of the State land grant parcels and the public land to be conveyed would be equal or made equal. However, the Department recommends that the bill be modified to provide the Secretary with discretion to equalize values of these lands by adjusting the acres involved in addition to using an equalization payment or establishing a ledger account as provided by the bill. While the BLM has successfully used ledger accounts for very large exchanges in the past, they can make transactions more challenging to complete.

Lands Available for Exchange

FLPMA directs that public lands should generally be retained in public ownership. However, section 203 of FLPMA allows the BLM to identify lands as potentially suitable for disposal by sale that meet specific criteria through its land use planning process. Such determinations are made after full public participation and are consistent with all applicable laws. Under FLPMA, disposal of the lands is discretionary and the BLM must first consider local conditions and needs.

H.R. 244 specifies and prioritizes which lands the States may relinquish and which lands they may select. The bill defines “eligible areas” as State lands within Congressionally-designated wilderness; NPS units; units of the National Wildlife Refuge System; lands within the BLM’s National Conservation Lands, including national conservation areas and wilderness study areas; conservation units within the National Forest System; and areas identified in BLM Resource Management Plans as having wilderness characteristics. States may relinquish inholdings within these units and select public land in other areas to receive in exchange. The Department welcomes the opportunity to consolidate holdings in these designations.

Likewise, we support flexibility on the selecting side within certain parameters. For example, the Department recommends that a priority be placed on lands already identified as potentially suitable for disposal through the land use planning process. Additionally, we believe a priority should be placed on exchanging out to the State unencumbered mineral estate where the Federal government is not the surface landowner, as well as areas in a checkerboard land ownership pattern and Federal lands interspersed with other lands, which may be isolated or difficult to manage.

While the legislation places some public lands off-limits for selection – such as lands within conservation designations and currently designated as Areas of Critical Environmental Concern – and permits the Secretary to disapprove of State applications in certain circumstances, we would like to discuss other lands that we should consider limiting access to for selection. For example, the BLM has numerous developed recreation sites outside of conservation units, including campgrounds, trailheads, and designated off highway vehicle play areas. Taxpayer funds and user fees have been used to develop such sites, which often receive high visitation and are popular with the public. Similarly, we recommend that the sponsors consider limiting selection of areas that would adversely affect migration corridors for big game, or designated

winter habitat. In addition, we would like to work with the sponsors on clarifying amendments regarding boundaries, traditional cultural property, and artificial division of parcels, as well as language clarifying that public lands withdrawn for military purposes or under an administrative segregation would not be available for State selection and that parcels acquired by the United States would be subject to the laws and regulations governing the eligible area in which it is located.

H.R. 244 also makes available lands with high mineral and energy development and transmission potential for States to potentially select. This could include lands currently leased for oil and gas development, lands under consideration for future leasing, and lands with existing mining claims, among others. The Department notes that transferring lands with associated or developed oil and gas mineral estate raises issues of both valuation and protection of valid existing rights.

The Department also notes that public lands selected by the States may already be in use for a wide variety of purposes, including grazing, hunting, fishing, wildlife habitat, and recreation. Incorporating the State selection process into the BLM's on-going land use planning process could help to avoid some of these potential conflicts.

Finally, the Department recommends that the bill be amended to include language indemnifying the Department in the event that the United States obtains land contaminated with hazardous materials.

Timeframes

The Department appreciates that the timeframes included in H.R. 244 have been extended from those of earlier versions of this legislation. We would like to work with the sponsors on an amendment to the regulatory process outlined in section 5, which we believe will aid implementation.

State Variations

Finally, there are issues to be considered in H.R. 244 that affect individual States differently. For example, Arizona's State constitution requires that State lands may only be disposed of through auction to the highest bidder or by exchange with other governmental entities. This bill technically does not provide for exchanges, but rather relinquishment and selection. In Alaska, the BLM is continuing to fulfill its obligations to transfer millions of acres of mandated entitlements under the Native Allotment Act of 1906, the Alaska Native Claims Settlement Act of 1971, and the Alaska Statehood Act. If passed as currently drafted, H.R. 244 could have the effect of slowing the pace of completion of these important entitlements. Finally, the Department recommends that each relinquishment and selection under the bill include a clear purpose and rationale to help inform long-term management planning by Federal and local governments.

Conclusion

The Department supports the goals of H.R. 244, which we believe has the potential to address some long-standing management issues in a manner that would be consistent with the Secretary's priorities to improve recreation, public access, and conservation stewardship. The

Department looks forward to continuing to work with the sponsors and the Subcommittee as this bill moves forward through the legislative process.

**Statement for the Record
Bureau of Land Management
U.S. Department of the Interior**

**House Natural Resources
Subcommittee on National Parks, Forests and Public Lands
H.R. 5040, Aerial Incursion Repercussion Safety Act
June 18, 2020**

Thank you for the opportunity to provide a Statement for the Record on H.R. 5040, the Aerial Incursion Repercussion (AIR) Safety Act. The bill directs the Bureau of Land Management (BLM) in consultation with the U.S. Forest Service to conduct a study and report to Congress on the effects of drone incursions (or unauthorized drone flights) on wildfire suppression efforts of the two agencies.

Federal fire operations are coordinated through the National Interagency Fire Center (NIFC) based in Boise, Idaho. In addition to coordinating wildland firefighting efforts with our interagency partners, the BLM is also responsible for implementing Executive Order (E.O.) 13855, *Promoting Active Management of America's Forests, Rangeland, and Other Federal Lands to Improve Conditions and Reduce Wildfire Risk*, and Secretary's Order (S.O.) 3372, *Reducing Wildfire Risks on Department of the Interior Land Through Active Management*, to reduce wildfire risk on public lands by conducting fuels reduction projects. In Fiscal Year (FY) 2019, these projects accounted for 846,000 acres of the BLM-managed land.

Over the last three years, nearly 60,000 wildfires burned approximately 8.0 million acres of Federal, tribal, state and private lands on average each year. When the Department of the Interior (DOI) responds to wildland fire incidents, public safety is the top priority. DOI fields highly trained professional firefighters who are committed to managing fire in the most effective and efficient ways possible. Ensuring the safety of the firefighter is also of paramount importance in the agency's fire program. Unauthorized, unmanned aircraft system flights over or near wildfires endanger the lives of pilots, firefighters, and members of the public. The BLM shares the sponsor's concern regarding drone incursions in wildland firefighting efforts and the BLM supports H.R. 5040.

Background

Unmanned Aircraft Systems (drones) have been gaining in popularity in recent years. Unfortunately, unauthorized drones can be deadly if flown near wildfires, as they can interfere with wildland fire air traffic, such as air tankers, helicopters, and other firefighting aircraft that are necessary to suppress wildland fires. Aerial firefighting missions – including aerial supervision, air tanker retardant drops, and helicopter water and cargo drops – occur up to 200 feet above ground level, which is the same altitude that many hobbyists fly drones.

All authorized aircraft on fire incidents maintain radio communication with each other to safely coordinate their missions, but aerial firefighting flight crews have no way to communicate with drone operators. Aerial firefighting aircraft are unable to detect drones other than by seeing them, and visual detection is nearly impossible due to the small size of most drones. These

factors make mid-air collisions with unauthorized drones distinct threats. In most situations, if drones are spotted near a wildfire, firefighting aircraft must land due to safety concerns. This prolongs firefighting operations and results in larger and more hazardous wildfires, with aircraft unable to drop fire retardant, monitor wildfires from above, or provide tactical information to firefighters.

The Federal Aviation Administration (FAA) issued less restrictive drone regulations in 2016, which increased the frequency of civilian drone use on public lands. Since then, the BLM has been working to educate the public about wildland fire drone incursions and the hazards associated with them. According to NIFC, in 2019, there were 21 reported drone incursions during wildfire operations, resulting in aerial firefighting efforts being suspended 10 times, and there have been a total of 167 drone incursions over wildfire since 2014.

H.R. 5040

H.R. 5040 directs the BLM in consultation with the U.S. Forest Service to conduct a study and report to Congress in 18 months on the effects of drone incursions on agency wildfire suppression efforts. Under the bill, the study is to include information on the number of drone incursions that interfered with wildfire suppression and the effect that the incursion had on the effectiveness of the aerial firefighting response; the length of time to achieve complete suppression; and the funds spent by the federal government on the suppression efforts. The bill also requires the BLM to include in the study an evaluation of the feasibility and effectiveness of various actions to prevent drone incursions.

Conclusion

The BLM and our wildland firefighting partners continually work to improve firefighter safety. The BLM supports the bill and looks forward to working with the sponsor and Subcommittee as the legislation moves forward.

Statement for the Record
U.S. Department of the Interior

House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands

H.R. 2611, Public Lands Telecommunications Act
June 18, 2020

Thank you for the opportunity to provide a Statement for the Record on H.R. 2611, the Public Lands Telecommunications Act, which would establish a special account for the deposit of rental fees received by the Bureau of Land Management (BLM), National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), and the Bureau of Reclamation (BOR) for communications use authorizations on the lands each agency manages. Under the bill, these funds would be used to facilitate permitting and improving communications sites.

Lands managed by the BLM and other agencies within the Department of the Interior (Department) are critically important to facilitating wired and wireless broadband communications infrastructure deployment, which has the potential to connect underserved rural communities and promote economic opportunity throughout the Nation. The Department supports the goal of facilitating the establishment and maintenance of new and existing communications sites.

Background

The Administration has made it a priority to expand access to local broadband services including digital technologies and high-speed internet. The President issued Executive Order (EO) 13821, *Streamlining and Expediting Requests to locate Broadband Facilities in Rural America*, and a Presidential Memorandum to the Secretary of the Interior entitled *Supporting Broadband Tower Facilities in Rural America on Federal Properties Managed by the Department of the Interior*. Both promote better access to broadband internet service in rural America and require agencies to reduce barriers to capital investment, remove obstacles to broadband services, and more efficiently employ Government resources. Further, the EO directs the Secretary of the Interior to develop a plan to support rural broadband development and adoption by increasing access to tower facilities and other infrastructure assets managed by the Department.

On July 6, 2018, the Department submitted a report on rural broadband titled “Connectivity in Rural America, Leveraging Public Lands for Broadband Infrastructure” to the White House. In the report, the Department outlines a plan and potential solutions to improve and streamline the broadband permitting process. Furthermore, in 2019, the Department launched a new mapping tool, the Joint Overview-Established Locations (JOEL) map, that tracks existing broadband infrastructures.

The BLM manages over 245 million acres of surface land and 700 million acres of subsurface mineral estate on behalf of the American people. The BLM’s multiple-use public lands are well positioned for communication site infrastructure throughout the 11 western states and Alaska,

and the agency manages many of the high value mountain top lands that provide extensive coverage for wireless telecommunications. The BLM supports a wide range of communication facilities and related technologies (e.g., radio, television, cellular, and microwave) on public lands by issuing right-of-way grants, permits, or leases. As of 2019, the BLM has issued over 3,800 communication use rights-of-way involving approximately 1,500 sites on public lands. In order to compensate the public for these commercial uses, BLM collects rental fees which are partially retained by the collecting agency, while over 75 percent of the fees return to the U.S. Treasury. In Fiscal Year 2019, the BLM collected over \$10 million in rental fees for communications use.

The NPS manages over 85 million acres of land nationwide and treats telecommunications infrastructure as a utility. Telecommunications facilities on NPS lands are permitted as rights of way under what the bureau terms “Special Park Uses.” Charges established for a Special Park Use are intended to recover actual costs associated with managing that activity. The NPS collects and retains all costs of providing necessary services associated with Special Use Permits and has the authority to spend this revenue without further appropriation. The NPS issues a limited number of right-of-way permits and the total cost recovery charges and land use fees collected for communications use typically amount to less than \$1 million per year.

H.R. 2611, Public Lands Telecommunications Act

H.R. 2611 establishes a special account for the deposit of rental fees received by the BLM, National Park Service, U.S. Fish and Wildlife Service, and the Bureau of Reclamation for communications use authorizations on the lands each agency manages. The bill requires that these funds be used to facilitate permitting and administer communications sites, including support for the preparation of needs assessments or other programmatic analyses to designate communications sites and authorize communications uses; development of communication sites management plans; training for management of communications sites; and obtaining or improving access to communication sites. In addition, the bill authorizes the use of cooperative agreements to assist in carrying out these activities.

The bill contains language that it does not affect fee retention by a Federal land management agency under any other authority, and we would like to work with the sponsor and the committee to ensure the NPS may continue to use its existing Special Park Use authority for telecommunication purposes.

The Department believes that the retention and efficient use of collected rental fees could lead to a more robust and effective communications right-of-way program that promotes better access to broadband internet service in rural America. Retaining rental fees for program administration enhances capacity in support of industry and job creation, while also benefitting citizens who rely on access to wireless and cellular communications for their livelihoods, enjoyment, and access to global information. The Department is committed to maintaining an efficient review of rental schedules, and to ensuring that rents accurately reflect fair market values for these uses of public lands.

Finally, it is important to note that many rural public lands lack any form of mobile connectivity, and this in turn can burden the ability for search and rescue operators to respond quickly to

public emergencies, such as natural disasters, wildland fires, or missing persons. The bill's goal of improving connectivity on rural public lands will benefit search and rescue teams by improving communications and interoperability in response situations and allowing public safety officers to locate individuals in need of help or rescue more easily.

Conclusion

The Department plays a critical role in America's infrastructure, economic vitality, and quality of life. We support the goal of facilitating the establishment and maintenance of new and existing communications sites, and we note that the Department of the Interior and Department of Agriculture are actively working toward the goal of fee consistency. As drafted, H.R. 2611 could create misalignment between DOI and USDA fee structures, and we would welcome the opportunity to work with the congress to provide consistent fee and fee retention authorities across various Department of the Interior and Department of Agriculture land managing agencies.