

**H.R. 2997, H.R. 3025, H.R. 3049,  
H.R. 3250, AND H.R. 4141**

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**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

Thursday, June 22, 2023

**Serial No. 118-42**

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>

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Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

52-649 PDF

WASHINGTON : 2023

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**LEGISLATIVE HEARING ON H.R. 2997, TO DIRECT THE SECRETARY OF THE INTERIOR TO CONVEY TO MESA COUNTY, COLORADO, CERTAIN FEDERAL LAND IN COLORADO, AND FOR OTHER PURPOSES, “CLIFTON OPPORTUNITIES NOW FOR VIBRANT ECONOMIC YIELDS (CONVEY) ACT”;** H.R. 3025, TO PROVIDE FOR NO NET INCREASE IN THE TOTAL ACREAGE OF FEDERAL LAND IN THE VIRGIN ISLANDS NATIONAL PARK ON ST. JOHN, UNITED STATES VIRGIN ISLANDS; H.R. 3049, TO PROVIDE FOR THE EXCHANGE OF CERTAIN FEDERAL LAND AND STATE LAND IN THE STATE OF UTAH, “UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION EXCHANGE ACT OF 2023”; H.R. 3250, TO RECOGNIZE THE MARGARET WOODBURY STRONG MUSEUM IN ROCHESTER, NEW YORK, “NATIONAL MUSEUM OF PLAY RECOGNITION ACT”; AND H.R. 4141, TO PROVIDE THAT CERTAIN COMMUNICATIONS PROJECTS ARE NOT SUBJECT TO REQUIREMENTS TO PREPARE CERTAIN ENVIRONMENTAL OR HISTORICAL PRESERVATION REVIEWS, AND FOR OTHER PURPOSES

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**Thursday, June 22, 2023  
U.S. House of Representatives  
Subcommittee on Federal Lands  
Committee on Natural Resources  
Washington, DC**

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The Subcommittee met, pursuant to notice, at 2:17 p.m. in Room 1324, Longworth House Office Building, Hon. Tom Tiffany [Chairman of the Subcommittee] presiding.

Present: Representatives Tiffany, Fulcher, Stauber, Curtis, Moylan; Neguse, Porter.

Also present: Representatives Boebert; Morelle, and Plaskett.

Mr. TIFFANY. The Subcommittee Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to consider five bills: H.R. 2997, Representative Boebert's "Clifton Opportunities Now for Vibrant Economic Yields Act"; H.R. 3025, Delegate Plaskett's bill to provide for no net increase in the total acreage of Federal land in the Virgin Islands National Park on St. John, United States Virgin Islands; H.R. 3049, Representative Curtis' "Utah School and Institutional Trust Lands Administration Exchange Act of 2023"; H.R. 3250, Representative Morelle's "National Museum of Play Recognition Act"; and H.R. 4141, Representative Fulcher's bill to provide that certain communications projects are not subject to requirements to prepare environmental or historical preservation reviews, and for other purposes.

I ask unanimous consent that the following Members be allowed to participate in today's hearing from the dais: the gentlewoman from Colorado, Mrs. Boebert; the gentlewoman from the Virgin Islands, Ms. Plaskett; and the gentleman from New York, Mr. Morelle.

Without objection, so ordered.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member. I therefore ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I will now recognize myself for an opening statement.

**STATEMENT OF THE HON. TOM TIFFANY, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. TIFFANY. Today, we continue our work of holding the Federal Government accountable for managing America's land, empowering local communities, and jump-starting rural economies through innovative solutions. The bills before us today reduce the Federal footprint, restore decision-making to local communities, and cut bureaucratic red tape.

Poor management and lack of access to public lands leads to stifled communities. The vast expanse of the Federal Government's reach is felt particularly in the West, in states like Colorado, where the Federal Government owns 36 percent of the land, and Utah, where the Federal Government owns two-thirds of the land. Two of the bills right-size the Federal estate for these residents.

Representative Boebert's CONVEY Act, H.R. 2997, would convey 31 acres from the Bureau of Land Management, or BLM, to Mesa County, Colorado. This county is 72 percent Federal ownership, and as the population continues to grow the county is significantly limited in the land it has available to develop. The land would be used for economic development to support the local economy and residents. These expedited conveyances are a win-win, as growing rural communities can expand and develop, and the Federal Government can focus its limited resources on managing more high-value lands.

I am also supportive of Representative Curtis' bill, H.R. 3049, the Utah School and Institutional Trust Lands Administration Exchange Act of 2023. During the expansion of our country, many of our Western states set aside land to support public schools and

institutions commonly called trust lands. Trust lands generate revenue for education and public schools from energy and mineral leases, real estate development and sales, and surface estate development.

Unfortunately, these trust lands have been subject to loss of revenue as administrations and bureaucrats here in DC seek to preserve and lock up land from use. This solutions-driven bill coordinates efforts from the local, state, and national level to exchange lands so the state of Utah is able to generate funds from trust lands to support K-12 education.

Republicans are committed to right-sizing the Federal estate, holding land managers accountable, and supporting local communities. I am also pleased to consider two bills today from Members across the aisle aimed to do just that.

Representative Plaskett's bill, H.R. 3025, would restrict any net increase in the total acreage of Federal land in the Virgin Islands National Park. The park already encompasses two-thirds of St. John, the largest of the Virgin Islands. The remaining land is becoming increasingly expensive, and a burden to the local community.

Representative Morelle's bill, H.R. 3250, would recognize the Margaret Woodbury Strong Museum as the National Museum of Play. Recognition as a national museum does not create a unit of the Federal Government to maintain or provide funding for. This is a creative way to recognize a significant museum without adding any burdens to the taxpayer.

Last week, during our legislative hearing on H.R. 3397, which would require the BLM Director to withdraw a proposed rule that would further limit access and lock up lands from the public's use and enjoyment, Members on both sides of the dais were concerned about the input their constituents would be able to have on this proposed rule, given the lack of broadband access to rural and remote residents. While the agency continues to disregard this concern, since they have offered no more in-person listening sessions on their so-called conservation rule, Republicans of this Committee will not sit idly by.

Representative Fulcher's bill, H.R. 4141, would streamline the Federal permitting process for certain broadband projects. Specifically, the bill would exempt deployments over certain previously disturbed lands from NEPA and National Historic Preservation Act reviews. The bill also enhances tribal review processes and establishes streamlined processes for moving forward with certain projects. These reforms build on the momentum to address NEPA barriers that are exacerbating the digital divide for rural communities across the country.

I would like to thank all the Members on both sides of the dais for their leadership on the important bills before us today.

I also want to thank all the witnesses for being here and traveling long distances to provide your expert testimony. Your work allows us to consider innovative and creative legislative ideas to manage the Federal estate.

From rural Western towns to tropical territories, there is a clear and overwhelming need to control the size of the Federal estate to

address skyrocketing deferred maintenance and concerns from local stakeholders. I look forward to hearing from each of you.

First, I would like to recognize Delegate Plaskett for 5 minutes on H.R. 3025.

You get to go first.

**STATEMENT OF THE HON. STACEY E. PLASKETT, A DELEGATE  
IN CONGRESS FROM THE TERRITORY OF THE U.S. VIRGIN  
ISLANDS**

Ms. PLASKETT. Thank you so much, Chairman Tiffany. I really appreciate the opportunity to be here with you all. Thank you to the Committee members for the opportunity to present my views on H.R. 3025, which is my bill to prohibit the net increase of federally owned land in the Virgin Islands National Park on St. John in my district of the U.S. Virgin Islands.

This bill solely relates to the Virgin Islands National Park on St. John, and it is intended to address the specific long-standing concerns of my constituents related to the growth of the national park on this small island of the United States.

The Virgin Islands National Park boundary encompasses nearly two-thirds of the island of St. John, which is only 9 miles long and 5 miles wide. The park includes over 7,000 acres of that land, and more than 5,000 acres of submerged land. Thus, this leaves a very finite amount of land for the people of St. John, who are confronting housing shortages that continue to escalate because of the park's continuing growth.

As land is donated and conveyed to the park, some pre-existing landowners have found themselves landlocked by the park and without easement, which can take a decade to receive due to national park bureaucratic processes. The reduction of privately owned and subsequently increases in property taxes have made it nearly untenable to retain ancestral home in this island of St. John.

The continual expansion of the park has also stymied the government of the Virgin Islands' ability to create alternative ways to traverse the island, which were vital during a disaster, as were exemplified and seen after the 2017 hurricanes.

Since the Virgin Islands National Park was established in 1956, when Laurence Rockefeller transferred nearly 5,000 acres of St. John to the U.S. Government, private entities and organizations have continued to purchase land with the intention of conveying it to the park. I share the view that the national park is a wonderful idea, and I am certainly not against conservation practices. But the residents of St. John have called the small island home for the last 3,000 years, and the scope of the park cannot continue to increase.

My legislation addresses their unique needs. Under this bill, individuals and entities would still be able to donate or exchange land with the park. But if the park acquires any land, an equal acreage must be conveyed out of Federal ownership through a sale, exchange, or donation. This bill would not change the park boundaries, but rather prevent an increase of land owned by the park.

Legislation to address specific concerns about expansion of Federal land owned by the National Park Service has happened before. This is not unique legislation. In 1986, Public Law 99-420

established a permanent boundary for the Acadia National Park in Maine to ensure that the park could only grow to the extent of the standing boundary and no further. In 2019, the John Dingell, Jr. Conservation Management and Recreation Act further clarified that the Secretary of the Interior does not have the authority to adjust that boundary.

The Virgin Islands National Park Service has a responsibility as a steward, as a partner to the Virgin Islands, but that has not always been the case. Unfortunately, often the park seems to be solely engaged in protecting land, not the people who were the original inhabitants of that land, nor those brought over as enslaved people who fought for their freedom and were able to obtain land on St. John. Albeit sometimes well intentioned on St. John, the Virgin Islands National Park has effectively crowded out Native people in furtherance of ideals acting under the assumption that local people cannot care for the land themselves.

As we look at the history and future of the Virgin Islands National Park, our decisions must be intentional to support St. John and the entire Virgin Islands. With that in mind, I ask for your support of H.R. 3025. Thank you.

[The prepared statement of Ms. Plaskett follows:]

PREPARED STATEMENT OF THE HON. STACEY E. PLASKETT, A DELEGATE IN CONGRESS  
FROM THE TERRITORY OF THE U.S. VIRGIN ISLANDS

ON H.R. 3025, TO PROVIDE FOR NO NET INCREASE IN THE TOTAL ACREAGE OF FEDERAL  
LAND IN THE VIRGIN ISLANDS NATIONAL PARK ON ST. JOHN, UNITED STATES  
VIRGIN ISLANDS

Chairman Tiffany, Ranking Member Neguse, thank you for the opportunity to present my views on H.R. 3025, my bill to prohibit the net increase of federally owned land in the Virgin Islands National Park on St. John in my district, the U.S. Virgin Islands. This bill solely relates to the Virgin Islands National Park on St. John, and it is intended to address the specific, long-standing concerns of my constituents related to the growth of the National Park on this small island of the United States.

The Virgin Islands National Park boundary encompasses nearly two-thirds of the island of St. John, which is only 9 miles long and 5 miles wide. The Park includes over seven thousand acres of that land and more than five thousand acres of sub-merged lands. Thus, this leaves a very finite amount of land for the people of St. John, who are confronting housing shortages that continue to escalate because of the Park's continuing growth. As land is donated and conveyed to the Park, some pre-existing landowners have found themselves landlocked by the Park and without easement, which can take a decade to receive due to bureaucratic processes. The reduction of privately owned land and subsequent increases in property taxes have made it nearly untenable to retain ancestral homes. The continual expansion of the Park has stymied the Government of the Virgin Islands' ability to create alternative ways to traverse the island, which is vital during a disaster, as seen after the 2017 hurricanes.

Since the Virgin Islands National Park was established in 1956, when Laurence Rockefeller transferred nearly five thousand acres of St. John to the U.S. government, private entities and organizations have continued to purchase land with the intention of conveying it to the Park. I share the view that National Parks generally are a wonderful idea, and I am certainly not against conservation practices; but, for the residents of St. John that have called this small island home for the last 3,000 years, the scope of the Park cannot continue to increase.

My legislation addresses their unique needs. Under this bill, individuals and entities would still be able to donate or exchange land with the Park; but if the Park acquires any land, an equal acreage must be conveyed out of federal ownership through a sale, exchange, or donation. This bill would not change the Park boundary, but rather prevents an increase of land owned by the Park. Valid existing property rights within the Park boundary are explicitly protected.

Legislation to address specific concerns about expansion of federal land owned by the National Park Service has happened before under similar circumstances. In 1986, Public Law 99-420 established a permanent boundary for the Acadia National Park in Maine to ensure that Park could only grow to the extent of the standing boundary, and no further. In 2019, the John D. Dingell, Jr. Conservation, Management, and Recreation Act further clarified that the Secretary of the Interior does not have the authority to adjust the Acadia National Park's permanent boundaries.

The Virgin Islands National Park Service has a responsibility as a steward and as a partner to the Virgin Islands, but that has not always been the case. Unfortunately, often the Park seems to be solely engaged in protecting land; not the people who were the original inhabitants of that land, nor those brought over as enslaved people who fought for their freedom and through sweat and toil, were able to obtain land on St. John. Albeit sometimes well-intentioned, on St. John, the Virgin Islands National Park has effectively crowded out native people in furtherance of neo-colonial bourgeois ideals acting under the assumption that the local people cannot care for the land themselves. It is not in the interest of the Virgin Islands, and is not the mandate of the Park, for the Park to become an ever-expanding behemoth in a small insular area of the U.S.

As we look at the history and the future of the Virgin Islands National Park, our decisions must be intentional to support St. John, and the entire Virgin Islands—the land, the people, the history, and the culture. With that in mind, I ask for your support for H.R. 3025. Thank you.

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Mr. TIFFANY. Thank you, Representative Plaskett. Your bill sounds like it is grounded in common sense.

Next, I would like to recognize Mr. Curtis from Utah in regards to H.R. 3049.

**STATEMENT OF THE HON. JOHN R. CURTIS, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. CURTIS. Thank you, Mr. Chairman. I am really pleased to be here and representing that bill. I am grateful for the presence of Deputy Director Culver and Michelle McConkie, who have both worked in a way that is exactly in line with, I think, how we would like to see people work together.

Some of you know I can be very critical of Federal agencies, but let me point out how well this has worked this time, and how well we have worked for the interest of those in my state bringing together stakeholders who are very difficult to pull together. And I think this is a great example where enough work and effort in bringing stakeholders together can find some common ground.

I suspect it is fair to say not everybody is 100 percent satisfied, but satisfied enough that we have come to the table representing the Native tribes in the area, many of the residents in the area that have been there for generations and generations, and in a way that dramatically benefits particularly the schoolchildren of Utah with these trust funds.

So, as we have an opportunity to dig into this in today's hearing just a little bit, I am pleased, and just want to express my appreciation to everybody that has been involved in this. And I hope this will be a bill that my colleagues on all sides should be supportive of and applaud the process.

With that, Mr. Chairman, I yield back.

Mr. TIFFANY. Thank you, Mr. Curtis. Next, I would like to recognize the gentlelady from Colorado, Representative Boebert, in regards to H.R. 2997, the CONVEY Act.

**STATEMENT OF THE HON. LAUREN BOEBERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO**

Mrs. BOEBERT. Thank you, Mr. Chairman. I am proud to testify in support of H.R. 2997, my Clifton Opportunities Now for Vibrant Economic Yields, the CONVEY Act.

This common-sense bill directs the Secretary of the Interior to convey 31.1 acres of land that the Federal Government no longer wishes to manage to Mesa County for economic development in Clifton, Colorado. Mesa County will purchase the land at fair market value.

For over 5 years, Mesa County has been stuck in red tape as they have been diligently pursuing the acquisition of this parcel of land that is on the BLM disposal list. This land holds immense value for Mesa County, as it presents a critical opportunity for economic development in Clifton, an area of the county that has struggled economically for quite some time.

Our witness today, Ms. Rose Pugliese, worked on this issue back when she served as Mesa County Commissioner with BLM to try to get this land exchange done administratively. I am happy that she is here today to testify to help close the loop on this issue, and finally move this common-sense land conveyance forward.

I have worked closely with BLM, who supports this bill, and the Mesa County commissioners to cut through the bureaucracy and expedite this process for Mesa County.

The economic potential of this land will allow Mesa County to attract job creators and foster an environment that encourages economic prosperity for Clifton. Once Mesa County is able to secure the land, they will establish an economic development board to solicit input from local stakeholders.

My bill also ensures that the funds from the sale of this land will be deposited into the Federal Land Disposal account, established by the Federal Land Transaction Facility Act, and retained by the Bureau of Land Management Colorado Office. So, these funds will actually be used in Colorado.

More than 55 percent of my district and 73 percent of Mesa County's land area is Federal land. As Mesa County continues to grow, the county is significantly limited in the land it has available to develop. These large Federal footprints often stifle local communities that lack power in decision-making over land in their own backyards from moving forward on important developmental opportunities.

I am proud to empower local communities and jumpstart rural economies through innovative solutions that reduce our Federal footprint and cut bureaucratic red tape that is stifling economic growth with the CONVEY Act. I urge the passage of my bill through Committee.

Mr. Chairman, I yield back.

[The prepared statement of Mrs. Boebert follows:]

PREPARED STATEMENT OF THE HON. LAUREN BOEBERT, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF COLORADO  
ON H.R. 2997, CLIFTON OPPORTUNITIES NOW FOR VIBRANT ECONOMIC YIELDS  
(CONVEY) ACT

Thank you, Mr. Chairman.

I am proud to testify in support of H.R. 2997, my Clifton Opportunities Now for Vibrant Economic Yields—the CONVEY Act.

This common-sense bill directs the Secretary of the Interior to convey 31.1 acres of land, that the federal government no longer wishes to manage to Mesa County for economic development in Clifton, Colorado. Mesa County will purchase the land for fair market value.

For over five years, Mesa County has been stuck in red tape as they have been diligently pursuing the acquisition of this parcel of land that is on the BLM disposal list. This land holds immense value for Mesa County as it presents a critical opportunity for economic development in Clifton, an area of the county that has struggled economically.

Our witness today Rose Pugliese worked on this issue back when she served as a Mesa County Commissioner with BLM to try and get this land exchange done administratively. I am happy she is here today to testify to help close the loop on this issue and finally move this common-sense land conveyance forward.

I have worked closely with BLM, who supports this bill, and the Mesa County commissioners to cut through the bureaucracy and expedite this process for Mesa County. The economic potential of this land will allow Mesa County to attract job creators and foster an environment that encourages economic prosperity for Clifton. Once Mesa County is able to secure the land, they will establish an economic development board to solicit input from local stakeholders.

My bill also ensures that the funds from the sale of this land will be deposited into the Federal Land Disposal Account, established by the Federal Land Transaction Facilitation Act, and retained by the Bureau of Land Management Colorado office, so these funds will actually be used in Colorado.

More than 55% of my District, and 73% of Mesa County's land area is federal land. As Mesa County continues to grow, the county is significantly limited in the land it has available to develop. These large federal footprints often stifle local communities that lack power in decision-making over the land in their own backyards from moving forward on important development opportunities.

I am proud to empower local communities and jumpstart rural economies through innovative solutions that reduce our federal footprint and cut bureaucratic red tape that is stifling economic growth with the CONVEY Act.

I urge passage of my bill through committee and with that, I yield back.

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Mr. TIFFANY. Thank you to the gentlelady from Colorado.

Next, we are going to move on to our second panel. It is so good to have you all here.

Let me remind the witnesses that under Committee Rules, you must limit your oral statement to 5 minutes, but your entire statement will appear in the hearing record.

To begin your testimony, press the “on” button on the microphone.

We use timing lights. When you begin, the light will turn green. At the end of 5 minutes, the light will turn red, and I will ask you to please wrap up your statement.

I would now like to introduce Ms. Nada Wolff Culver, Principal Deputy Director of the Bureau of Land Management.

Deputy Director Culver, you are now recognized for 5 minutes.

**STATEMENT OF THE HON. NADA WOLFF CULVER, PRINCIPAL  
DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT,  
WASHINGTON, DC**

Ms. CULVER. Thank you, Chairman Tiffany, Ranking Member Neguse, members of the Subcommittee. I am Nada Wolff Culver, the BLM's Principal Deputy Director. I appreciate the opportunity to testify on the three BLM-related bills on today's agenda.

On behalf of the American people, the BLM manages approximately 245 million acres of public lands, primarily in 12 Western states, as well as 700 million subsurface acres. The multiple-use, sustained-yield mission established by the Federal Land Policy and Management Act directs us to sustain the health, diversity, and productivity of our public lands for the long-term needs of future generations.

H.R. 2997, the CONVEY Act, directs the BLM to convey approximately 31 acres of Federal land located near Clifton, Colorado to Mesa County for fair market value. The bill requires the conveyance to be made notwithstanding the previous Secretarial Orders that withdrew the parcel for use by the Bureau of Reclamation. Currently, the BLM is working toward a conveyance of the parcel under existing authorities. It has been identified in the current land use plan as potentially suitable for disposal, should it return to public land status. The BLM supports H.R. 2997.

H.R. 3049, the Utah School and Institutional Trust Lands Administration Exchange Act, would ratify a proposed land exchange between the Utah School and Institutional Trust Lands Administration, or SITLA, and the BLM. Under the bill, the BLM would acquire approximately 162,000 acres of land located mostly within the boundaries of the Bears Ears National Monument in exchange for approximately 167,000 acres of BLM-managed public land in Utah. The BLM supports the bill.

The Bears Ears National Monument, located in San Juan County, Utah, is managed by the BLM and the U.S. Forest Service. The lands within the Monument are profoundly sacred to many Tribal Nations, and contain evidence of thousands of years of occupation by Indigenous peoples. The area is also prized by recreationists. The bill will ensure the acquired lands are managed to protect their cultural and natural resources, and improve the BLM's ability to effectively manage the monument by reducing the checkerboard effect from lands that SITLA is statutorily required to manage for revenue generation.

The bill is consistent with the Presidential Proclamations establishing and restoring the boundaries of the Monument signed by Presidents Obama and Biden. Both proclamations direct the Secretary of the Interior to explore entering into Memorandum of Understanding with the state of Utah enabling this land exchange.

In March of this year, the Department of the Interior, the state of Utah, and SITLA entered into an MOU setting forth the terms of a broad land exchange that is designed to promote conservation and appropriate resource management. We appreciate the good work and the good faith of SITLA and the state of Utah in achieving our mutual interests in this exchange.

The BLM lands identified for conveyance to SITLA were selected to maximize the potential for revenue generation to benefit school

children, while avoiding management conflicts with cultural and natural resources, including endangered species habitat, areas of critical environmental concern, and recreation. The BLM supports H.R. 3049, and looks forward to working with the sponsor, tribes, and Utah stakeholders on its implementation if enacted.

H.R. 4141 would exempt eligible communication projects from National Environmental Policy Act and National Historic Preservation Act review. The bill would also limit the time frame for tribes to respond and disclose tribal interests in eligible communication projects to 45 days.

Federal lands provide a tremendous opportunity to provide the public with access to wireless services through permitting communication facilities. Each year, the BLM processes thousands of applications for rights-of-way on public lands, and currently administers over 4,200 authorized communications facilities.

We share the sponsor's goal of expanding communication networks, particularly broadband Internet in underserved and rural communities. However, we believe the bill would limit crucial public and tribal engagement by prohibiting critical project analysis for a potentially overly broad set of circumstances. We would appreciate the opportunity to work with the sponsor on modifications that would help maintain the integrity of the applicable laws governing environmental, cultural, and historical reviews, including tribal input. Information and feedback gained during the public review process can help prevent delays in implementation by ensuring agency decisions are robust and able to withstand scrutiny.

Finally, the National Park Service has submitted statements for the record on H.R. 3025 and H.R. 3250.

Thank you again for the opportunity to present this testimony. I look forward to your questions.

[The prepared statement of Ms. Culver follows:]

PREPARED STATEMENT OF NADA WOLFF CULVER, PRINCIPAL DEPUTY DIRECTOR,  
BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR  
ON H.R. 2997, H.R. 3049, AND H.R. 4141

**H.R. 2997, Clifton Opportunities Now for Vibrant Economic Yields  
(CONVEY) Act**

Thank you for the opportunity to testify on H.R. 2997, the Clifton Opportunities Now for Vibrant Economic Yields (CONVEY) Act. This bill directs the Bureau of Land Management (BLM) to convey approximately 31 acres of Federal land located near Clifton, Colorado, to Mesa County, Colorado.

As a matter of policy, the BLM supports working with states and local governments to resolve land tenure and land transfer issues that advance public policy objectives. H.R. 2997 directs the conveyance, for fair market value, of a parcel that the BLM has determined to be potentially suitable for disposal, and the BLM supports the bill.

**Background**

The BLM manages 245 million acres of public land primarily in the west, of which 8.3 million acres are located in Colorado. Colorado's public lands are a significant contributor to the state's economy, and many Colorado communities depend on healthy public lands to sustain their livelihoods. Mesa County, home to approximately 155,000 residents and located near the Utah border in western Colorado, is no exception. Federal lands make up 73 percent of the county's land area, with the BLM managing the majority of the Federal acreage. The county seat of Grand

Junction lies near the confluence of the Colorado and Gunnison Rivers in the heart of the Grand Valley. Clifton is bordered by Interstate 70 to the north and Grand Junction to the west.

***Grand Valley Reclamation Project***

In 1907, the construction of the Grand Valley Reclamation Project was approved by the Department of the Interior. The Bureau of Reclamation (BOR), known as the United States Reclamation Service at the time, was tasked with supplying irrigation water to the farmlands and orchards in Grand Valley. The Grand Valley Reclamation Project was one of the first six projects to have lands withdrawn from settlement for project construction following the passage of the Reclamation Act of June 17, 1902.

Since it first delivered water in 1917, the Grand Valley Reclamation Project has provided irrigation water to approximately 33,368 acres and supplemental water to about 8,600 acres of fertile land. The project's works include a diversion dam, a powerplant, two pumping plants, and two canal systems totaling 90.1 miles.

Mesa County has requested to purchase from the United States an approximately 31-acre parcel of land near Interstate 70 and 32 Road in Clifton for economic development opportunities. The 31 acres are part of an approximately 39-acre parcel currently withdrawn to BOR for the Grand Valley Reclamation Project. On April 28, 2021, BOR's Upper Colorado Regional Office submitted to the BLM Grand Junction Field Office a Notice of Intent to relinquish the 31-acre portion of the parcel, with the intent to retain approximately 8 acres of the withdrawn parcel for project purposes. Currently, the BLM is working to complete the remaining steps of the withdrawal revocation process for the 31-acre parcel, which has been identified by the BLM as potentially suitable for disposal if restored to public land status. The withdrawal revocation process must be complete before the BLM is able to pursue a direct sale of the parcel under existing authority.

***Public Land Disposal Authority***

A variety of statutes provide the BLM with the authorities necessary to address various land tenure issues. Under the Federal Land Policy and Management Act (FLPMA), public lands may be identified as potentially available for disposal through the BLM's land use planning process. Public lands that are identified as eligible for disposal in a Resource Management Plan (RMP) generally require site-specific analysis prior to disposal to identify special circumstances that may act as impediments to disposal—such as the presence of threatened or endangered species, cultural or historic resources, mining claims, mineral leases, rights-of-way, hazardous materials, or grazing permits—and must also be appraised before a decision on disposal can be made. Furthermore, because land use plans may be decades old, public lands identified as potentially available for disposal in an RMP may be found to be unsuitable later because of new circumstances such as solar or wind energy development, a new conservation designation, oil and gas leasing, the listing of new threatened or endangered species, the establishment of rights-of-way, or other encumbrances.

Under Section 203 of FLPMA, the BLM is authorized to transfer or dispose of public lands that have been identified as potentially suitable for disposal in an approved land use plan or through an amendment to an existing plan. The proceeds from sales are deposited into the General Fund of the Treasury. Typically, these sales are for low value lands or lands that are difficult or uneconomic to manage, such as isolated parcels surrounded by private land. Land sales conducted under FLPMA occur to serve the national interest at the discretion of the Secretary of the Interior and are made at fair market value in accordance with Federal law.

In addition, the Federal Land Transaction Facilitation Act (FLTFA) allows the BLM to sell public lands identified for disposal through the land use planning process and retain the proceeds from those sales in a special account through the Treasury. These funds can then be used by the United States to acquire lands with high conservation or recreation value, or interests therein, from willing sellers.

**H.R. 2997, the CONVEY Act**

H.R. 2997 directs the Secretary of the Interior, acting through the BLM Director, to convey all rights, title, and interest of the United States in 31-acres of Federal land, referred to as the "Clifton Parcel" in the bill, to Mesa County, Colorado. The bill requires the conveyance to be made notwithstanding the Secretarial Orders that withdrew the Clifton Parcel for the Grand Valley Reclamation Project, dated August 26, 1902, and July 25, 1908. The bill further requires that the conveyance be subject to valid existing rights and for not less than fair market value.

To determine the fair market value of the Clifton Parcel, H.R. 2997 requires the Secretary to obtain an independent appraisal of the parcel. Under the bill, the appraisal must be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice. The Secretary is directed to pay all costs associated with the conveyance, while Mesa County is responsible for all costs associated with any survey conducted for the conveyance. The bill provides specific instruction for the proceeds from the conveyance, requiring them to be deposited in the Federal Land Disposal Account established by FLTFA, and made available for expenditure under that Act.

#### **Analysis**

The BLM generally supports the conveyance of public lands when such conveyances are in the public interest and consistent with publicly approved land use plans. As the Clifton Parcel has already been identified as potentially suitable for disposal should it return to public land status, the BLM supports H.R. 2997 and the direct sale of the parcel to Mesa County.

The BLM notes that the conveyance directed by the bill can be achieved under the existing authorities provided by FLPMA. This process is currently underway, as BOR has submitted a Notice of Intent to relinquish the withdrawal of the Clifton Parcel. The BLM Grand Junction Field Office continues to process revocation of the withdrawal with the intent of pursuing a direct sale to Mesa County. The BLM also notes that it is typical for the party requesting the purchase to cover the conveyance costs and recommends the bill be amended accordingly. Finally, a minor technical edit to the bill is needed to ensure it refers to the date of the most recent version of the legislative map.

#### **Conclusion**

Thank you for the opportunity to provide testimony on H.R. 2997, and I look forward to your questions.

### **H.R. 3049, Utah School and Institutional Trust Lands Administration Exchange Act**

Thank you for the opportunity to testify on H.R. 3049, the Utah School and Institutional Trust Lands Administration Exchange Act. The bill will ratify a land exchange between the Department of the Interior (DOI) and the Utah School and Institutional Trust Lands Administration (SITLA). Under the bill, the Bureau of Land Management (BLM) would acquire approximately 162,000 acres of lands, and interests in lands, managed by SITLA that are located largely within the Bears Ears National Monument (the Monument), in exchange for a roughly equivalent amount of public land and interests in land managed by the BLM across the State of Utah. The bill includes a post-conveyance appraisal and equalization process to ensure that the exchanged lands, and interests in land, would be of equal value.

The bill is consistent with President Obama's 2016 Proclamation establishing the Monument and President Biden's 2021 Proclamation restoring the boundaries and management conditions of the Monument. Both proclamations direct the Secretary of the Interior to explore entering into a memorandum of understanding (MOU) with the State of Utah that would set terms to exchange land owned by the State and administered by SITLA within the boundary of the Monument for land of approximately equal value managed by the BLM outside the Monument. The BLM supports H.R. 3049 as it would promote conservation and appropriate resource management, including the protection of invaluable cultural resources and sacred sites within Bears Ears National Monument.

#### **Background**

The Bears Ears National Monument is located in San Juan County, Utah, and is comprised of approximately 1.36 million acres of public land administered by the BLM as part of the National Landscape Conservation System and National Forest lands administered by the U.S. Department of Agriculture Forest Service. The Monument lands contain evidence of more than 13,000 years of occupation by Indigenous peoples, including petroglyphs and pictographs, large villages, ancient cliff dwellings, ceremonial sites, and countless other objects that provide an extraordinary archaeological and cultural record. These archaeological and cultural resources were seminal to the passage of the Antiquities Act more than a century ago. The lands of the monument are profoundly sacred to many Tribal Nations, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the

Uintah and Ouray Reservation, Hopi Nation, and the Pueblo of Zuni, who continue to rely on these lands for religious, traditional, and ceremonial uses.

The Monument contains several geologic marvels including deep sandstone canyons, desert mesas, the renowned Valley of the Gods, and the namesake Bears Ears Buttes, as well as a rich paleontological history that is only recently beginning to be understood. Areas within the Monument are also used by local communities and Tribal members for firewood gathering and livestock grazing. Beyond the vast cultural and natural resources found within the Monument, the area is also meaningful to recreationists who visit the Bears Ears region to backpack, rock climb, and river raft, among other recreational activities.

Proclamation 10285, issued by President Biden on October 8, 2021, directed the Secretary of the Interior to explore entering into an MOU with the State of Utah to exchange land administered by SITLA within the boundary of the Monument for land of approximately equal value managed by the BLM outside the boundary of the Monument in order to further the protective purposes of the Monument. On March 17, 2023, after more than a year of working closely to develop an agreement, the Department, the State of Utah, and SITLA entered into the “Memorandum of Understanding—Exchange of Lands.”

The MOU sets forth the terms of a broad land exchange that is designed to promote conservation and appropriate resource management by exchanging SITLA inholdings within BLM-administered public lands, including the Monument, for other BLM-administered public lands that are more suitable for revenue generation located in 20 counties within Utah that would further SITLA’s statutory duties to benefit schoolchildren and other trust beneficiaries in the state. The BLM-administered public lands identified by SITLA for conveyance to SITLA were identified to maximize the potential for revenue generation (per the applicable statutory requirement) while avoiding management conflicts from significant wildlife resources; endangered species habitat; significant archaeological, cultural, and historic resources; areas that are sacred or are traditionally, spiritually, or religiously significant to Tribal Nations; lands within the boundaries of Indian reservations; areas of critical environmental concern; coal resources requiring surface mining; wilderness study areas; and significant recreation areas; and to promote the objectives and legal mandates of both the BLM and SITLA.

#### **H.R. 3049**

H.R. 3049, the Utah School and Institutional Trust Lands Administration Exchange Act, would ratify the terms of the MOU between DOI, SITLA, and the State of Utah, thereby facilitating the exchange of state-owned land, the majority of which is located within or proximate to the Monument, for BLM-administered public lands throughout Utah. Under the bill, the BLM would acquire approximately 162,510 acres of lands administered by SITLA, including State inholdings within the Fish Creek Canyon, Road Canyon, Butler Wash, Mancos Mesa, and Bridger Jack Wilderness Study Areas. In return, SITLA would acquire approximately 167,012 acres of public lands currently managed by the BLM outside the Monument.

H.R. 3049 requires that the exchange outlined in the MOU take place within 45 days following enactment. To ensure that the exchange is of equal value, the legislation further requires that SITLA and DOI complete an appraisal of the exchanged lands within 18 months of the exchange, using nationally recognized appraisal standards. If the appraisal identifies a disparity in the total value of the exchange, the value would be equalized through the conveyance of specific state or federal land, as appropriate. These “equalization parcels” are generally identified within the MOU.

The land exchange contemplated in the MOU would allow the BLM to acquire lands containing important or sensitive resources, mostly within or adjacent to the Monument, while transferring public lands into State ownership for revenue generation that would further SITLA’s statutory duties to provide a benefit for Utah schoolchildren and other trust beneficiaries. H.R. 3049 provides that the exchange of these lands is in the public interest, and that the values of the lands, as determined by the appraisal, are to be equal, consistent with land exchanges that would occur under Section 206 of the Federal Land Policy and Management Act (FLPMA). Like FLPMA, the land exchange provides options for equalizing the value including adding or removing parcels from the exchange.

### **Conclusion**

The land exchange directed by this legislation would promote conservation and appropriate resource management in a manner consistent with the 2016 and 2021 presidential proclamations protecting the Monument. Thank you for the opportunity to provide testimony in support of H.R. 3049.

### **H.R. 4141, To provide that certain communications projects are not subject to certain environmental and historical preservation reviews, and for other purposes**

Thank you for the opportunity to testify on H.R. 4141, a bill “to provide that certain communications projects are not subject to certain environmental or historical preservation reviews, and for other purposes.” Specifically, the bill would exempt eligible communications projects from National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) review. The bill would also limit the time frame for Tribes to respond and disclose Tribal interests in communication projects to 45 days.

The Department of the Interior (Department) supports the goals of the bill to expand access to electronic communications, including across Federal lands. We believe that Federal lands provide a tremendous opportunity to provide the public with access to wireless services through the permitting of communication facilities. However, the Department cannot support the bill as drafted, as it would limit crucial public engagement, limit the ability of Tribes to engage in the process, and prohibit the critical project-specific analysis provided under NEPA and NHPA for a potentially broad set of circumstances. We look forward to working with the Sponsor and Subcommittee on modifications to the bill.

### **Background**

The Department manages nearly one fifth of the surface acreage in the United States, much of which encompasses rural areas, and therefore can play an important role in permitting communication and broadband infrastructure.

In 1976, with the passage of the Federal Land Policy and Management Act (FLPMA), Congress directed the BLM to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. Under FLPMA’s multiple use and sustained yield mandate, the BLM manages public lands for a broad range of uses, such as renewable and conventional energy development, livestock grazing, timber production, hunting and fishing, recreation, and conservation—including protecting cultural and historic resources. In addition, BLM-managed public lands provide vital habitat for more than 3,000 species of wildlife and support fisheries of exceptional regional and national value.

### ***Rights-of-Way***

Federal lands managed by the Department are crucial to facilitating the deployment of wired and wireless broadband communications infrastructure. These lands currently support a wide range of communication facilities and related technologies (e.g., radio, television, cellular, and microwave) on public lands through right-of-way (ROW) grants.

A ROW is an authorization to use a specific piece of public lands for a certain project. FLPMA ROWs are issued for a variety of uses, including electrical power generation, transmission and distribution systems, communications towers, highways, railroads, pipelines (other than oil and gas pipelines), and other facilities or systems that are in the public interest. Each year, the BLM processes thousands of applications for ROWs on public lands. The BLM currently administers over 4,200 facilities authorized by communication use ROWs on approximately 1,500 multi-facility communications sites.

Furthermore, as the largest Federal land manager in the West, the BLM plays a key role in planning for siting communication facilities and broadband development. The BLM authorizes and administers ROWs and leases for individual communication uses and develops and maintains communications site management plans to proactively support orderly deployment of new or additional communication uses.

### **H.R. 4141**

H.R. 4141 would exempt certain communications projects and Federal ROWs and other easements for communications facilities from NEPA and NHPA review. The exemption would apply if a ROW or other easement had previously been granted for a communications facility or utility facility for the same Federal building or property, or if the ROW or other easement is for a communication facility in a public

ROW. The bill would also amend the Middle-Class Tax Relief and Jobs Creation Act of 2012 to exempt any modification of an existing communication site ROW from NEPA or NHPA reviews. This would exempt agencies from needing to complete NEPA or NHPA review when approving the colocation of new transmission equipment, removal of transmission equipment from an existing facility, or replacement of existing transmission equipment.

The bill also includes certain Tribal provisions in Section 3. It would establish a presumption that, if a Tribe receives a complete FCC form 620, then the Tribe has the necessary information to ascertain whether historic properties of religious or cultural significance to the Tribe may be affected by project. The Tribe then would have up to 45 days to respond and disclose any Tribal interests in the communications project.

#### **Analysis**

The Department cannot support the bill as written because it limits the ability of agencies to provide for appropriate environmental review and public involvement in a potentially broad set of circumstances. Environmental review and public involvement are critical components of the Department's responsibilities in managing federal lands. Environmental review can include the use of categorical exclusions, as appropriate. Even when the Department uses a categorical exclusion, however, it must still consider whether extraordinary circumstances exist in which a normally excluded action may have a significant effect. This provides the Department an opportunity to consider the particular circumstances of a given proposal.

Further, we note that new information gained during the NEPA process, including public engagement activities where appropriate, routinely prevents delays in later stages of the project review process by ensuring agency decisions are robust and able to withstand judicial and other scrutiny.

Finally, the Department cannot support the provisions in the bill that would restrict Tribal consultation by removing NHPA review requirements and severely limiting a Tribe's ability to fully identify and evaluate historical or cultural resources affected by a communications project. The time frame in the bill is inconsistent with Executive Order 13175 on Tribal consultation, which requires a 30-day notice and a 30-day post-consultation period. The Department recommends amending the bill to allow Tribes adequate time to review projects potentially affecting Tribal interests.

#### **Conclusion**

The Department shares the goal of expanding communication networks, particularly for broadband internet in underserved and rural communities, and would appreciate the opportunity to work with the Sponsor on modifications that would help achieve these goals while maintaining the integrity of the NEPA and NHPA processes to conduct environmental, cultural, and historical reviews. Thank you again for the opportunity to provide testimony on H.R. 4141.

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QUESTIONS SUBMITTED FOR THE RECORD TO MS. NADA WOLFF CULVER, PRINCIPAL  
DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT

**Ms. Wolff Culver did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.**

#### **Questions Submitted by Representative Grijalva**

*Question 1. H.R. 4141 could impact tribal sovereignty by including a provision that presumes that a tribe disclaims interest in a project if they do not respond within 45 days of receiving an FCC Form. Not only is this in bad faith, but it also fails to acknowledge the lack of resources tribal governments often face due to lack of federal funding from Congress.*

*1a) Do you believe the legislation is consistent with President Biden's Memorandum on Uniform Standards for Tribal Consultation?*

*1b) How is BLM working with tribal governments to support tribes and address barriers that may limit tribal engagement in the NEPA process?*

*Question 2. While telecommunications infrastructure is critical for rural and tribal communities, we need to ensure that such projects don't adversely impact sacred sites or cultural resources.*

*2a) If H.R. 4141 waives environmental and historic preservation reviews and presumes that a Tribe has no interest in an area if they don't receive a response within 45 days, how can BLM appropriately ensure such projects do not negatively impact sacred sites or cultural resources?*

Mr. TIFFANY. Thank you, Deputy Director Culver. I would now like to recognize Representative Curtis to introduce our next witness.

Mr. CURTIS. Thank you very much, Mr. Chair. I am delighted to introduce Michelle McConkie, who serves as the Executive Director of the Utah School and Institutional Trust Lands Administration in Utah, known as SITLA.

Michelle leads and directs all administrative and operational functions of this independent state agency, including oil, gas, mining, renewable energy surfaces, resources, and real estate development projects. The Trust Lands Administration manages over 3.4 million surface acres of trust lands and 4.5 million acres of mineral estate. All revenue generated from these lands benefit 12 state institutions, the largest of which is our school children.

So, we frequently talk about their mission in terms of providing income to our school kids. And it won't surprise anybody to know that Utah has one of the largest, if not the largest, per household size of children. And it is always a struggle in our state to fund education, and this has been a very important part of that.

Ms. McConkie has more than 20 years' experience in natural resource and real estate development issues. As an attorney, she worked for private law firms, and as Senior Legal Counsel for the Trust Land Administration. She has also worked as the Managing Director for the Trust Lands Administration Surface Resource Group and the division responsible for managing and generating revenue from nearly 3.4 million acres.

She holds a juris doctorate degree from S.J. Quinney College of Law at the University of Utah and a Bachelor of Arts degree in Political Science from the University of Utah.

Thank you, Ms. McConkie, for being here today.

Mr. TIFFANY. You have 5 minutes, Ms. McConkie.

**STATEMENT OF MICHELLE McCONKIE, DIRECTOR, STATE OF UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION, SALT LAKE CITY, UTAH**

Ms. McCONKIE. Thank you, Chairman Tiffany, Ranking Member Neguse, and other members of the Committee for the opportunity to testify today.

I would also like to thank Congressman Curtis and Senator Lee, as well as the entire Utah Congressional Delegation for their work in connection with the legislation now before the Subcommittee.

As was said, my name is Michelle McConkie. I am the Executive Director of the State of Utah School and Institutional Trust Lands Administration, which is a state agency that manages state trust lands that were granted by Congress at statehood for the financial support of public education and other state institutions.

SITLA manages approximately 3.4 million acres of state trust lands and an additional 1 million acres of severed mineral estate. Revenue from activities on these lands is invested, and annual

distributions are made to every public school in the state to help with each school's most pressing academic needs.

H.R. 3049 would ratify and authorize implementation of a March 17, 2023 land exchange agreement between SITLA, Utah Governor Spencer Cox, and Secretary of the Interior Deb Haaland. That agreement is a product of over a year and a half of discussions between state, Federal land managers, local governments, and other interested stakeholders. The proposed exchange is supported by rural county governments, various stakeholders, Governor Cox, and the Utah State Legislature.

The fundamental problem addressed by this legislation is the issue of scattered state land in-holdings embedded within Federal conservation areas, such as national parks, and associated land management conflicts. The designation of the Bears Ears National Monument captured more than 200 scattered tracts of state trust land within its outer boundaries, totaling over 126,000 acres.

The state has been charged by Congress with managing these school trust lands for the financial benefit of Utah's public education system through revenue-generating activities. But restrictions on the use of surrounding Federal lands through establishment of the Monument will limit the utility of the in-held state trust lands for economic development. And development of school trust lands within national monuments and other designations is directly at odds with the conservation purposes for which the surrounding Federal lands were set aside.

These conflicting mandates and the checkerboard pattern of state trust lands in-holdings will make effective management of both state trust lands and the Monument itself very difficult, if not impossible. While the declaration of the Monument and its large geographic scope are matters of significant controversy and litigation between the state of Utah and the United States, both governments agree that trading out state land in-holdings is in everyone's best interest.

Land exchanges are an effective solution to the management conflicts associated with in-holdings. In the last 25 years, the state of Utah and the United States have worked successfully to complete a series of large congressionally authorized land exchanges. The hallmark of each of these exchanges was their win-win nature. School trust lands with significant environmental values were placed into Federal ownership, while Federal lands with lesser environmental values, but greater potential for revenue generation were exchanged to the state.

H.R. 3049 authorizes a conveyance to the United States of over 162,000 acres of Utah State school trust lands and minerals within and near the Bears Ears National Monument, as well as additional lands near the Bonneville Salt Flats of the Great Salt Lake and other areas of the state where management conflicts exist. In return, the state of Utah will receive approximately 167,000 acres of Federal lands located in 20 counties throughout the state with lesser environmental sensitivity, but greater potential for generating revenue for Utah's public education system, which is, again, the purpose for which Congress originally granted trust lands to Utah and other Western states.

These lands have been targeted for oil and gas development, mining, renewable energy projects, real estate development, and land sales. The proposed land exchange will allow our agency to do what it does best, make money for our public schools, while allowing the Department of the Interior to implement unified management of the Monument consistent with conservation goals.

I respectfully urge the Subcommittee and Congress to approve H.R. 3049. Thank you for the opportunity to testify today.

[The prepared statement of Ms. McConkie follows:]

PREPARED STATEMENT OF MICHELLE MCCONKIE, DIRECTOR, UTAH SCHOOL AND  
INSTITUTIONAL TRUST LANDS ADMINISTRATION  
ON H.R. 3049

Mr. Chairman, and members of the Subcommittee, thank you for the opportunity to testify today. I would also like to thank Representative Curtis and Senator Lee, and their colleagues in the Utah Congressional delegation, for their work and assistance in connection with the legislation now before the Subcommittee.

My name is Michelle McConkie, and I am the Director of the Utah School and Institutional Trust Lands Administration (“SITLA”), an independent state agency that manages state trust lands that were granted by Congress at statehood for the financial support of public education and other state institutions. In addition to public schools, beneficiaries of Utah’s trust lands grants include the University of Utah, Utah State University, a hospital that provides healthcare to disabled miners, and the state schools for the blind and deaf. SITLA manages approximately 3.3 million acres of state trust lands, along with an additional million acres of severed mineral estate. Revenue from school trust lands—derived from oil and gas, mining, real estate development, and other activities, is deposited in the Utah Permanent School Fund, a perpetual endowment supporting public schools. The Utah Permanent School Fund has a balance of approximately \$3.2 billion. Proceeds from the fund are distributed annually to every public school in the state to help with that school’s most pressing academic needs.

I encourage the Subcommittee, and Congress, to act favorably on H.R. 3049, the Utah School and Institutional Trust Lands Administration Exchange Act of 2023. This legislation would ratify, and provide authority to implement, a March 17, 2023 land exchange agreement between SITLA, Utah Governor Spencer Cox, and Secretary of the Interior Deb Haaland. That agreement is the product of two years of discussions between the State, federal land managers, local governments, and other interested stakeholders. The proposed exchange is supported by rural county governments, various environmental groups, Governor Cox and the Utah legislature. We have worked hard to put together an exchange that will be fair and transparent financially, workable in implementation, and conducive to more effective land management by both the state and federal governments. We believe that this legislation meets all of these goals.

**Management Conflicts Created by Federal Designations Surrounding State Land Inholdings**

The fundamental problem addressed by this legislation is the issue of scattered state land inholdings embedded within federal conservation areas such as national monuments and other designations, and associated land management conflicts. The designation of the Bears Ears National Monument captured more than 200 scattered tracts of state trust land within its outer boundaries, totaling over 126,000 acres. The State has been charged by Congress with managing these school trust lands for the financial benefit of Utah’s public education system. This is accomplished through mineral and real estate development and other revenue-generation activities. But restrictions on the use of surrounding federal lands, through establishment of the Monument, will limit the utility of the inheld state trust lands for economic development. And development of school trust lands within national monuments and other designations is directly at odds with the conservation purposes for which the surrounding federal lands were set aside. These conflicting mandates, and the checkerboard pattern of state trust lands inholdings, will make effective management of both state trust lands and the Monument itself very difficult if not impossible.

While the declaration of the Monument, and its large geographic scope, are matters of significant controversy, and litigation, between the State of Utah and United States, both governments agree that trading out state land inholdings is in everyone's best interest.

### **The History of Land Exchanges as an Effective Solution**

Land exchanges are an effective solution to the management conflicts associated with inholdings. Exchanges can allow each government to manage consolidated lands as each party's land managers deem most advisable, without interference. In the last twenty-five years the State of Utah and the United States have worked successfully to complete a series of large congressionally-authorized land exchanges. These have included congressionally-mandated exchanges in 1998 concerning the Grand Staircase Escalante National Monument, in 2000 concerning federal wilderness in Utah's scenic West Desert, in 2009 concerning sensitive recreational lands within river corridors, in 2016 concerning the Utah Test and Training military range, and in 2019 concerning federal wilderness designations in the San Rafael Swell area of central Utah.

The hallmark of each of these exchanges was their "win-win" nature: school trust lands with significant environmental values were placed into federal ownership, while federal lands with lesser environmental values but greater potential for revenue generation were exchanged to the State, thus fulfilling the purpose of the school land grants—providing financial support for public education.

### **The Proposed Land Exchange**

H.R. 3049 authorizes the conveyance to the United States of approximately 162,510.81 acres of Utah state school trust lands and minerals within and near the Bears Ears National Monument, as well as additional lands near the Bonneville Salt Flats of the Great Salt Lake and other areas of the state where management conflicts exist. In return, the State of Utah will receive approximately 167,012.69 acres of federal lands located in 20 counties throughout the state with lesser environmental sensitivity but greater potential for generating revenue for Utah's public education system—again, the purpose for which Congress originally granted trust lands to Utah and the other western states. These lands have been targeted for oil and gas development, mining, renewable energy projects, real estate development and land sales. The proposed land exchange will allow our agency to do what it does best—make money for our public schools—while allowing the Department of Interior to implement unified management of the Monument consistent with conservation goals.

A few specific features of the proposed exchange legislation about which members of the Subcommittee may have questions warrant mention:

#### *Timing of conveyances*

Conveyances of the exchange lands by both governments are to be made within 45 days of enactment of the legislation. This will consolidate federal ownership within the Monument expeditiously to protect sensitive lands, avoid management conflicts, and permit both governments to achieve their goals.

#### *Selection of Lands*

Lands to be acquired by the State of Utah were selected by SITLA for their revenue-generation potential with recognition of potential environmental concerns and the values that may be placed on them by Tribal Nations. The agency's internal experts combined their own knowledge and decades of combined experience with that of local governments and industry partners to select lands that will not only provide millions of dollars in revenue to Utah's school trust but will also provide economic development opportunities for rural communities. The selection targets have been reviewed by BLM staff and other stakeholders to assure that they avoid significant wildlife resources, endangered species habitat, significant archaeological, cultural, and historic resources, areas that are sacred or are traditionally, spiritually, or religiously significant to Tribal Nations, areas of critical environmental concern, coal resources requiring surface mining, wilderness study areas, and significant recreation areas.

#### *Land Valuation*

Preliminary estimates indicate that the State and Federal exchange lands are of approximately equal value. The MOU and ratifying legislation, however, provide that all exchange lands will be subject to independent appraisals using uniform appraisal standards and the existing standards contained in the Federal Land Policy and Management Act and its implementing regulations following conveyance. The independent appraisals will be subject to review by each party (including the

Appraisal and Valuation Services Office (AVSO) for the Department of the Interior). This will confirm that lands are conveyed on an equal value basis.

If any disparity in the total value of lands to be exchanged is found, an inventory of high-value state land, and federal land, has been identified in southwestern Utah to be added to one side of the exchange as necessary to achieve equalized values. The federal equalization land the State would receive, if necessary, comprises real estate development land of low environmental sensitivity in Warner Valley, near St. George, Utah. The state equalization land the United States would receive is important habitat for the threatened desert tortoise in the area of the Red Cliffs NCA in southwestern Utah.

*Protection of Rights Held Under Outstanding Leases, Permits, and Other Grants*

The MOU and legislation protect existing grazing permits, associated preference and renewal opportunities, access, the use of range improvements, and related rights on both the State and Federal land to be exchanged.

Existing mineral leases, rights of way, and surface use agreements on the State and Federal lands are also protected, as are any rights found to be valid existing rights as of the date of conveyance.

*Post-Exchange Land Management*

The majority of the state trust lands to be acquired by the United States are located within the exterior boundaries of the Bears Ears National Monument, while other parcels lie within designated areas of critical environmental concern, special recreation management areas, a wilderness study area, and other environmentally sensitive areas. The MOU and legislation provide that exchange lands acquired by the United States that lie within the Monument will be managed for Monument purposes. Similarly, any lands lying within federal wilderness areas, or wilderness study areas, shall be managed consistent with those designations.

All land acquired by the State in the exchange shall be managed as state trust land pursuant to governing state law.

**Conclusion**

As President Biden stated in his October 8, 2021 Proclamation, an agreement between the State of Utah and United States for the exchange of trust land inholdings for development lands located elsewhere is in the public interest. The March 17th MOU, as authorized and implemented by H.R. 3049, fulfills that purpose in a manner that is fair to both governments. It is the product of two years of discussions between State and Federal land managers, with input from local governments and other interested stakeholders, and has the support of Utah Governor Spencer Cox and the Utah Legislature. I respectfully urge the Subcommittee to approve it expeditiously.

Thank you again for the opportunity to testify today.

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Mr. TIFFANY. Thank you much, Director McConkie. Now, I would like to recognize the good lady from Colorado to introduce our next witness.

Representative Boebert, you are recognized.

Mrs. BOEBERT. Thank you very much, Mr. Chairman. It is my honor to introduce Rose Pugliese, the Assistant Minority Leader in the Colorado General Assembly.

When Rose moved to Mesa County, Colorado she did not know a single person. Utilizing the entrepreneurial spirit she learned from her parents, Rose took a chance and opened her own law firm. Shortly after, she became active and engaged in the community, and earned the trust of her clients.

Rose is what she calls an accidental politician. I am kind of one of those, too, Rose, and it is almost your fault.

Rose actually inspired me with a state-led ballot initiative to enshrine what our founders had the idea for in our country. And we wanted to protect those ideals. And it certainly inspired me to be where I am today.

In 2008, she went down to the local party's headquarters for a yard sign and began to get more involved politically. Years later, Rose was successful in her bid for Mesa County Commissioner, and served Mesa County for 8 years very diligently.

And thank you so much for that service.

She is here today to testify in favor of the CONVEY Act to bring economic opportunities to Mesa County, Colorado through a simple land conveyance, and actually worked on this issue back when she served as a Mesa County Commissioner 5 years ago.

Rose, I am so happy to have you here in our Committee today. Welcome to Washington, DC. Don't get stuck in the muck, but the time is now yours. Thank you so much for being here.

**STATEMENT OF THE HON. ROSE PUGLIESE, ASSISTANT  
MINORITY LEADER, COLORADO HOUSE OF REPRESENTA-  
TIVES, COLORADO SPRINGS, COLORADO**

Ms. PUGLIESE. Thank you, Congresswoman Boebert, Chairman of the Committee, Ranking Member Neguse, and all of the Committee members for this opportunity to be here today to talk about this very important issue which, while it is very specific to one area of the country, I think affects probably all of your districts at some point and at some level.

I also want to thank the Bureau of Land Management for testifying in favor of this bill. We have had a continuing partnership for years, and I am really excited for the opportunity to see this project move forward because it is so important for economic development, and alongside with the support of Bureau of Land Management.

I also want to thank my Congressman, Congressman Lamborn, and Congressman Buck for also helping sponsor this bill with the good Congresswoman from Colorado.

The Clifton Opportunities Now for Vibrant Economic Yields Act is incredibly important. Mesa County is a county with about 73 percent Federal land, which means that the Federal Government basically controls any economic development opportunities in that area because there is such a limit on private land for development.

Mesa County, when you think of Colorado, you think of Denver and the city center. Mesa County is a large county. It is considered urban and rural, but it is the only large county on the western side of the state, and actually borders our friends in Utah.

So, because of those rural characteristics, as you all know, rural communities consistently struggle with economic development and those opportunities. And then, add on top of that the immense and significant amount of Federal land, those opportunities are even more limited.

So, we cannot rely on Payment In Lieu of Taxes, although when I was a County Commissioner I came to DC often, and I would be remiss if I missed an opportunity to ask for the long-term and sustainable funding of PILT for these communities who really don't have that opportunity for economic development in the property tax, which counties depend on.

So, this particular project is incredibly important to me. Clifton was in my district when I was a County Commissioner, and we were looking for economic development opportunities. And one of

our staff had realized that there was this parcel of land that was just below I-70, so a major thoroughfare across the United States, and this property was on the BLM disposal list. So, we are, like, great, BLM no longer wants to manage it for the people of the United States. We could use that for economic development opportunities. Clifton is a pretty depressed area, and could really use some help in economic development opportunities.

So, we had all sorts of ideas of grandeur of what this property could be used for. At that time it was just over 40 acres. And BLM worked with us, and worked really well with us to be able to start that process of disposing of this land to the county so that we could use it for economic development opportunities.

Then we found out, as the Bureau of Land Management was investigating title, that the Bureau of Reclamation also had an interest in this land. So, then we had to go through some more bureaucratic red tape, which leads us to, literally, an Act of Congress that it will take today to convey this land. But Bureau of Reclamation was holding up any sort of transfer. And that was incredibly frustrating, to be perfectly honest.

So, I was really happy, Mr. Chair, when you were talking about the purpose of this Committee today, and what you are looking at, because when the Federal Government controls your economy and then stands in the way of economic development opportunities, it is incredibly frustrating for those communities, especially when nobody wanted this parcel of land. Nobody. So, then the county says, hey, let's use it for economic development, and they are like, oh, wait a second, the Federal Government might want to use this for some purpose.

So, I do appreciate the opportunity and the hard work that Congresswoman Boebert has done to get us where we are today, which gives you all the opportunity to help not just Clifton, this is bigger than just Clifton, but the opportunity to open up potential economic development opportunities, especially with lands like this, which are probably happening in your communities, as well.

So, I think bringing this issue to light is incredibly important to a Committee that actually has the power to do something about it. Today, it is just about Clifton, Colorado, and I implore you to support this legislation and move it forward. But tomorrow it will be another parcel of land in any one of your communities. So, I implore you to look at the disposal process, and make it more streamlined, and cut back the red tape so that communities like Mesa County, Colorado can benefit, the whole state of Colorado can benefit, but all of our nation can benefit because the productive use of Federal land is incredibly important.

This is a good governance bill. It is an efficiency in government bill, and I ask for your support to move it forward. Thank you so much for this opportunity, and I look forward to any questions you might have.

[The prepared statement of Ms. Pugliese follows:]

PREPARED STATEMENT OF ROSE PUGLIESE, ASSISTANT MINORITY LEADER, COLORADO  
HOUSE OF REPRESENTATIVES (DISTRICT 14)  
ON H.R. 2997

Chairman and members of the committee: Thank you for the opportunity to testify in support of the Clifton Opportunities Now for Vibrant Economic Yields, known as "the CONVEY Act."

Today, I ask for your consideration of the importance of this legislation and its potential to bring about significant economic growth and opportunity to our community and our country as a whole. Mesa County, Colorado, is located on the Western Slope of Colorado, bordering Utah, and approximately four hours from Denver. While it is a large county in population, it is located in a rural part of the state and has both urban and rural challenges.

Rural areas of our country face difficult challenges related to obtaining economic development opportunities, but that challenge is elevated in areas of the country, especially in the Western United States, where counties have limited private land. As you are aware in your own communities, counties with significant amounts of federal land are largely dependent on the federal government for economic development opportunities. Mesa County, Colorado, for instance, is over 72% federal land. As you know, it is difficult for counties to rely on Payment in Lieu of Taxes ("PILT") from the federal government as it has been consistently threatened. During my years as a Mesa County Commissioner, I, along with County Commissioners from across Colorado and the United States, advocated for the sustainability of PILT funding.

For over five years, Mesa County has been diligently pursuing the acquisition of a parcel of land that the Bureau of Land Management has designated for disposal and no longer serves a purpose for the federal government. This land holds immense value for Mesa County as it presents a critical opportunity for economic development in Clifton, an area of the county that has struggled economically and is in desperate need of new opportunities.

By introducing the CONVEY Act, which directs the Secretary of the Interior to convey 31.1 acres of land, that the federal government no longer wishes to manage to Mesa County for economic development purposes in Clifton, Congresswoman Lauren Boebert, Congressman Doug Lamborn and Congressman Ken Buck are working toward a common-sense solution to aid an underserved community in Colorado that deserves a prosperous future. The bill ensures that Mesa County, Colorado, will pay fair market value for the land, guaranteeing a fair transaction for all parties involved.

The economic potential of this land cannot be understated. By facilitating industry and business growth in Clifton, Mesa County can attract job creators and foster an environment that encourages economic prosperity and will directly and positively impact our community, providing employment opportunities and enhancing our residents' overall quality of life. It will also aid in putting this property back on the property tax rolls.

The CONVEY Act also ensures that funds from the sale of this land will be deposited into the Federal Land Disposal Account, established by the Federal Land Transaction Facilitation Act, and retained by the Bureau of Land Management Colorado office to be used within the state, which means that the economic benefits of this transaction will extend beyond Mesa County, Colorado and contribute to the overall welfare of not just Colorado, but the whole country. It will also decrease costs of management of this parcel of land by the Bureau of Land Management, which will contribute to increased efficiency of our federal government.

The Board of County Commissioners would like to express our deep gratitude to Congresswoman Boebert for her tireless efforts to cut through the bureaucratic red tape that has hindered Mesa County Colorado's progress and the unwavering support of Congressman Lamborn and Congressman Buck. If passed, it will have literally taken an act of Congress to get this land that the federal government no longer wanted off the disposal list and back into productive use.

The CONVEY Act presents a unique and invaluable opportunity for Mesa County, Colorado, to promote economic development and create new avenues of growth in Clifton in partnership and collaboration with the federal government. I urge this committee to support this legislation and allow the economic potential that lies within this land to be realized.

Thank you for your time and consideration.

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Mr. TIFFANY. Thank you, Representative Pugliese, we appreciate it very much.

I would like to now recognize Representative Fulcher to introduce our next witness.

Mr. FULCHER. Thank you, Mr. Chairman. I appreciate the opportunity to introduce a friend and a fellow Idahoan, John Stuart.

John is President and CEO of MTE Communications, based in Midvale, Idaho. MTE is a 114-year-old communications provider that started out providing multi-party phone services to farmers in Idaho. And today, MTE has upgraded to digital switches and fiber home services, which can deliver gigabit broadband speeds. MTE is 100 percent employee owned, and serves over 2,000 square miles, including over 3,800 customers in Idaho and Arizona.

Most importantly, John is very involved with family and community. So, thank you, John, for coming all the way from Idaho for this important hearing today.

**STATEMENT OF JOHN STUART, PRESIDENT AND CEO, MTE  
COMMUNICATIONS, MIDVALE, IDAHO**

Mr. STUART. Thank you, Congressman Fulcher, Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. Thank you for the opportunity to appear before you and testify in favor of H.R. 4141, the Broadband for Americans Responsible Streamlining Act.

The legislation under consideration provides a measured and reasonable streamlining of Federal permitting rules to ensure that broadband can be deployed quickly to unserved and underserved communities.

As Congressman Fulcher said, I am John Stuart. I am President and CEO of MTE Communications. I am also testifying on behalf of WTA Advocates for Rural Broadband, who I serve as a Director. And I am also a Past President of the Idaho Telephone Association.

I have made more than a few trips over my career to Washington, DC. While there are many subjects that people disagree on, I have noticed that most everyone is in agreement that all Americans need to be connected to high-speed broadband. It is vital for communication, public service, public safety, commerce, health care, education, and more. I am heartened that Congress and the Biden administration have made it a priority to connect every American household to the Internet within 4 to 5 years. This is a bold goal. It is a correct one. However, the time it takes to acquire permits and to use existing right-of-ways puts that goal in jeopardy. Current interpretation and implementation of Federal, environmental, and historic preservation laws impose unreasonable and unnecessary delays and costs.

Regardless of the technology deployed, MTE and companies like it always want to make use of existing right-of-ways to co-locate their equipment in existing buildings, towers, and other facilities. However, the networks built by small providers that are supported by Federal broadband programs like USDA's Reconnect or NTIA's coming BEAD program will automatically trigger reviews by NEPA and NHPA, whether we build on Federal lands or not.

It is common after filing a permit to expect waits of 18 to 24 months or longer to receive permission to start construction. In states like Idaho, where construction seasons are short, these delays have even greater impact because they can push the start of construction for another 6 to 8 months. The brunt of these delays are borne by Americans who wait years longer than they would otherwise to get broadband service they so desperately need.

In one instance, MTE recently had an RUS-funded fiber project delayed for 3 years because of permitting. The route would have gone within an existing road right-of-way that crossed near an identified cultural site.

Time doesn't permit me to go into other examples, but there are plenty of examples in my written testimony.

The bottom line is if right-of-ways have already been established, and past construction of roads and existing utilities have already required surveys on the disturbed ground, it is inefficient to require additional reviews. Every Federal dollar diverted to repeated permitting requirements is dollars that are not invested in the networks. MTE and companies like it serve rural America, and we want to ensure our communities have the same communication connections that people living in urban America.

We also care about our natural environment and historic preservation. However, lacking reform, current implementation of our environmental protection and historical preservation laws threatens to delay and add cost to the goal of getting broadband service to every American household.

Thank you again for this opportunity to testify on this important issue. I look forward to answering any questions that the Committee may have.

[The prepared statement of Mr. Stuart follows:]

PREPARED STATEMENT OF JOHN STUART, PRESIDENT AND CEO,  
MTE COMMUNICATIONS

ON H.R. 4141

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to appear before you to testify in favor of H.R. 4141, the Broadband for Americans Through Responsible Streamlining Act and, more generally, about the need for reforming the permitting process for broadband infrastructure projects on federal lands and in existing rights-of-way. The legislation under consideration provides measured and reasonable streamlining of federal permitting rules to ensure broadband can be deployed quickly to unserved and underserved communities.

**Introduction**

I am John Stuart, President and CEO of MTE Communications (MTE) based in Midvale, Idaho. I am also testifying on behalf of WTA—Advocates for Rural Broadband, on whose Board of Directors I serve. WTA represents more than 370 small rural telecommunications providers from across the county. I am also the former President of the Idaho Telecom Alliance and currently serve as its Past-President. I have worked in the telecommunications industry for my entire life while also being involved in many community organizations including the City of Weiser's Planning and Zoning Commission and two volunteer firefighter departments.

MTE was started 114 years ago to mainly provide switchboard telephone services to farmer owned multi-party telephone lines. In 1943, Verde and Charlette Williams, my grandparents through marriage, purchased MTE and were active in the company until Verde's passing in 1991.

In 1977, my mother, Mary Williams, and her husband, Lane Williams, moved back to Midvale to run the company. In 1987, I moved my family to the area to join the company.

In the early 1980s, MTE acquired its first loan from USDA's Rural Utilities Service (RUS), which was used to upgrade the outside plant to enable single party telephone service and install our first digital switch. Throughout the 1980s and 1990s, our company made a concerted effort to expand telephone service to the unserved areas of our regulated service area. These efforts include expansion of MTE's service territory to several unserved and underserved communities in rural Arizona through greenfield builds and one acquisition. Over the past decade, MTE's focus has been to upgrade our network to last-mile fiber-optic facilities in order to provide the latest services over broadband. Over the years, our network has been upgraded to where our broadband now reaches Gigabit speeds via fiber facilities. In 2008, the owners of MTE sold the company to the employees creating an Employee Stock Ownership Plan (ESOP). The ESOP is now 100% owned by the employee trust.

Today, MTE's combined regulated service area in Idaho and Arizona is over 2000 square miles and includes over 3800 customers. MTE also provides services in several areas competitively using copper, fiber, and wireless technologies.

There are nearly 800 family-owned and cooperatively-owned rural broadband providers, very similar to MTE, around the country. We serve these rural communities because the large, regional and national providers avoided them due to the lack of a business case for serving such sparsely populated areas. We would not be able to provide the level of service we do without the Federal Universal Service Fund, which is administered by the Federal Communications Commission. We also make use of various rural broadband programs run by the U.S. Department of Agriculture, and many of my industry colleagues are looking forward to participating in the historic Broadband Equity, Access, and Deployment (BEAD) Program created by Congress in the Infrastructure Investment and Jobs Act.

#### **Importance of Broadband**

I've made more than a few trips to Washington, D.C. over my career. While there are many subjects that people disagree on in this city, I have noticed that one thing most everyone is in agreement on is that all Americans need to be connected to high-speed broadband. It is vital for communication, public safety, commerce, health care, education, and more. I'm heartened that Congress and the Biden Administration have made it a priority through various federal programs to connect every American household to the Internet within the next four to five years. This is a bold goal, and it's the right one. However, the time it takes to acquire permits to cross federal lands puts this goal in jeopardy. Current interpretation and implementation of federal environmental and historic preservation laws impose unreasonable and unnecessary delays and costs.

#### **Permitting Reform is Needed**

In general, when small broadband providers like MTE build networks, we bury fiber underground to the extent we can. In some instances, we string fiber along existing poles. In more remote, rugged areas, we might use fixed wireless or even microwave technology. Regardless of the technology deployed, we are nearly always making use of existing rights-of-way or looking to co-locate equipment with existing buildings, towers, and other facilities. Very rarely are we ever digging trenches through previously undisturbed ground or looking to put towers where there isn't any existing infrastructure.

Because of our location in the rural, mountain west, we often need to cross federal land, usually administered and managed by the Forest Service or the Bureau of Land Management, but also land administered by other federal agencies. Even when federal land is not involved, the networks built by small internet service providers (ISPs) that receive support from federal broadband programs like USDA's ReConnect Program or NTIA's BEAD Program will trigger reviews under the National Environmental Protection Act (NEPA) and National Historic Preservation Act (NHPA).

These reviews greatly increase the length of time it takes to complete projects and the cost of building our networks. In general, after filing for permits, companies like MTE expect waits of 18 months to two years, if not longer, to receive permission to start construction. In states like Idaho, where the construction season is short, these delays have an even greater impact because they can push the start of construction off for another six to eight months. While the delays and additional costs are frustrating for small ISPs and should frustrate federal policymakers and tax-

payers, the brunt of these delays are borne by the Americans who wait years longer than they would have otherwise to get the broadband they so desperately need.

Over the years that MTE has expanded service to unserved communities, we have financed both environmental and cultural surveys and studies of the rights-of-way where we have placed underground facilities. All these activities add time and cost to the deployment of service. Some added multiple construction seasons to the projects. Most of the rights-of-way where our facilities have been placed mainly contain non-native fill materials from the road construction. Routine road maintenance often involves spraying herbicide to keep vegetation back from the road.

In one instance, we were required to bore through subsurface rock along a state highway within the right-of-way next to an active rock quarry used by the Idaho Transportation Department. This was required to avoid a reported Native American rock chipping site, even though the entire area within the right-of-way has several feet of non-native fill material. The study and review added more than a year to the project completion.

Another more recent example is our Round II ReConnect award to provide fiber-to-the-home service in four geographically diverse service areas. Under RUS rules, environmental clearance must be received for the entire award area before any final engineering can be completed. In one of the service areas, the preliminary design forecasted the underground facility to be placed along the edge of a road on federally controlled land that homeowners use daily to access their residences located on private land. The road crossed approximately 400 feet of an identified cultural site outside the road area. The review process not only added tens of thousands of dollars to the cost of the deployment of service, but it also delayed the start of the entire \$10 million Reconnect package by two years in the other service areas and has delayed the start of service deployment in the impacted area by three years.

Unfortunately, MTE is not unique in this regard. Another small, rural company in our industry reports that it took two years to get permission to bury fiber along an existing power line corridor.

Another company, located in eastern Oregon in Congressman Bentz's district, had a permit for existing conduit on federal land, but had to file an additional permit to put new fiber through it. The company applied in the fall of 2018, hoping to get the work completed by the summer of 2019. The permit wasn't approved until October 2020, which, because of the short construction season, delayed construction until 2021.

A third company applied for a permit to bury 120 feet of fiber in February 2018 in previously disturbed ground. It did not receive the permit until October 2019, some 20 months later.

Another company waited about 16 months to receive a federal permit to string 150 yards of fiber on existing power lines.

In another example, a company applied to put a larger microwave antenna on an existing tower. Neither the height nor the footprint of the tower was going to change, but it took 12 months for the Forest Service to approve this request.

This is, by no means, an exhaustive list.

Not only does the current permitting process delay access to much needed service, it adds cost to network buildout. For MTE's ReConnect project mentioned earlier, the additional costs amounted to over \$20,000.

Another family-owned company is in the process of completing a project also funded by USDA's ReConnect Program. They are required to hire an archeologist to survey various points along the 120 miles of their project to ensure no artifacts are present despite the construction being within state and county road rights-of-way. This will likely add over \$100,000 to the cost of the project. This ground has presumably already been surveyed and disturbed during construction of the roads.

If rights-of-way have already been established and past construction of roads and existing utilities have already required surveys and disturbed the ground, it is inefficient to require additional reviews. Every federal dollar diverted to duplicative permitting requirements is another dollar that is not invested in networks. This constrains the reach and effectiveness of the broadband programs that Congress authorized. For this reason, the rural broadband industry I represent support the objectives of H.R. 4141, which provides a streamlined process for environmental and archeological reviews for broadband projects in previously permitted and disturbed ground and existing rights-of-way.

### **Conclusion**

In closing, I understand that if broadband providers are seeking to bury fiber or construct infrastructure in untouched, undisturbed areas, that it is proper to survey the area for historic preservation purposes and potential environmental issues. But the vast majority of broadband construction does not take place in pristine,

untouched land. Roads and other utilities have already been approved and permits granted.

MTE, and companies like it, serve rural America because the people who work for them live there. We want to ensure our families, friends, and neighbors have the same communications connections that people living in urban America have. We also care about our natural environment and historic preservation. However, lacking reform, current implementation of our environmental protection and historical preservation laws threatens to delay and add great cost to the goal of getting broadband to every American household.

Thank you again for this opportunity to testify on this important issue. I look forward to answering any questions you might have for me.

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Mr. TIFFANY. Thank you, Mr. Stuart, and I will now recognize Members for 5 minutes.

Mr. Fulcher, you have 5 minutes for questions.

Mr. FULCHER. Mr. Stuart, thanks for coming today. I briefly want to cover a few points in your line of business.

First, what need is there for Internet to be provided to rural areas in the West? If you could just quantify that, why the need for Internet in rural areas?

Mr. STUART. I don't know that there is anything that doesn't require the Internet anymore, whether it is education, health care.

In our communities, you could have an hour's drive to the nearest doctor. So, being able to do tele-medicine at a remote location at somebody's home, if they are elderly or it is difficult for them to get there, it is critical.

Education is the same way. During COVID, there were a lot of people that were at home doing schooling and, of course, work from home, as well.

So, I don't know of any part of our society or economy that isn't built on the Internet anymore.

Mr. FULCHER. So, when you are expanding fiber, for example, for a certain area, how careful are you in terms of the environmental considerations, property rights, and the historical aspects of the land when you do an expansion like that?

Mr. STUART. Many of the areas that we work in are our communities. Our employees live in those areas. So, not only do we have to do the construction there, but we have to live there. So, if we disturb somebody's property, or a cultural site, or something in the environment, we are not just going to walk away and not be there in a few months. We have a vested interest in those areas, as companies like ours that live and work in those areas.

Mr. FULCHER. Thank you for that.

When you are looking to expand broadband into a rural area, you are already taking into consideration how delicate you need to be when you are installing additional lines.

With that, what can the Federal Government do to make it easier for broadband providers like yourself to install more broadband access to areas that may include large amounts of Federal lands?

Mr. STUART. If it is pre-disturbed areas, a road has been built, and understanding that roads rarely use the native materials, that is usually not roadbed material to hold weight and that sort of thing, especially state highways, not having to do full reviews in those areas that have already been reviewed, they have already

been disturbed, there are no native materials in many cases in those areas, being able to not really bypass, but not have to comply with all of the requirements of either NEPA or the National Preservation Act, not having those triggers would be very helpful and speed us up, in many cases, many years.

Mr. FULCHER. So, that is a conversation point we frequently have on this Committee, Mr. Stuart. What you are saying is not the first time we have heard that, you might imagine.

Just finally, can you speak to the increased benefits to your customers in terms of their quality of life, their health, job opportunities when they have access to actual broadband?

Mr. STUART. It is probably the same answer as the first question. It provides them the ability to do things that they would have to travel a long ways to go do, whether it is school, medical, or economic, being able to order something through the Internet and have it delivered, rather than having to drive 50, 60 miles to a store to pick something up. So, there are great economic benefits to that.

Mr. FULCHER. Thank you for that. Thank you for your testimony. And we can relate to your colleague right next to you there, Ms. Pugliese, if I pronounced that correctly.

You said there was 73 percent Federal land within your county. And within our state it is close to that for the entire state. So, we can relate, and thank you for that.

Mr. Stuart, thank you.

Mr. Chairman, I yield back.

Mr. TIFFANY. Thank you, Mr. Fulcher. Next, I would like to recognize the Ranking Member, Mr. Neguse, for 5 minutes.

Mr. NEGUSE. Thank you, Mr. Chairman. First and foremost, thank you for hosting this hearing, and my apologies for being a little bit delayed, but grateful for your willingness to consider the bills that this Committee is considering today. I am certainly supportive of the bill that Mr. Curtis, my good friend from Utah, has introduced, as well as Mr. Morelle, Ms. Plaskett, whom I know we heard from a little while ago.

And, again, I am grateful that this Subcommittee continues to be as engaging and, I think, adopting a robust portfolio of policies, as was the case when I chaired the Subcommittee in the last Congress. So, thank you, Mr. Chairman.

I have quick questions about H.R. 2997. Building off a point that our former Ranking Member, Mr. Fulcher, made, my district in Colorado is 52, 53 percent Federal land. And, of course, as many of you know, a number of counties in the Western Slope, we struggle and have had obstacles in terms of interactions with the BLM on land exchanges. So, that is certainly an area that I think is ripe for further improvement.

As Ms. Pugliese, I hope I pronounced it right, my last name is a tough name to pronounce, so I will apologize in advance. But as you have, I think, suggested, there is some real room for reform, in my view, that is substantive and structural.

I guess one issue I am trying to resolve in H.R. 2997, and the question could go to our witness from the BLM, is how this legislation would work in practice. As I read the text of the bill, it essentially directs the BLM to convey this land, I think the phrase is "as

soon as practicable.” But I don’t read any time period or prescriptive requirement that the BLM do this on a particular timetable. Am I misreading that?

If this bill were to be signed into law, let’s say, a year-and-a-half from now by President Biden, would this enable you to skip or disregard the sort of existing procedures that are in place for disposal of property? I am just trying to get a better sense of how this would work in practice.

Ms. CULVER. Thank you, Representative Neguse.

The main difference that would happen from the bill is there is not a timeline. We would follow normal procedures for appraisal and exchange. The challenge—

Mr. NEGUSE. But aren’t you doing that now?

Ms. CULVER. We are. With this particular parcel, the challenge is that originally this parcel was conveyed to the Bureau of Reclamation as part of the Grand Valley Reclamation Project. So, this would allow us to skip the ongoing step we have underway to have that land returned to the Bureau of Land Management’s management, so that we can convey it to Mesa County.

Mr. NEGUSE. And what does that step entail? Or why is that step taking particularly long?

Ms. CULVER. It requires the issuance of separate public land orders for the withdrawal to be revoked, sorry to use many technical terms here that may not convey accurately, but, basically, through our process the land was conveyed to the use of the Bureau of Reclamation for an irrigation project.

Mr. NEGUSE. Sure. But I guess I am trying to understand. Why wouldn’t the Secretary just simply do that now?

Ms. CULVER. We are underway, and have been working toward that, and we think we are making good progress.

Mr. NEGUSE. OK, let me ask this a different way, because, obviously, this bill, this is a legislative hearing. So, this is step 1 of 12 steps, or however many steps it takes to get to the President’s desk. How long do you anticipate that process taking right now, absent this legislation?

Ms. CULVER. I think we believe the process would speed up somewhat from skipping that step, but it would not change the effort that would be required to exchange the lands.

Mr. NEGUSE. OK. Maybe I am asking this a different way, and maybe I am misunderstanding it. What is it about that step, as a technical matter, what does that step entail? Is it convincing the Secretary of the Interior to issue a reversal order?

Ms. CULVER. I don’t think we would have to convince the Secretary of the Interior. So, thank you for that question. We are supportive of the process, and are underway in completing these documents. It requires surveys, it requires preparation of documents so that the Bureau of Reclamation can essentially give back their jurisdiction over the land as part of this irrigation project.

Mr. NEGUSE. OK. Well, I guess what I would say—and I recognize I am out of time.

Mr. TIFFANY. I am going to give you a couple—

Mr. NEGUSE. You will indulge me, Mr. Chairman?

Mr. TIFFANY. Yes, absolutely.

Mr. NEGUSE. I guess what I would say is I am a little bit more confused now than I was at the outset of the hearing, because it is not clear to me why that step is taking so long, and why the legislation—it sounds like, essentially, the position of the BLM is that this legislation would enable you to skip the step, which you support. But if that is the case, is there no way for you to, as an agency, expedite that step internally?

And if you don't have the existing authority, then I think it goes to the point that Ms. Pugliese was noting, that we ought to think about how we reform the process in and of itself, statutorily, so that you don't have to go through this exercise for these land exchanges that the agency agrees with, and that the local county government agrees with.

And I am happy to give you an opportunity to respond, but maybe I am just getting too technical about this one step, of understanding why that is taking a longer period of time.

Ms. CULVER. Thank you. I appreciate your point. I know that our local BLM has been working hard with the Bureau of Reclamation, and we feel we are making progress.

We also support the bill. We will get this done. We are committed to getting it done, one way or another, and I am happy to provide more specific information on the process that has occurred to date.

Mr. NEGUSE. If the bill—and now I know you are really indulging me—but let's say clearly the BLM does not believe that that process is necessary, because it supports the bill waiving the process. Does the BLM have existing authority under the law to do that, absent this bill?

Ms. CULVER. If I understand your question, we do not have the authority to waive the step that we are currently, we believe, close to completing of transferring the land back from the Bureau of Reclamation.

Mr. NEGUSE. OK. So, I think what I would suggest is perhaps we should have a larger conversation as a Committee as to whether or not there should be legislation that gives the BLM Director—of course, exercised through his or her deputies at the regional level—to waive that step of the process if they deem it in the best interests of the agency and the land being conveyed, because this is a long process.

So, notwithstanding this legislation that we are considering, it is an Act of Congress, and it is going to have to go through a pretty extended process to get through the Senate and the House, and so on and so forth. So, that seems like maybe a more time-effective way of achieving that.

But in any event, thank you for your testimony. I thank all the witnesses, and I yield back.

Mr. TIFFANY. Once again, you can't waive the process, to the question that the Ranking Member was asking.

Ms. CULVER. We cannot currently waive the process to revoke the existing withdrawal to the Bureau of Reclamation.

Mr. TIFFANY. OK, thank you. Next, I would like to recognize Mr. Curtis for 5 minutes.

Mr. CURTIS. Thank you, Mr. Chairman.

As I said in my opening remarks, I am happy to see this legislation before us today. I appreciate the Committee's effort to bring this forward.

Ms. McConkie, to oversimplify the SITLA's mission, you own land throughout the state. I wish we could actually hold up a map and show people. If you could picture in your mind a checkerboard, and then randomly select checkers, boxes, it is not like it is an organized checkerboard, it is these random boxes. These could be on the side of a mountain, they could be in the midst of a sacred, ancient Native American site, they could be in all of these random places. And your mission is to maximize these parcels for revenue, and as we mentioned, among other things, for the schoolchildren.

And what we have before us today is a solution that goes into the designated Bears Ears Monument area, consolidates these and moves them out, thus protecting the areas within the Monument.

Before I go on, there are few issues more controversial in my state than public lands, and Bears Ears is among those, very controversial. And I want to point out that this legislation does not codify the Bears Ears Monument. It simply is a totally separate issue. And I just think that is important for my folks back home for me to put on the record, that this isn't an acknowledgment that that discussion is over, but this is a separate issue.

Also, Ms. McConkie, let me start with you. This is a win-win if you put it in the perspective, I think, of the public lands in the state of Utah. But one of the problems you dealt with as this matured was that some of these lands moved outside the County of San Juan. And in a perfect world, we would be able to do all of these exchanges within San Juan County because there is potential revenue coming from these exchanges that San Juan is sending off to other counties.

Could you just touch on that, and the work that you went through to try to deal with that the best you could?

Ms. McCONKIE. Thank you, Congressman. Yes, thank you for the opportunity to talk about this issue.

San Juan County has been in a really difficult situation for many years because 6 percent of the land is private. The rest is either state land or overwhelmingly Federal land. And we have worked really hard with the County Commission. We have worked with different levels of different local government. We have had open houses. We have had a lot of feedback and really listened. We took their suggestions, we looked at the maps. BLM has been wonderful, and has really worked hard with us to find solutions that would work.

And we have been able to keep a third of the land in San Juan County. And I do realize that a third is not a whole, but the third that they are getting is going to be consolidated into areas that have critical mineral development potential, oil and gas potential, real estate development potential. It has economic development potential that the scattered lands within what is now a national monument do not have.

It was always difficult for us to make money off of these lands. We have made about \$80,000 a year, typically, on grazing, historically. This allows us to be able to have economic development through all of these different industry uses. We have already had

door knocks from industry on some of these lands. And it also allows us to make money for school children.

Mr. CURTIS. I think it is important to hone in for just a minute that two-thirds of this land is going outside of San Juan County, and that San Juan County in some ways is taking one for the team of the state of Utah, if that makes sense. And I think it is important to acknowledge that, in a perfect world, we would have been able to keep all of that in San Juan County, and recognizing as a state we need to do all we can to help those in San Juan County. Imagine trying to run a county with 6 percent of that land available for revenue. So, thank you for that.

Deputy Director, we often talk in this hearing about Native American tribes. Could you just touch on how this impacts the Native American tribes in the area, and the efforts to reach out to them, and also their level of support for this?

Ms. CULVER. Thank you, Congressman Curtis. Yes, this area, the Bears Ears National Monument area and much of the surrounding area, is incredibly dense in both sacred sites and other examples of history. And there are many tribes that have ties to this region, in particular, as recognized in the monument proclamation, there are five tribes that make up the Bears Ears Commission.

We worked hard to keep them updated as we worked on these maps. And also they have submitted, the Bears Ears Commission, signed by all five tribal members, a letter of support for this exchange.

Mr. CURTIS. I know I am out of time. If you would indulge me just a minute, Mr. Chairman, that is a big deal. These are five tribes, different geographic locations, different interests. And it is rare when they actually come together as a unified group and speak out. So, I want to acknowledge how important that is, that they have spoken out in support of this, and how that is no small accomplishment.

I wish I had more time for both of you to talk about this. Thank you for making the journey out, Ms. McConkie.

Thank you for being here, Deputy Director.

And Mr. Chairman, I yield my time.

Mr. TIFFANY. Yes, I am being particularly generous today to you gentlemen. Next, I would like to recognize Representative Stauber.

Mr. STAUBER. Thank you very much, Mr. Chairman.

I often hear from my constituents back home in northern Minnesota about how Washington gets it wrong. Without a clear understanding of how policies, often one-size-fits-all, actually affect our constituents back home, we are going to continue to miss the mark.

I would like to thank my colleague, Congressman Fulcher, for his leadership on H.R. 4141, which streamlines the permitting process for broadband projects, especially in rural districts like the one I represent.

I find it fascinating that, yet again, we are coming back to permitting reform. The challenges we face in regard to rural broadband access is just another example where burdensome and slow permitting processes are holding our communities back.

Mr. Stuart, the challenges you outlined in your testimony are very similar to those my constituents faced in northern Minnesota.

As you shared, due to the difficult NEPA process, rural broadband projects can take years to get through, and most of the timeline is eaten up by permitting long before a single shovel is even in the ground or any real work done. What kind of impacts do these delays have on the local communities and the communities that you serve?

Mr. STUART. It just delays the availability of services.

And a lot of the bill does talk to a wireless provider, and we should remember that ground fiber or underground fiber feeds those towers. So, it may be wireless service from the tower to your device, but that tower is fed by fiber. And in many cases, that is the local company that is providing that, and we do that, as well, in very remote areas.

So, permitting being slow to get additional bandwidth to those towers, as well as the local residents being delayed, just drives up costs. And as I spoke to, those costs just take away dollars from us deploying additional network.

Mr. STAUBER. Thank you.

Ms. Culver, it is good to see you again. In your written testimony, you shared that the Bureau of Land Management cannot support this legislation, and effectively argue that we need to allow the time-consuming NEPA process to play out.

We are through COVID now. We saw the devastation of the lack of broadband to rural constituents across this nation, what students had to do, what parents had to do. Does the Bureau of Land Management consider the impacts that not moving forward with a rural broadband project or another infrastructure project will have on a community and its local economy, similar to what Mr. Stuart just shared with us?

Ms. CULVER. Thank you for the opportunity to address that issue.

I think it is also in my testimony, we strongly support the ability of Federal rights-of-way to bring broadband to rural communities. We are working on a broadband rule that would help to streamline that. We have categorical exclusions from the reviews that allow us to site in existing rights-of-way, as well. And we would love to work with the sponsor on the bill so we can support it.

Mr. STAUBER. Just specific to my question, does the Bureau of Land Management look at the potential negative effects of not moving forward with the project in a timely manner?

Ms. CULVER. When we conduct our analysis of a project, we look at the costs and benefits of the proposed project.

Mr. STAUBER. But do you look at the negative benefits of delaying a project coming into a community, like Mr. Stuart?

Ms. CULVER. Certainly, we look at the importance of achieving the purpose of those projects.

Mr. STAUBER. Here is what I am hearing back home: Washington, DC bureaucrats do not think rural America matters. Agencies actively work to hinder projects that would propel our constituents forward and make them more successful, all because they think our communities are their playgrounds.

Northern Minnesota is where I live, I work, I raise my family, and I recreate. This is, unfortunately, another example where we are held back from doing the right thing due to the one-size-fits-

all policies developed here in Washington, DC. The existing permitting policies don't consider our constituents. They are holding us back from making progress in our communities for no good reason. Rural America matters.

Mr. Chair, I yield back.

Mr. TIFFANY. The gentleman yields. I would like to recognize Mr. Moylan for 5 minutes.

Mr. MOYLAN. Thank you, Mr. Chairman. I would just like to have further discussion with the Deputy Director regarding the bill by Virgin Islands on H.R. 3025, which you are disagreeing with.

Can you further clarify the amount of park land that BLM oversees, what is the percentage of that land compared to the total land mass? How much park land is there?

Ms. CULVER. Thanks for the question, Congressman. The National Park Service manages national park lands, so I don't have those figures at my fingertips. The Bureau of Land Management doesn't manage—

Mr. MOYLAN. That is fine. But we heard a statement from the delegate here that it is a majority of the land there. Right? And the National Park Service is struggling to maintain that land. And the total land mass of St. Johns in the Virgin Islands is 19.6 miles. It is a very small area with less than 4,000 people. The price of land is really high there, and I am understanding from the report provided by our Natural Resources here that housing is in a crisis. And there was an attempt there to do some exchange for land to build a pre-K to 12th grade public school, which was turned down. Is that correct?

Ms. CULVER. The National Park Service has submitted testimony for the record. It is my understanding that they are in discussions, and they certainly share the concerns of the Congresswoman with supporting the local community.

Mr. MOYLAN. Is BLM in favor of the Congresswoman's concern?

Ms. CULVER. The Bureau of Land Management doesn't have a position on that bill.

Mr. MOYLAN. I would hope that the Bureau of Land Management can support that, because it sounds like a relationship based on this property here is not in good terms with the residents of the Virgin Islands.

I also understand that there is \$82 million in deferred maintenance costs for the residents of St. John's. Again, you are going to reference that to the other Service, is that correct?

Ms. CULVER. Again, the National Park Service manages that land, so if there are questions I would be happy to ensure that they can be responded to by the Park Service.

Mr. MOYLAN. So, is BLM in favor of this measure, H.R. 3025. Your statement was in favor of this measure offered by the Delegate?

Ms. CULVER. The Bureau of Land Management has not taken a position on the bill about the national park in the Virgin Islands.

Mr. MOYLAN. OK. Well, I hope you can work with them kindly to give your interest in support of what the Delegate is asking, please.

Ms. CULVER. I think the National Park Service would work to respond to questions that you all have, certainly.

Mr. MOYLAN. I appreciate it. OK, thank you.

Thank you, Mr. Chair. I yield back my time.

Mr. TIFFANY. The gentleman yields. Next, I would like to recognize for 5 minutes the gentlelady from Colorado.

Mrs. BOEBERT. Thank you, Mr. Chairman.

Assistant Minority Leader Pugliese, I know that you mentioned this in your testimony, but when did you first start trying to make this conveyance happen in Mesa County?

Ms. PUGLIESE. Thank you, Congresswoman. Thank you, Mr. Chair, for this opportunity to answer the question.

I know it says more than 5 years, because before it even got through this BLM process we had started working on it. I spent basically my whole second term working on this project, which is 4 years.

And 2 years after I had termed out, I am here today to implore you all to pass this CONVEY Act so that this parcel of land can be conveyed to Mesa County, a partner government agency with the Federal Government, because we all live in the same community. So, economic development opportunities benefit all of us, regardless of whether you live in Mesa County or in this particular area of Clifton, or in your respective communities.

And I also just want to say I really do, at least in the experience I had, I really do appreciate the Bureau of Land Management because they did help us try to navigate this process. Where I believe it got derailed was when the Bureau of Reclamation came into play.

And I also want to put on the record that they are withholding 8.5 acres of this land for their own Bureau of Reclamation project. So, that other 31.1 acres will be conveyed by the BLM to Mesa County for that economic opportunity. I think you can have both. And the Congresswoman has worked very well with both agencies to make this happen, but the fact that legitimately it is going to take an Act of Congress to get this land conveyed that nobody wanted before we raised our hands and said, "Hey, we will take it and use it for the benefit of all of us," again, I think we can do better.

Thank you, Congresswoman, for the question.

Mrs. BOEBERT. Yes. And even in my first term here I brought this issue up, and I was told by the agencies that it would not require an Act of Congress, that they were taking care of it, and that it would get done. But I saw that this was still being slow-rolled, and dug in deeper to see what we could do to actually help.

And I know that you had countless calls, e-mails, meetings, and discussions with Federal agencies. So, thank you so much for your diligence, and really just being so steadfast on this issue. You truly are one of the great leaders for Mesa County. I know you are not in Mesa County anymore, but you left a legacy there, and there is so much that you have done for that community.

And thanks to your leadership and County Commissioner Cody Davis, it seems like we are finally making progress here, especially given the Deputy Director's statement. I think that you would agree with that.

And I would like to give a big thank you to the Bureau of Land Management and their staff for working closely with us on this bill

over the past year. Principal Deputy Director Wolff Culver, Colorado BLM State Director Doug Vilsack, Carol Lee, and the two Gregs from Grand Junction, as we refer to them back home, they were all super helpful in providing this.

Representative Pugliese, you testified that the economic potential of this land cannot be understated. Can you further discuss why this is so important for Clifton and Mesa County?

Ms. PUGLIESE. Thank you, Congresswoman. Thank you, Chairman, for the time.

Why it is so important for this particular area is this is a depressed area. It is an area we have been trying to get economic development going because that area has struggled. It has struggled for decades.

And the problem that we run into, as we talked about, was that 73 percent of Mesa County is Federal land, more than half of that is in BLM. So, there are such limited opportunities for private land. When you have a property that is on the disposal list in a depressed area that could really contribute to economic vitality for that whole community, and that whole county and the state as a whole, I think tying it up in bureaucratic red tape is not the way we should be working in partnership with our county governments at the Federal level, especially when so much of that land is in BLM, at least for Mesa County.

And I also want to note for the record that the Federal Land Disposal Account, when that property is finally transferred, we all, the people of the United States, will all benefit from it because Mesa County will pay fair market value, that money will go into this account that will be used by the BLM in Colorado.

But as one of the Congressmen said, we all recreate in Colorado, and we have so much to offer. So, being able to really strengthen that economic opportunity is really important for us. So, thank you.

Mrs. BOEBERT. Absolutely. And that was actually my next question. But also the Bureau of Land Management in Colorado, in that office will be used within the state for that funding, as well.

And our time is expired, so thank you so much for being here with us and testifying and supporting the CONVEY Act. Thank you.

Ms. PUGLIESE. Thank you.

Mr. TIFFANY. Representative Boebert, I am indulging our Members today. Do you have any additional questions you would like to ask?

Mrs. BOEBERT. I do not have an additional question. Thank you so much for your generosity, Mr. Chairman. But I do just again want to thank the Deputy Director, Ms. Wolff Culver, so much for your support on this, and your work in getting this done. This is going to benefit Clifton, Colorado greatly, economically, and it is just a very straightforward process that I am glad that we are finally getting this done. So, thank you so much for your help in this.

Mr. TIFFANY. To any of the Members that are here around the dais, if you have additional questions, you may ask them.

Mr. CURTIS. Thank you. That would be me.

[Laughter.]

Mr. CURTIS. And I don't have a question, but I would feel bad if I missed this opportunity, Deputy Director, to give a shout out to your local BLM folks on the ground, Greg Sheehan and team, great people. We enjoy working with them, have a great relationship. So, a big shout out from Utah to your people on the ground.

Thank you. And Mr. Chairman, I yield.

Mr. TIFFANY. Yes, thank you. Thank you both for your questions.

Ms. Pugliese, I think about my home county, where there is a squabble going on in regards to 80,000 acres that the state wants to buy through their stewardship program. And, oftentimes, this land gets shut down, and the county is really talking about having affordable housing. Is this one of the issues that you are having, is being able to have enough land for affordable housing in a community like the one you are referencing and where you live?

Ms. PUGLIESE. Thank you, Mr. Chair, for the question. Affordable housing, at least when I was a County Commissioner, wasn't the issue that we dealt with as much as commerce, businesses being able to relocate in the state or outside of the state into this particular area.

We had talked about a lot of different opportunities, but it was more for employment opportunities because they would have to go into Grand Junction, which is only about 20 minutes away, but most of the people in that community really wanted to stay in that community, and there really are just no employment opportunities, very limited businesses out there. So, this 31 acres will open up the possibility for a developer to come in and put some businesses that would actually employ people. And that was really important for being able to lift up this community and make it a stronger, economically.

Mr. TIFFANY. Obviously, you have worked diligently with these processes all the way, local to Federal. Do you have a couple of suggestions of one or two things that you are, like, "You guys really should change this process," and what would that be, if there is?

Ms. PUGLIESE. Thank you, Mr. Chair. Oh, that is a question I have been wanting people to ask me for years.

I am sitting next to my friend here, who was talking about the NEPA process, and I have actually written articles about how we have to continue to streamline the NEPA process, because that also helps to delay any sort of economic development opportunities in communities that have significant amounts of Federal land. So, I would implore you to continue to look at those processes, and see where you can streamline.

Second, for this particular—

Mr. TIFFANY. So, that is in regards to NEPA, is that correct?

Ms. PUGLIESE. In regards to NEPA, which could also have potential impacts on this property in Clifton.

And then, with this conveyance, the county in kind donated services like surveys and all sorts of other services that were needed in order to help alleviate the burden on BLM to expedite this process. And like I said, BLM really did a great job.

I think some more work needs to be done with Bureau of Reclamation, to be to be perfectly honest. They are already going to retain 8.5 acres of this property that nobody wanted for a potential future water project that may or may not happen, and I am

fine with that because water, obviously, in the West is such an important issue. And having those services and those resources are incredibly important. So, I have no problem with that.

But the fact that it takes an Act of Congress to get Bureau of Reclamation to step back and let the Bureau of Land Management do their job to convey this land to a county that, literally, this has been going on for way over 5 years. I think we can do better. So, personally, I would say looking at Bureau of Reclamation processes and, in fairness, while I appreciate all of the partnership with BLM, the fact that BLM didn't know before they put it on the disposal list that this property had an interest in Bureau of Reclamation also created problems because for 2 years we were working with BLM, and thought that this was going to happen, and then Bureau of Reclamation came in and then I felt like it restarted the process.

So, I think that there are definitely some opportunities there.

Mr. TIFFANY. Ms. Culver, do you think NEPA should be reformed?

Ms. CULVER. That is a very broad question, Representative. I think there is always room for improvement in how we implement that law.

Mr. TIFFANY. Mr. Stuart, once again, you are in Idaho, correct?

Mr. STUART. Yes.

Mr. TIFFANY. Could the state manage more land if the Federal Government was to dispose of it?

Mr. STUART. Thank you for the question, but that is probably a question for the state. I don't know what their management capabilities are.

Mr. TIFFANY. I appreciate that. Do you also have to get state permits for the work that you do?

Mr. STUART. Yes, if we cross state land, and a lot of it is controlled by right-of-way. So, even if we cross Federal ground that is a state highway, we have to get not only Federal, state, but also county permits to be along that right-of-way.

Mr. TIFFANY. And do you consult with all interested parties?

Mr. STUART. Yes.

Mr. TIFFANY. Ms. McConkie, could the state of Utah manage more land if it was transferred to them?

Ms. MCCONKIE. We manage 3.4 million acres with a crew of about 70. So, I think we could. We have been very efficient. I am sure we could manage more land if it was in our portfolio.

Mr. TIFFANY. Well, I appreciate that very much.

I don't know if any of you had questions here over the last half hour or so that you wanted to share any additional information. You are welcome to do that now. Otherwise, I am going to close this hearing. Go ahead if you have anything else that you would really like to add.

With that, I would like to thank all of you for your testimony, and Members for your questions.

The members of the Subcommittee may have some additional questions for you, and we will ask that you respond to these in writing. Under Committee Rule 3, members of the Subcommittee must submit questions to the Subcommittee Clerk by 5 p.m. on Tuesday, June 27, 2023. The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Subcommittee on Federal Lands stands adjourned.

[Whereupon, at 3:37 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE HON. JOSEPH D. MORELLE, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF NEW YORK

ON H.R. 3250, NATIONAL MUSEUM OF PLAY RECOGNITION ACT

Chairman Tiffany, Ranking Member Neguse, and distinguished Members of the Committee, thank you for the opportunity to speak to you on my bill, H.R. 3250 the National Museum of Play Recognition Act.

My bill the National Museum of Play Recognition Act identifies that the Margaret Woodbury Strong Museum, DBA Strong Museum, located in my district Rochester, New York, is the only museum of its kind that exists for the exclusive purpose of exploring the ways in which play encourages learning, creativity, and discovery, and how it illuminates cultural history. Furthermore, it officially designates the Margaret Woodbury Strong Museum as the National Museum of Play.

The Strong Museum is a unique facility with over 100,000 square feet dedicated to educational, dynamic, and innovative exhibit spaces.

Including the World Video Game Hall of Fame at which highlights electronic games of all types that have enjoyed popularity over a sustained period and have exerted influence on the video game industry or on popular culture and society in general.

The Strong museum has recently announced its 90,000 square foot expansion. This expansion will feature the world's largest, playable Donkey Kong arcade game, standing nearly 20 feet tall.

Due to hard work of its staff the Strong Museum has remained a museum of national importance year after year. I am incredibly proud to lead this legislation to officially grant this exceptional museum with the recognition it deserves.

I thank this Subcommittee for the opportunity to speak in support of this bill and the Strong National Museum of Play.

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**Statement for the Record**  
**National Park Service**  
**U.S. Department of the Interior**  
**on H.R. 3025 and H.R. 3250**

**H.R. 3025, To provide for no net increase in the total acreage of Federal land in the Virgin Islands National Park on St. John, United States Virgin Islands**

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to provide the Department of the Interior's views on H.R. 3025, a bill to provide for no net increase in the total acreage of Federal land in the Virgin Islands National Park on St. John, United States Virgin Islands.

The Department understands the land use realities the residents and the Government of the U.S. Virgin Islands face on the Island of St. John and is committed to working with the Government and its residents to address the community's land use needs. However, the Department does not support the approach taken by H.R. 3025 to try to address land use issues. The Department prioritizes seeking solutions to quality of life and resource protection matters in partnership with residents and their elected officials and would welcome the opportunity to have further discussions with the bill sponsor and the Committee on these matters.

H.R. 3025 would prohibit Virgin Islands National Park (park) from acquiring any land that would increase the total amount of acreage owned by the Federal government in the park, unless the park conveyed out of Federal ownership an equal or greater amount of acreage of land by sale, exchange, or donation. The bill would further require that when the park elects to sell Federal land to avoid an increase in net acreage, it must offer the land for sale within a year at fair market value. If the land is not under contract or sold six months after it is first offered for sale, the bill would require that the park reduce the price of the land by ten percent each month thereafter.

Fundamentally, the Department disagrees with the concept of requiring the Federal government to dispose of an amount of land equal to an amount of land that it acquires in a given situation simply to keep the number of acres of land owned by the Federal government the same. Federal lands are an asset that belongs to all Americans and should not be disposed of without a compelling public interest. When Federal lands are conveyed to other entities, it is generally for an identified public benefit, and in many cases the conveyance is accompanied by a reverter clause that assures the land is used for the purpose intended.

Under H.R. 3025, not only would the National Park Service (NPS) be required to sell, exchange, or donate lands as Virgin Islands National Park acquired other lands, it would be compelled to do so even if that meant selling at prices below fair market value. The required conveyance of lands from Virgin Islands National Park under H.R. 3025 could result in less land available for the benefit of the residents and the public, and more land for private individuals and entities with the means and resources to take advantage of artificially depressed real estate prices. It would also threaten the protection of natural and cultural resources that are not found anywhere else in the Virgin Islands that are of deep importance to many Virgin Islanders and their elected officials.

To complicate matters, within the congressionally established boundaries of Virgin Islands National Park there are multiple properties with life estates established decades ago that are due to transfer completely to the NPS. Additionally, the original 5,000 acres of land donated to create Virgin Islands National Park can only be reverted to the original donor—an entity that is now defunct. Other such deed restrictions, reversionary clauses, or easements exist on park holdings. The complexity of landownership within the boundaries of the Virgin Islands National Park would make implementation of this legislation extraordinarily burdensome.

Through the use of existing authorities, the Department is committed to working with the Government of the U.S. Virgin Islands and its residents to address the community's land use needs, as we are doing in our current effort to complete a land exchange between the National Park Service and Government of the U.S. Virgin Islands to build a school on St. John. In this effort, the Department's Office of Insular Affairs (OIA) has been instrumental. The OIA serves critical needs in the U.S. Virgin Islands by providing technical assistance and financial support to a broad spectrum of territorial agencies as requested through the territory's executive branch. Through the OIA, the Department hears firsthand the critical territorial

needs pertaining to infrastructure, health, education, tourism, disaster recovery and disaster preparation.

In 2017, hurricanes Irma and Maria devastated the island of St. John and destroyed its public school. The Virgin Islands Department of Education (VIDE) determined that the site of the severely damaged elementary and middle school would not meet their redevelopment and future needs. In order to access post-disaster hurricane funds from the Federal Emergency Management Agency (FEMA) for the construction of a new school, VIDE would need to seek suitable land. Based upon new curriculum standards and updated education building design standards, VIDE identified a parcel of land within Virgin Islands National Park that would be suitable to construct—for the first time on St. John—a pre-K through 12th grade school.

For this exchange, the Government of the U.S. Virgin Islands, on behalf of VIDE, worked the Department to exchange an uninhabited cay within the park's legislative boundary which would enable the park to undertake a more cohesive management and protection approach for the adjacent beaches and waters. Understanding the needs of VIDE and the requirements of the NPS, the territory selected these parcels for a mutually beneficial exchange. Together, all of the parties have broken through long-standing barriers to solve a critical need for the residents: a new public school located on St. John that has the potential to positively improve the educational outcomes and the quality of life on St. John for generations to come.

Although conducting an exchange of Federal lands in the U.S. Virgin Islands admittedly is a rare, expensive, and time-consuming endeavor, this exchange serves as an example of how current authorities can be used to address these needs when there is a strong commitment to solutions to address quality of life and resource protection matters in partnership with residents and their elected officials. Going forward, the Department is committed to pursuing opportunities for collaboration to find solutions to critical needs of the territory for unforeseen events in the future, provide equitable solutions, and protect conservation principles and covenants.

Thank you for the opportunity to provide this statement for the record.

#### **H.R. 3250, National Museum of Play Recognition Act**

Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on H.R. 3250, the National Museum of Play Recognition Act.

H.R. 3250, the National Museum of Play Recognition Act, would recognize the Margaret Woodbury Strong Museum in Rochester, New York, and officially designate the Margaret Woodbury Strong Museum as the National Museum of Play.

The Department does not have a position on H.R. 3250, as the museum would not be located at a site that is under the jurisdiction of the Department of the Interior.

This legislation explicitly states that this Museum is not a unit of the National Park System, and that designation shall not be construed to require or permit Federal funds to be expended for any purpose related to the Museum.

Thank you for the opportunity to provide this statement for the record.

