

**H.R. 9111, H.R. 2405, H.R. 3293, H.R.  
6210, H.R. 8403, AND H.R. 8603**

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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

SECOND SESSION

Wednesday, July 24, 2024

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HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** Subcommittee on Federal Lands Republican Members

**From:** Subcommittee on Federal Lands; Aniela Butler, Brandon Miller, Jason Blore, and Colen Morrow—Aniela@mail.house.gov, Brandon.Miller@mail.house.gov, Jason.Blore@mail.house.gov, and Colen.Morrow@mail.house.gov; x6-7736

**Date:** Wednesday, July 24, 2024

**Subject:** Legislative Hearing on 6 Bills

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The Subcommittee on Federal Lands will hold a legislative hearing on 6 bills:

- H.R. 9111 (Rep. Tiffany), “*Apostle Islands National Park and Preserve Act*”;
- H.R. 2405 (Rep. Armstrong), “*North Dakota Trust Lands Completion Act of 2023*”;
- H.R. 3293 (Rep. Duncan), “*Expediting Federal Broadband Deployment Reviews Act*”;
- H.R. 6210 (Rep. Wexton), To designate the General George C. Marshall House, in the Commonwealth of Virginia, as an affiliated area of the National Park System, and for other purposes;
- H.R. 8403 (Rep. Cohen), “*Benton MacKaye National Scenic Trail Feasibility Study Act of 2024*”; and
- H.R. 8603 (Rep. Collins), “*Recreation and Outdoor Access Membership (ROAM) Act*”.

The hearing will take place on **Wednesday, July 24, 2024, at 10 o'clock a.m.** in room 1324 Longworth House Office Building.

Member offices are requested to notify Will Rodriguez (Will.Rodriguez@mail.house.gov) by 4:30 p.m. on Tuesday, July 23, 2024, if their Member intends to participate in the hearing.

**I. KEY MESSAGES**

- The Republican bills on today’s hearing will establish a new National Park, improve outdoor recreation on public lands, expedite broadband infrastructure efforts in rural areas, and facilitate a land exchange to help ensure smarter land management and American energy dominance.
- Chairman Tiffany’s legislation elevates the Apostle Islands into a National Park and Preserve, a fitting designation for a spectacular area rich in natural, cultural, and historic resources.
- Representative Collins’s legislation would increase visitation at state parks while helping alleviate overcrowding at national parks, a win-win for gateway communities.
- Legislation from Representative Duncan will help streamline broadband deployment and close the digital divide by creating a new strike force to address federal agency permitting bottlenecks.

- Representative Armstrong’s legislation facilitates land exchanges in North Dakota, allowing the state to generate more revenue for education while providing greater land ownership for Tribes.

## II. WITNESSES

### Panel I (Members of Congress):

- To Be Announced

### Panel II (Administration Officials and Outside Experts):

- **Mr. Frank Lands**, Deputy Director for Operations, National Park Service, Washington, D.C. [H.R. 9111, H.R. 2405, H.R. 3293, H.R. 6210, H.R. 8603]
- **The Honorable Romaine Quinn**, Senator, Wisconsin Senate, Rice Lake, Wisconsin [H.R. 9111]
- **Mr. Eric Keber**, Vice President of Government Affairs, WTA—Advocates for Rural Broadband, Washington, DC. [H.R. 3293]
- **Mr. Joseph Heringer**, Commissioner of University and Lands, State of North Dakota, Bismark, North Dakota [H.R. 2405]
- **Mr. Ken Cissna**, Former President, Benton MacKaye Trail Association, Morganton, Georgia [H.R. 8403] [Minority Witness]
- **Mr. Randy Minchew**, Board Member, George C. Marshall International Center, Leesburg, Virginia [H.R. 6210] [Minority Witness]

## III. BACKGROUND

### H.R. 9111 (Rep. Tiffany), “*Apostle Islands National Park and Preserve Act*”

The Apostle Islands National Lakeshore includes 21 islands and 12 miles of mainland shore on Lake Superior in Northern Wisconsin.<sup>1</sup> Often referred to as “Wisconsin’s Crown Jewel,” this unique archipelago is the largest in the Great Lakes region.<sup>2</sup> The islands are comprised of colorful sandstone and contain numerous scenic cliff formations and arches, sea caves, and sandy beaches.<sup>3</sup> The 12-mile lakeshore boasts areas of both hemlock-white-pine-northern hardwood forests and also pockets of boreal forest.<sup>4</sup> The Apostle Islands offer pristine habitat for a variety of mammals, migratory birds, fish, and amphibians.<sup>5</sup> The area is also rich in historic and cultural resources, having originally been inhabited by the Ojibwe people and now boasting several historic lighthouses and underwater shipwrecks.<sup>6</sup> During the winter season, the Apostle Islands develop stunning ice caves, which visitors often describe as a “bucket list” winter activity.<sup>7</sup> When Lake Superior freezes over, the islands, and the ice caves that form there, are reachable by foot about a mile away from the shore.<sup>8</sup> The Apostle Islands feature a multitude of year-round outdoor recreation opportunities, including hiking, kayaking, boating tours, camping, fishing, sailing, hunting and trapping, and scuba diving.<sup>9</sup> Visitation continues to

<sup>1</sup> Bayfield County, “Apostle Islands National Lakeshore”, <https://www.bayfieldcounty.wi.gov/317/Apostle-Islands-National-Lakeshore#:~:text=A%20place%20like%20no%20other,12%20miles%20of%20mainland%20shoreline>.

<sup>2</sup> National Park Service, “Apostle Islands”, <https://www.nps.gov/apis/index.htm>. Apostle Islands Cruises, “Why the Apostle Islands are the Crown Jewel of Wisconsin,” May 31, 2023, <https://www.apostleisland.com/2023/05/31/why-the-apostle-islands-are-the-crown-jewel-of-wisconsin/#:~:text=The%20Apostle%20Islands%20are%20Wisconsin’s,the%20Bayfield%20area%20as%20well>.

<sup>3</sup> National Park Service, “Apostle Islands: Nature & Science” <https://www.nps.gov/apis/learn/nature/index.htm>.

<sup>4</sup> *Id.*

<sup>5</sup> National Park Service, “Apostle Islands: Wildlife”, <https://www.nps.gov/apis/learn/nature/wildlife.htm>.

<sup>6</sup> *Id.*

<sup>7</sup> National Park Service, “Apostle Islands: Mainland Ice Caves”, <https://www.nps.gov/apis/mainland-caves-winter.htm>.

<sup>8</sup> Travel Wisconsin, “Explore The Ice Caves At Wisconsin’s Apostle Islands”, <https://www.travelwisconsin.com/article/natural-attractions-and-parks/explore-the-ice-caves-at-wisconsins-apostle-islands>.

<sup>9</sup> *Id.*

rise for this relatively isolated National Park Service (NPS) unit, and, in 2021, Apostle Islands saw a record 290,961 visitors.<sup>10</sup>



Ice caves of the Apostle Islands. **Source:** Getty Images, no date.

In 1970, Congress formally designated the Apostle Islands as a National Lakeshore.<sup>11</sup> This designation came four decades after Congress passed legislation authorizing a study assessing the feasibility of designating the Apostle Islands as a national park.<sup>12</sup> Senator Gaylord Nelson (D-WI) spearheaded the National Lakeshore designation and even flew over the Apostle Islands with President John F. Kennedy en route to Ashland, Wisconsin.<sup>13</sup> Once on the ground, President Kennedy described the Islands as a “part of our American heritage” and discussed the need to conserve such special areas.<sup>14</sup> More than 50 years after its initial designation, Chairman Tom Tiffany’s (R-WI-07) legislation would redesignate the Apostle Islands National Lakeshore as the “Apostle Islands National Park and Preserve.” Redesignating the Apostle Islands as a National Park would provide further recognition of this area’s unique characteristics and growing popularity. National Park status would also entice greater visitation, which would ensure more Americans can experience this unique area. Importantly, this designation would allow for continued hunting and trapping on Sand Island by creating the Sand Island National Preserve.

<sup>10</sup>Friends of the Apostle Islands, “By the numbers: Lakeshore visitation sets a record in 2021”, February 17, 2022, <https://friendsoftheapostleislands.org/2022/02/17/by-the-numbers-lakeshore-visitation-sets-a-record-in-2021/>.

<sup>11</sup>Wisconsin Public Radio, “Apostle Islands National Lakeshore Marks 50th Anniversary”, Danielle Kaeding, September 26, 2020, <https://www.wpr.org/culture/apostle-islands-national-lakeshore-marks-50th-anniversary>.

<sup>12</sup>*Id.*

<sup>13</sup>*Id.*

<sup>14</sup>*Id.*



Proposed map of the Apostle Islands National Park and Preserve. **Source:** NPS, 2024.

**H.R. 2405 (Rep. Armstrong), “North Dakota Trust Lands Completion Act of 2023”**

In 1889, Congress passed legislation to “provide for the division of Dakota into two states, and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and state governments, and to be admitted into the union on an equal footing with the original states, and to make donations of public lands to such states.”<sup>15</sup> This enabling statute granted approximately 2.6 million acres of individual parcels to North Dakota to generate revenue to “support common schools.”<sup>16</sup> Today, North Dakota manages approximately 706,600 acres of surface estate and 2.6 million acres of mineral estate.<sup>17</sup> To generate revenue, the state manages roughly 8,300 oil and gas leases and approximately 4,400 agriculture leases on these lands.<sup>18</sup> The revenue from these leases is deposited into 13 permanent trust funds and invested to provide long-term financing for education and other public benefits the state provides.<sup>19</sup>

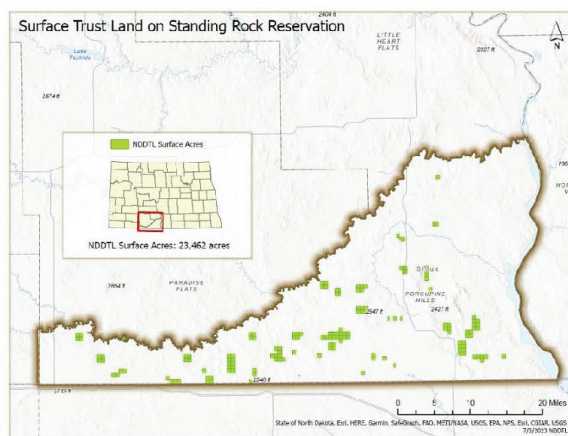
<sup>15</sup> 25 U.S. Statutes at Large, c 180 p 676.

<sup>16</sup> ND.gov, “Mission, Vision & History”, <https://www.land.nd.gov/mission-vision-history#:~:text=In%20North%20Dakota%2C%20this%20grant,capitol%2C%20and%20other%20public%20institutions.>

<sup>17</sup> *Id.*

<sup>18</sup> Joseph Heringer, North Dakota Commissioner of University and School Lands, Testimony before the Senate Committee on Natural Resources, July 12, 2023, <https://www.energy.senate.gov/services/files/406A4831-28DD-4778-951F-F9C4314254F4>.

<sup>19</sup> *Id.*



North Dakota Trust Lands located within the Standing Rock Reservation Boundaries.

Source: State of North Dakota, 2023.

As a provision of the enabling statute, if promised land parcels in townships had been sold before North Dakota became a state, the law permitted the state government to receive separate, unreserved federal lands “in lieu” of the unavailable lands.<sup>20</sup> The law did not permit in-lieu-of selections to be located within Indian reservations. However, subsequent establishments of tribal reservations trapped more than 31,000 surface acres and 130,000 acres of mineral estate previously selected by the State of North Dakota within these boundaries.<sup>21</sup> According to the North Dakota Commissioner of University and Lands, Joseph Heringer, the lands within tribal reservations are “unable to be developed pursuant to the [s]tate’s mandate to generate income for schools, universities, and other public purposes.”<sup>22</sup> H.R. 2405 seeks to remedy this limitation by allowing North Dakota to relinquish trapped state lands within Tribal Reservations to the federal government and select “in-lieu” federal lands elsewhere in the state. The bill would require the exchanges to be equal-value transactions. North Dakota could access and develop these lands to generate income for education and other public purposes while providing greater land ownership for Tribes within reservation boundaries.

#### **H.R. 3293 (Rep. Duncan), “Expediting Federal Broadband Deployment Reviews Act”**

Deploying broadband technologies and closing the digital divide for rural and Tribal communities means installing a significant portion of communications infrastructure on federal land.<sup>23</sup> The Department of the Interior (DOI), through the Bureau of Land Management (BLM), and the U.S. Forest Service (USFS), process the majority of applications and communications use authorizations to install communications facilities on federal property.<sup>24</sup> Communications use authorizations are requests for easements, rights-of-way, leases, or other authorizations “to locate or modify a transmitting device, support structure, or other communications facility”

<sup>20</sup> *Id.*

<sup>21</sup> Minot Daily News, “Legislation would improve access to state-owned minerals,” <https://www.minotdailynews.com/news/local-news/2021/11/legislation-would-improve-access-to-state-owned-minerals/>.

<sup>22</sup> Joseph Heringer, North Dakota Commissioner of University and School Lands, Testimony before the Senate Committee on Natural Resources, July 12, 2023, <https://www.energy.senate.gov/services/files/406A4831-28DD-4778-951F-F9C4314254F4>.

<sup>23</sup> “Special Uses—Communications Uses,” U.S. Department of Agriculture, U.S. Forest Service, <https://www.fs.usda.gov/managing-land/special-uses/communications-uses>. Streamlining Federal Siting Working Group Final Report, FCC Broadband Deployment Advisory Committee, January 24, 2018, <https://www.fcc.gov/sites/default/files/bdac-federalsiting-01232018.pdf>.

<sup>24</sup> “Broadband Deployment: Agencies Should Take Steps to Better Meet Deadline for Processing Permits,” U.S. Government Accountability Office, April 10, 2024, <https://www.gao.gov/products/gao-24-106157#>.

on public lands.<sup>25</sup> Although BLM and USFS face a statutory requirement to grant or deny these applications within 270 days, this deadline is often missed.<sup>26</sup> The U.S. Government Accountability Office (GAO) recently reported roughly half of the communications use applications submitted to BLM and USFS from fiscal years 2018 to 2022 either exceeded the 270-day deadline or lacked data sufficient to reveal whether the deadline had been met.<sup>27</sup> As a result, broadband developers report that fiber deployment in rural areas takes an average of five to 10 years to complete.<sup>28</sup> These regulatory hurdles raise the costs of broadband development plans and bring delay and uncertainty to them, dissuading many would-be providers from even applying in the first place.<sup>29</sup> Without lowering these obstacles, the “digital divide” and its detrimental consequences will persist.

H.R. 3293 is one of several Republican-led solutions that would expedite broadband deployment on federal lands.<sup>30</sup> The legislation would require the Assistant Secretary of Commerce for Communications and Information (Assistant Secretary), in their capacity as head of the National Telecommunications and Information Administration, to create an interagency “strike force” that would assist BLM and USFS in reviewing requests for communications use authorizations. Crucially, the bill would require the two agencies to prioritize—at each organizational unit—their review of such requests. The five-member strike force would consist of the Assistant Secretary, the heads of BLM and USFS, and a designee of each the Secretary of Agriculture and the Secretary of the Interior, respectively. Once established, the strike force would periodically convene to ensure BLM and USFS are prioritizing the review of requests for communications use authorizations, establish “objective and reasonable” goals for those reviews, and hold the agencies accountable for meeting such goals. H.R. 3293 is co-led by Representative Angie Craig (D-MN-02).

**H.R. 6210 (Rep. Wexton), To designate the General George C. Marshall House, in the Commonwealth of Virginia, as an affiliated area of the National Park System, and for other purposes.**

According to Franklin Roosevelt and Winston Churchill, the “Greatest American of the Twentieth Century” was the son of a coal merchant and a native of Uniontown, Pennsylvania.<sup>31</sup> Born in 1880, George C. Marshall would become one of World War II’s most important military figures and the architect of the famous Marshall Plan that followed.<sup>32</sup> During some of the most influential periods of his career, General Marshall called the Dodona Manor and its eight-acre grounds in Leesburg, Virginia home.<sup>33</sup> While a resident at Dodona Manor from 1941 to 1959, Marshall held prestigious titles, including Chief of Staff of the Army, Special Envoy to China, Secretary of State, Secretary of Defense, President of the American Red Cross, and winner of the Nobel Peace Prize.<sup>34</sup> Following General Marshall’s death in 1959, his wife gave the home to her oldest daughter, Molly, who later sold the property to the George C. Marshall Home Preservation Fund.<sup>35</sup> Today, the home serves as a modern-day time capsule, with over 90 percent of the objects found in the home belonging to George and Katherine Marshall.<sup>36</sup>

In 1996, NPS designated the home as a National Historic Landmark. Then, a 10-year, \$7-million restoration of the home culminated in the opening of the Manor to

<sup>25</sup> *Id.*

<sup>26</sup> “Broadband Deployment: Agencies Should Take Steps to Better Meet Deadline for Processing Permits,” U.S. Government Accountability Office, April 10, 2024, <https://www.gao.gov/products/gao-24-106157#>.

<sup>27</sup> *Id.*

<sup>28</sup> Linda Hardesty, “Whoa—the fiber permitting process could crush digital divide dreams,” Fierce Network, December 9, 2021, <https://www.fierce-network.com/broadband/whoa-fiber-permitting-process-could-crush-digital-divide-dreams>.

<sup>29</sup> *Id.*

<sup>30</sup> “E&C Advances Seven Bills to Close the Digital Divide and Improve American Leadership in Wireless Communications,” U.S. House Committee on Energy and Commerce, May 24, 2023, <https://energycommerce.house.gov/posts/e-and-c-advances-seven-bills-to-close-the-digital-divide-and-improve-american-leadership-in-wireless-communications>.

<sup>31</sup> Historical Office of the Secretary of Defense, “George C. Marshall,” <https://history.defense.gov/Multimedia/Biographies/Article-View/Article/571266/george-c-marshall/#:~:text=The%20son%20of%20a%20coal,United%20States%20Army%20in%201902>.

<sup>32</sup> George C. Marshall International Center, “George C. Marshall’s Dodona Manor,” <https://www.georgemarshall.org/dodona-manor>.

<sup>33</sup> *Id.*

<sup>34</sup> Visit Loudon, “George C. Marshall’s Dodona Manor,” <https://www.visitloudoun.org/listing/george-c-marshall-s-dodona-manor/13/>.

<sup>35</sup> *Id.*

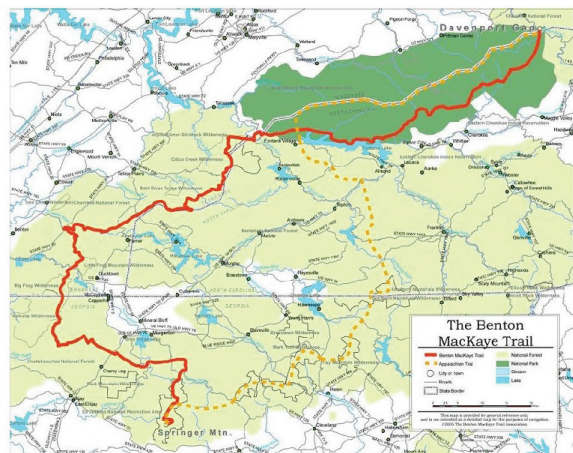
<sup>36</sup> *Id.*



the public as a museum on Veterans Day 2005.<sup>37</sup> More recently, a push to designate the Manor as an affiliated area of the National Park System gained momentum when NPS concluded the Manor met all three requirements for designation.<sup>38</sup> H.R. 6210 would designate the George C. Marshall House as an affiliated area of the National Park System. In doing so, the site would be able to receive technical assistance and limited financial aid from NPS. The home would not be managed or administered by the NPS and would not be added to the federal estate.<sup>39</sup>

**H.R. 8403 (Rep. Cohen), “Benton MacKaye National Scenic Trail Feasibility Study Act of 2024”**

The Benton MacKaye Trail (BMT), named after the American forester who famously envisioned the Appalachian Trail, is a non-motorized, backcountry trail that extends more than 280 miles across Georgia, Tennessee, and North Carolina.<sup>40</sup> The BMT connects with both the Pinhoti Trail and the Appalachian National Scenic Trail.<sup>41</sup> Beginning in northern Georgia at Springer Mountain, the BMT crosses several national forests, connects with and crosses the Appalachian Trail in the Great Smokey Mountains National Park, and terminates at the eastern part of the Park.<sup>42</sup> Approximately 95 percent of the BMT is on land managed by either USFS or NPS.<sup>43</sup> H.R. 8403 would amend the National Trails System Act to authorize a study of the feasibility of designating the Benton MacKaye Trail as a National Scenic Trail.<sup>44</sup> To date, 11 National Scenic Trails have been designated across the country.<sup>45</sup> These routes generally extend 100 miles or more, are primarily non-motorized, and offer outstanding recreation opportunities.<sup>46</sup>



Source: Benton MacKaye Trail Association, no date.

<sup>37</sup> *Id.*

<sup>38</sup> National Park Service, “General George C. Marshall House: Reconnaissance Survey”, April 2022, <https://bloximages.chicago2.vip.townnews.com/loudounnow.com/content/tncms/assets/v3/editorial/5/76/57690580-daef-11ed-9aa3-eba5493c9199/643996ffa5253.pdf>.

<sup>39</sup> LoudounNow, “Marshall’s Leesburg Home Moves Toward Park Service Affiliation”, [https://www.loudounnow.com/news/leesburg/marshall-s-leesburg-home-moves-toward-park-service-affiliation/article\\_5d379f02-daf5-11ed-86f7-57f5656d18a2.html](https://www.loudounnow.com/news/leesburg/marshall-s-leesburg-home-moves-toward-park-service-affiliation/article_5d379f02-daf5-11ed-86f7-57f5656d18a2.html).

<sup>40</sup> U.S. Forest Service, “Benton MacKaye Trail in Georgia”, <https://www.fs.usda.gov/recarea/conf/recreation/hiking/recarea/?recid=64869&actid=50>.

<sup>41</sup> *Id.*

<sup>42</sup> Peculiar Work, “Benton MacKaye National Scenic Trail Bill Filed in Congress”, Larry Anderson, May 27, 2022, <https://peculiarwork.net/blog/benton-mackaye-national-scenic-trail-bill-filed-in-congress/>.

<sup>43</sup> Smoky Mountain News, “Bill seeks National Scenic Trail status for Benton MacKaye Trail”, June 7, 2023, <https://smokymountainnews.com/outdoors/item/35768-bill-seeks-national-scenic-trail-status-for-benton-mackaye-trail>.

<sup>44</sup> 16 USC Ch. 27.

<sup>45</sup> National Park Service, “National Scenic Trails”, <https://www.nps.gov/subjects/nationaltrailssystem/national-scenic-trails.htm>.

<sup>46</sup> *Id.*

**H.R. 8603 (Rep. Collins), “Recreation and Outdoor Access Membership (ROAM) Act”**

The demand for outdoor recreation opportunities and access continues to rise across our national parks and public lands. In 2023, visitation to our national parks surpassed 325 million people, marking the fourth consecutive year of visitation growth since the COVID-19 pandemic.<sup>47</sup> National parks serve as an economic lifeline to many gateway communities nationwide, particularly in rural areas with limited economic activity.<sup>48</sup> However, the recent overcrowding of popular national parks threatens to diminish visitor experiences and puts an unsustainable strain on park infrastructure. To address this problem, many local communities have sought to disperse visitation to lesser-known, well-maintained state parks.

H.R. 8603, the Recreation and Outdoor Access Membership (ROAM) Act, creates a pilot program that allows NPS to issue a single annual pass covering entry into federal and state parks in one or more states in the Southeastern region. This pilot aims to increase visitation to state parks, improve customer service, and reduce overcrowding at national parks. H.R. 8603 contains provisions ensuring that neither the federal government nor state parks would lose any revenue due to combining entrance fees into one pass. Similar proposals have been included in the EXPLORE Act, which would authorize federal recreation passes and state recreation passes to be sold in the same transaction.<sup>49</sup>

**IV. MAJOR PROVISIONS & SECTION-BY-SECTION**

**H.R. 9111 (Rep. Tiffany), “Apostle Islands National Park and Preserve Act”**

**Section 2. Apostle Islands National Park and Preserve.**

- Redesignates the “Apostle Islands National Lakeshore” as the “Apostle Islands National Park” and “Sand Island National Preserve,” based on a map on file with NPS.
- Specifies nothing in the legislation creates a protective perimeter or buffer around the boundary of Ashland Harbor Breakwater Light.
- Standardizes the management of hunting and trapping in accordance with other National Parks within the Apostle Islands National Park. Allows hunting and trapping to continue on Sand Island National Preserve as those activities have been permitted. Clarifies fishing will continue in the Apostle Islands National Park and Preserve. Specifies nothing in the bill prohibits hunting, fishing, or trapping on private land.
- Directs the Secretary of the Interior to include signage at the Bayfield Headquarters Visitor Center and the Little Sand Bay Visitor Center regarding the region’s history, including information about the Ojibwe Tribes, early European settlers, fur trade, logging, stone quarries, lighthouses, and commercial fishing.

**H.R. 2405 (Rep. Armstrong), “North Dakota Trust Lands Completion Act of 2023”**

**Section 4. Relinquishment and Selection; Conveyance.**

- Allows the State of North Dakota to relinquish state land grant parcels located wholly or partially within the boundaries of a Tribal Reservation in exchange for one or more parcels of unappropriated Federal land of equal value.
- Requires the Secretary of the Interior to approve or reject land selections, in whole or in part, within 90 days of selection. Requires the Secretary to initiate necessary conveyance actions within 60 days of approval of a state selection.
- Mandates the State of North Dakota concurrently convey title, free of any financial claims, liabilities, or other financial encumbrances, to the Secretary.

<sup>47</sup> National Park Service, “Visitation Numbers”, <https://www.nps.gov/aboutus/visitation-numbers.htm>.

<sup>48</sup> National Park Service, “Visitor Spending Effects—Economic Contributions of National Park Visitor Spending”, <https://www.nps.gov/subjects/socialscience/vse.htm>.

<sup>49</sup> Sec. 321; <https://www.congress.gov/bill/118th-congress/house-bill/6492/text>.



- Stipulates that each party to which land is conveyed will succeed to the rights and obligations of the conveying party concerning any lease, right-of-way, permit, or other valid existing right to which the land is subject.
- Clarifies state land grant parcels relinquished by the state under this bill are to, upon request from the applicable Indian Tribe, be taken into trust by the Secretary for the benefit of the Indian Tribe.
- Requires consultation with applicable Indian Tribes.
- Specifies conditions for selecting parcels with significant mineral resources and provides for fair treatment of existing mining claims.

#### **Section 5. Valuation.**

- Stipulates all transactions must be of substantially equal value and are subject to appraisals under the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards for Professional Appraisal Practice.
- Allows for cash equalization payments by either the Secretary or the state. Cash equalization payments may not exceed 25 percent of the value of the unappropriated Federal land. Allows for a ledger account to equalize the value of certain parcels.
- Allows for mass appraisals of low-value parcels of land.

#### **Section 6. Miscellaneous.**

- States that any land or minerals conveyed under this bill are subject to applicable Federal, state and Tribal laws.
- Clarifies that nothing in the bill affects any treaty-reserved right or other right of any Indian Tribe. Further clarifies that nothing in the bill affects land or minerals held in trust by the United States, or any individual Tribal allotment.
- Contains provisions related to the conveyance of hazardous materials and certification requirements for the Federal government and states.
- Specifies that Federal and state grazing permits shall be respected and permitted to continue for the remainder of the existing term.

#### **Section 7. Savings Clause.**

- Specifies nothing in the legislation applies to or impacts the ownership of any land or mineral resources.

### **H.R. 3293 (Rep. Duncan), “Expediting Federal Broadband Deployment Reviews Act”**

#### **Section 2. Establishment of Interagency Strike Force.**

- Directs the Assistant Secretary of Commerce for Communications and Information to establish, not later than 180 days after the bill's enactment, an interagency strike force to ensure BLM and USFS prioritize reviewing requests for communications use authorizations.
- Specifies the strike force shall consist of the Assistant Secretary, the heads of the BLM and USFS, and separate designees of the Secretary of Agriculture and the Secretary of the Interior, respectively.
- Tasks the strike force to make periodic calls to ensure BLM and USFS prioritize reviewing requests for communications use authorizations, establishing objective and reasonable goals for those reviews, and holding the agencies accountable for meeting such goals.
- Requires the Assistant Secretary to submit to Congress, not later than 270 days after the bill's enactment, a report on the effectiveness of the strike force in ensuring BLM and USFS prioritize the review of requests for communications use authorizations.

**H.R. 6210 (Rep. Wexton), To designate the General George C. Marshall House, in the Commonwealth of Virginia, as an affiliated area of the National Park System, and for other purposes.**

**Section 1. Establishment of the General George C. Marshall House as an Affiliated Area.**

- Establishes the General George C. Marshall House as an affiliated area of the National Park System.
- Clarifies that the George C. Marshall International Center will manage the site. Allows the Secretary of the Interior to provide technical assistance and enter into cooperative agreements with the George C. Marshall International Center.
- Clarifies that nothing in the legislation allows the Secretary to acquire land or assume financial responsibility for the site.
- Requires the Secretary, in consultation with the George C. Marshall International Center, to complete a management plan for the site within three years of the bill's enactment.

**H.R. 8403 (Rep. Cohen), “Benton MacKaye National Scenic Trail Feasibility Study Act of 2024”**

**Section 3. Benton MacKaye National Scenic Trail Feasibility Study**

- Amends the National Trails System Act to authorize a study of the feasibility of designating the Benton MacKaye Trail as a National Scenic Trail within one year of the bill's enactment.

**H.R. 8603 (Rep. Collins), “Recreation and Outdoor Access Membership (ROAM) Act”**

**Section 2. Pilot Program for State and National Passes.**

- Directs the Secretary of the Interior to implement a pilot program to issue a pass that allows entry into parks and other outdoor recreation areas under the jurisdiction of one or more Federal land management agencies and one or more state land management agencies in the National Park Service's Southeastern region.
- Requires the Federal and state partners to mutually agree on the price of the multi-entity pass, its benefits, and its recipients.
- Clarifies the Secretary or the relevant state cannot enter into an agreement that would reduce net revenue for entry into the same parks and outdoor recreation areas.
- Sunsets the pilot four years after the date on which the first partnership agreement to issue joint passes is signed.
- Requires the Secretary to submit a report to Congress discussing the effectiveness of the program and a recommendation as to whether the program should be expanded permanently nationwide.

**V. COST**

The Congressional Budget Office (CBO) estimated H.R. 3293 would not affect direct spending or revenues.<sup>50</sup> None of the other bills on the agenda have received a formal cost estimate from CBO.

<sup>50</sup> “H.R. 3293, Expediting Federal Broadband Deployment Reviews Act,” Congressional Budget Office, July 31, 2023, <https://www.cbo.gov/system/files/2023-07/hr3293.pdf>.

## **VI. ADMINISTRATION POSITION**

BLM previously testified on the Senate companion to the “North Dakota Trust Lands Completion Act” that the agency “supports the Sponsor’s goal of addressing the patchwork of inholdings within existing reservation boundaries.”<sup>51</sup> BLM further stated its desire to “work with the Sponsor to clarify the intent of several of the bill’s provisions and the mechanisms outlined in the bill for effectuating the proposed conveyances.”<sup>52</sup> NPS previously testified in support of the Senate companion to H.R. 6210.<sup>53</sup> The administration’s position on the remaining legislation is unknown at this time.

## **VII. EFFECT ON CURRENT LAW (RAMSEYER)**

### **H.R. 8403**

[https://naturalresources.house.gov/uploadedfiles/bill-to-law\\_118hr8403ih.pdf](https://naturalresources.house.gov/uploadedfiles/bill-to-law_118hr8403ih.pdf)

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<sup>51</sup>Statement of Thomas Heinlein before Senate Committee on Energy and Mineral Resources on S. 1088, July 12, 2023, <https://www.blm.gov/sites/default/files/docs/2023-07/07.12.23%20SENR%20Hearing%20BLM%20Testimony.pdf>.

<sup>52</sup>*Id.*

<sup>53</sup>Statement of Michael A. Caldwell, Associate Direct, Park Planning, Facilities and Lands, National Parks Service, before Senate Committee on Energy and Mineral Resources on S. 3195, May 15, 2024, <https://www.energy.senate.gov/services/files/B231DA8A-B0C6-4E3D-8535-ABBE2207FD75>.



LEGISLATIVE HEARING ON H.R. 9111, TO REDESIGNATE THE APOSTLE ISLANDS NATIONAL LAKESHORE AS THE APOSTLE ISLANDS NATIONAL PARK AND PRESERVE, AND FOR OTHER PURPOSES, “APOSTLE ISLANDS NATIONAL PARK AND PRESERVE ACT”; H.R. 2405, TO AUTHORIZE THE RELINQUISHMENT AND IN LIEU SELECTION OF LAND AND MINERALS IN THE STATE OF NORTH DAKOTA, TO RESTORE LAND AND MINERALS TO INDIAN TRIBES WITHIN THE STATE OF NORTH DAKOTA, AND FOR OTHER PURPOSES, “NORTH DAKOTA TRUST LANDS COMPLETION ACT OF 2023”; H.R. 3293, TO REQUIRE THE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION TO ESTABLISH AN INTERAGENCY STRIKE FORCE TO ENSURE THAT CERTAIN FEDERAL LAND MANAGEMENT AGENCIES, INCLUDING THE ORGANIZATIONAL UNITS OF SUCH AGENCIES, PRIORITIZE THE REVIEW OF REQUESTS FOR COMMUNICATIONS USE AUTHORIZATIONS, AND FOR OTHER PURPOSES, “EXPEDITING FEDERAL BROADBAND DEPLOYMENT REVIEWS ACT”; H.R. 6210, TO DESIGNATE THE GENERAL GEORGE C. MARSHALL HOUSE, IN THE COMMONWEALTH OF VIRGINIA, AS AN AFFILIATED AREA OF THE NATIONAL PARK SYSTEM, AND FOR OTHER PURPOSES; H.R. 8403, TO AMEND THE NATIONAL TRAILS SYSTEM ACT TO DIRECT THE SECRETARY OF AGRICULTURE TO CONDUCT A STUDY ON THE FEASIBILITY OF DESIGNATING THE BENTON MACKAYE TRAIL AS A NATIONAL SCENIC TRAIL, “BENTON MACKAYE NATIONAL SCENIC TRAIL FEASIBILITY STUDY ACT OF 2024”; AND H.R. 8603, TO DIRECT THE SECRETARY OF THE INTERIOR TO ESTABLISH A PILOT PROGRAM FOR A FEDERAL AND STATE MULTI-ENTITY PASS ACCEPTED BY ONE OR MORE FEDERAL LAND MANAGEMENT AGENCIES AND ONE OR MORE STATE LAND MANAGEMENT AGENCIES, AND FOR OTHER PURPOSES, “RECREATION AND OUTDOOR ACCESS MEMBERSHIP ACT”, OR “ROAM ACT”

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Wednesday, July 24, 2024  
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 10:01 a.m. in Room 1324, Longworth House Office Building, Hon. Tom Tiffany [Chairman of the Subcommittee] presiding.

Present: Representatives Tiffany, Stauber; Neguse, and Peltola.  
Also present: Representatives Armstrong and Collins.

Mr. TIFFANY. The Subcommittee on Federal Lands will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to consider six bills: H.R. 9111, H.R. 2405, H.R. 3293, H.R. 6210, H.R. 8403, and H.R. 8603.

I ask unanimous consent that the following Members be allowed to participate in today's hearing from the dais: the gentleman from Georgia, Mr. Collins; the gentlemen from Tennessee, Mr. Cohen and Mr. Fleischmann; the gentleman from South Carolina, Mr. Duncan; the gentleman from North Dakota, Mr. Armstrong; and the gentlelady from Virginia, Ms. Wexton.

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 the Committee Rule 3(o).

Without objection, so ordered.

I now recognize myself for an opening statement.

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

Mr. TIFFANY. The legislation we are considering today will improve land management and access by consolidating checkerboard landownership in North Dakota, reducing overcrowding at national parks and encouraging visitation to state parks in the Southeast, and delivering broadband connectivity to rural America.

We will also be considering my legislation, the Apostle Islands National Park and Preserve Act, to designate in my beautiful district Wisconsin's first national park. Known as the Crown Jewel of Wisconsin, the Apostle Islands National Lakeshore is truly an unrivaled destination that is more than worthy of being elevated to a crown jewel of the National Park System.

The Apostle Islands are rich in natural, cultural, and historic resources. Comprised of 21 islands and 12 miles of mainland shore on Lake Superior in northern Wisconsin, the Apostle Islands contain numerous scenic cliff formations and arches, sea caves, and sandy beaches. From abundant forests and fisheries to dramatic cliffs and caves, there is truly no place in America like the Apostle Islands.

This area also contains a collection of underwater shipwrecks and what the National Park Service calls the largest and finest collection of lighthouses in the country. The 10 historic lighthouses of the Apostle Islands range from approximately 110 to 170 years old, and offer important glimpses into the maritime history of the Great Lakes region. In the summer months, locals and tourists enjoy hiking, power boating, sailing, kayaking, camping, and even scuba diving. Families picnic on pristine sandy beaches and discover the solitude and remoteness of the area's many islands. In the winter, when Lake Superior freezes over, the Apostle Islands are transformed into dramatic ice caves that are accessible to hikers. These stunning and unique ice formations are considered a bucket list destination, and offer world-class recreation opportunities.

My legislation is very straightforward. It would simply redesignate the majority of the Apostle Islands National Lakeshore into the Apostle Islands National Park. My bill also maintains the heritage of hunting within the Apostle Islands by designating Sand

Island, a popular hunting designation, as the Sand Island National Preserve. Protecting hunting access is paramount to me as the Chairman of this Subcommittee, and we worked for over a year with local stakeholders to ensure that active hunting locations were not harmed by this bill.

Further, my legislation directs the National Park Service to enhance interpretive displays within the Apostle Islands to include more information about the area's rich fur trade, logging, and fishing industries. This information will also honor the Ojibwe Tribes, the original inhabitants of the Apostle Islands, who have called the area home for centuries. The Apostle Islands are integral to the culture of the Ojibwe people, and elevating this unit to National Park Service will help elevate their history, as well.

While this legislation was just introduced, it reflects effort that has been several decades in the making. In 1930, nearly a century ago, Congress first authorized a study to designate the Apostle Islands as a national park. Roughly 40 years later, President John F. Kennedy described the islands as, "Part of our American heritage," and the area was designated as a national lakeshore. Now, by elevating the Apostle Islands from a national lakeshore to a national park, we can ensure that thousands more are able to visit this area.

I know firsthand how meaningful increased visitation can be for our Northwoods communities and small businesses that rely on outdoor recreation. My wife and I operated wilderness cruises in Wisconsin's Northwoods for two decades. This will be a win for the people in my state and the country at large, as more folks get to enjoy the crown jewels of Wisconsin.

Since becoming Chairman of this Subcommittee, I have talked with constituents in my district. I would like to thank them all for their valuable feedback. I would also like to thank State Senator Romaine Quinn, who represents the Apostle Islands in the Wisconsin State Senate, for appearing before the Subcommittee today to testify in support of this legislation.

[Slide.]

Mr. TIFFANY. You can see the beauty of the Apostle Islands in the pictures behind me. But for those who haven't had the chance to experience this beauty up close, I would like to extend my invitation to you to visit us in northern Wisconsin. It is my hope that many more will be able to experience this hidden gem once the Apostle Islands are designated as Wisconsin's first national park.

With that, I appreciate all the bills' sponsors for their efforts on today's bills. I also want to thank the witnesses appearing before us.

We appreciate you taking the time to be here and look forward to hearing your valuable testimony.

With that, I yield back, and we will now move on to our first panel, which consists of Members.

I now recognize Representative Collins for 5 minutes on H.R. 8603.

**STATEMENT OF THE HON. MIKE COLLINS, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF GEORGIA**

Mr. COLLINS. Thank you, Chairman Tiffany. I appreciate the opportunity today to speak in support of my bill, the Recreation and Outdoor Access Membership Act, or the ROAM Act.

While America's national parks are visited by millions of people every year, U.S. state parks are often overlooked and forgotten when Americans decide to partake in outdoor recreation. The America the Beautiful pass has made it easy for Americans to visit national parks and Federal recreational lands. However, no such system currently exists for state parks. Because all our states operate their parks differently, different entry fees, different discounts, different fees to park, et cetera, it can be difficult for Americans to access the state parks.

The ROAM Act aims to fix this problem and encourage more Americans to visit national parks and state parks by providing access to both in one annual pass. Specifically, this bill creates a pilot program through the National Park Service that allows the agency to enter into access and revenue-sharing agreements with interested states and territories in the southeast region of the country. These states and territories include Georgia, Alabama, Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands.

The National Park Service and the states that opt in would share the revenue generated from the sale of these new annual passes. If successful, the goal would be to expand the program to the whole country. A couple of important things to note.

First, this program is completely voluntary. No states are required to participate if they don't want to.

Second, the language in this bill protects both the National Park Service and the state parks from losing any existing revenue on the sale of the passes. The bill will increase visitors to U.S. state parks, thereby bringing increased economic activity to the state and local communities that house these parks.

Additionally, because it provides access to both state and national parks, it will encourage Americans to visit state parks and could reduce visitors to national parks, reducing overcrowding at some of our nation's busiest national parks.

I appreciate the opportunity to speak with you all today, and I yield back.

Mr. TIFFANY. Thank you very much. Next up is going to be Representative Kelly Armstrong for 5 minutes on H.R. 2405.

Mr. Armstrong.

**STATEMENT OF THE HON. KELLY ARMSTRONG, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF NORTH DAKOTA**

Mr. ARMSTRONG. Thank you, Mr. Chairman, and thank you for having this hearing on H.R. 2405, the North Dakota Trust Lands Completion Act.

Today, we are here to hopefully solve a problem that has been affecting my home state of North Dakota for a very long time, all the way back to the 1889 North Dakota Enabling Act. When North Dakota became a state, it received a grant of 2.6 million acres of



scattered land and mineral rights to provide for education and public needs.

North Dakota is unique in the West in that we don't necessarily have huge blocks of contiguous lands, but rather many commingled Federal land and mineral acres. When the Federal Government established tribal reservations in North Dakota, the lines drawn orphaned much of these lands and minerals within reservation boundaries, making it nearly impossible for the state to access or manage. There are over 31,000 acres that are trapped in this Catch-22, preventing their beneficial use for the public good. Many have tried to use the existing Bureau of Land Management exchange process, but it was not designed for land swaps at this scale, and is inadequate to solve the problem for North Dakotans.

The current situation is untenable and is unfair to both the reservations and the state. What the North Dakota Trust Lands Completion Act does is adapt the traditional in-lieu relinquishment process that BLM does, and adapts it to circumstances of North Dakota's unique concerns. What this bill allows is the state of North Dakota to relinquish its lands that are within the tribal reservation and receive equivalent in-value BLM-managed Federal lands or minerals from elsewhere in the state.

By advancing the North Dakota Trust Lands Completion Act, we would allow the reservations to consolidate their tribal lands and exert greater control over their territory, while preserving their treaty-reserved rights. Further, we would allow North Dakota to fully realize the benefits entrusted to it in its land grant for the benefit of all North Dakotans.

The bill represents a policy consensus with tribal, state, Federal, and industry stakeholders on this legislation. This is a solution that addresses all stakeholder concerns, and allows for everyone to have more autonomy, sovereignty, and cohesive management of their resources. I urge the Committee to advance H.R. 2405, the North Dakota Trust Lands and Completion Act.

Thank you for your time, and I yield back.

Mr. TIFFANY. Thank you, Representative Armstrong. We are now going to move on to our second panel.

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, please 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 complete your statement.

First, I would like to introduce Mr. Frank Lands, Deputy Director for Operations at the National Park Service.

Deputy Director Lands, you are recognized for 5 minutes.

**STATEMENT OF FRANK LANDS, DEPUTY DIRECTOR FOR  
OPERATIONS, NATIONAL PARK SERVICE, WASHINGTON, DC**

Mr. LANDS. Chairman Tiffany and members of the Subcommittee, thank you for the opportunity to present the Department of the Interior's views on two bills and one draft bill

on today's agenda. I would like to submit our full statements for the record, and summarize the Department's views.

I would also like to submit statements for the record for two other bills, H.R. 2405, the North Dakota Trust Lands Completion Act of 2023, and H.R. 3293, the Expediting Federal Broadband Deployment Reviews Act. These statements were prepared by the Bureau of Land Management, and we would request that any questions about these bills be referred to them.

The draft bill on today's agenda would redesignate Apostle Islands National Lakeshore as the Apostle Islands National Park and Preserve. While this bill was not introduced in time for the Department to take a position, we would like to make some observations.

Under the draft legislation, the redesignated Apostle Islands National Park and Preserve would be comprised of two units, Apostle Islands National Park and Sand Island National Preserve. The draft would prohibit hunting and trapping within the portion of the lakeshore redesignated as the national park, but allow it in the preserve. That would make this redesignation consistent with long-standing congressional practice of reserving the designation of "national park" for units where hunting and trapping are prohibited. Currently, hunting and trapping are allowed throughout the lakeshore.

The Department identified two areas that we would recommend addressing. One is the need for clarification of the relationship between Apostle Islands National Park and Sand Island National Preserve. The other is the need for reinforcement of the treaty rights of the Ojibwe Tribes. Part of the lakeshore is within the tribal reservation, and the remaining land areas are within the territories ceded by the treaty with the reservations to hunt, trap, and gather. We would be happy to work with you on these issues and any other issues that emerge as we continue our review.

H.R. 6210 would designate the General George C. Marshall House in Leesburg, Virginia as an affiliated area of the National Park System. It would name the George C. Marshall International Center as the management entity for the affiliated area, and provide authorities that are typical for sites designated as affiliated areas.

This site is the subject of a 2023 reconnaissance survey the National Park Service conducted that indicated that the site appeared to meet all of the criteria to be considered eligible for affiliated status. The Department supports this bill.

H.R. 8603 would direct the Secretary of the Interior to establish a pilot program for a Federal and state multi-entity pass accepted by one or more Federal land management agencies and one or more state land management agencies.

The Department appreciates the intent of this bill to offer a multi-entity park pass for visitors to Federal and state parks, but has concerns with the legislation as introduced. The authority to enter into multi-entity pass agreements already exists through the Federal Lands Recreation Enhancement Act, or FLREA. Over the years, the National Park Service has explored whether this authority could be used to boost visitation at some of our lesser utilized parks. In evaluating this approach, we have identified a number of

barriers which have made multi-entity passes impractical to implement, which are outlined in the full statement.

If the Committee decides to act on this legislation, we would like to work with the bill's sponsor and the Committee on amendments that would align the bill's language with laws already governing the fee collection and entrance pass program. We would also like to discuss whether the pilot program authorized by this bill could be tailored to meet more specific goals.

Mr. Chairman, this concludes my testimony. I am happy to answer any questions that you or the other members of the Subcommittee may have.

[The prepared statement of Mr. Lands follows:]

PREPARED STATEMENT OF FRANK W. LANDS, DEPUTY DIRECTOR, OPERATIONS,  
NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

ON H.R. 9111, H.R. 6210, AND H.R. 8603

**H.R. 9111, To redesignate the Apostle Islands National Lakeshore as the Apostle Islands National Park and Preserve, and for other purposes**

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. 9111, to redesignate the Apostle Islands National Lakeshore as the "Apostle Islands National Park and Preserve". While this bill was not introduced in time for the Department to take a position, we would like to make some observations that we believe will be helpful to the bill sponsor and the Committee.

This draft legislation would designate Apostle Islands National Lakeshore (Lakeshore) as "Apostle Islands National Park and Preserve," to be comprised of two units, Apostle Islands National Park and Sand Island National Preserve. The draft would require that Apostle Islands National Park and Preserve be administered by the Secretary of the Interior (Secretary) in accordance with the laws generally applicable to units of the National Park System. Within Apostle Islands National Park, the bill would prohibit hunting and trapping. The draft provides that nothing in the bill would create a protective perimeter or buffer zone around the Ashland Harbor Breakwater Light.

Within the unit named Sand Island National Preserve, the draft would require the Secretary to administer hunting and trapping in the same manner that these activities were administered the day before the date of enactment. Within Apostle Islands National Park and Preserve, the draft would require the Secretary to administer fishing in the same manner that this activity was administered on the day before the bill's enactment. Finally, the draft clarifies that nothing would prohibit hunting, fishing, or trapping on private lands.

Established by Congress in 1970, Apostle Islands National Lakeshore consists of 21 islands and a 12-mile strip of shoreline encompassing approximately 70,000 acres of land and water on the northern tip of Wisconsin and in Lake Superior. The park is located in Bayfield and Ashland Counties, Wisconsin, within the ancestral homeland of the Ojibwe people. Part of the Lakeshore's Mainland Unit is within the reservation of the Red Cliff Band of Lake Superior Chippewa. The remaining land areas of the lakeshore are within the territory ceded as part of the 1842 Treaty of La Pointe made with the Ojibwe Tribes of Lake Superior and the Mississippi River. The Ojibwe reserved their rights to hunt, trap, and gather within this ceded territory. The National Park Service (NPS) recognizes and respects these rights.

The Department notes that the draft legislation's prohibition on hunting and trapping in the portion of the park designated as Apostle Islands National Park is consistent with the long-standing congressional practice of reserving the designation of "national park" for units of the National Park System where hunting and trapping is prohibited, reflecting the NPS's standard nomenclature. The Department also notes that while the Lakeshore currently allows hunting and trapping throughout the park, under this draft, hunting and trapping would be allowed only within the unit designated Sand Island National Preserve, which consists of only one of the Lakeshore's 21 islands.

In our preliminary review, the Department identified two areas that we would recommend addressing before the draft bill is introduced: one is the need for clarification of the relationship between Apostle Islands National Park and Sand Island

National Preserve. It would be unusual to establish one unit of the National Park System within another unit; a more common formation would be to establish a separate unit that could be administered in conjunction with the other unit. A second area is the need to reinforce the treaty rights of the Ojibwe for hunting, trapping, and gathering throughout the proposed park. While the treaty rights to hunt, trap, and gather within the ceded territory have been upheld in a series of federal and state court decisions over the past three decades, we believe it would be helpful to have these rights reaffirmed by the legislation.

We would be happy to work with the sponsor on language for this draft legislation that addresses the issues identified in this testimony and any other issues that emerge as we continue our review.

Chairman Tiffany, this concludes my statement. I would be happy to answer any questions that you or the other members of the Subcommittee have.

**H.R. 6210, To designate the General George C. Marshall House, in the Commonwealth of Virginia, as an affiliated area of the National Park System, and for other purposes**

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. 6210, a bill to designate the General George C. Marshall House, in the Commonwealth of Virginia, as an affiliated area of the National Park System, and for other purposes.

The Department supports H.R. 6210.

H.R. 6210 would designate the General George C. Marshall House in Leesburg, Virginia, as an affiliated area of the National Park System for the purpose of promoting public appreciation of the significant historic contributions made by United States military leader and statesman George Catlett Marshall, Jr. It would name the George C. Marshall International Center as the management entity for the affiliated area and authorize the Secretary of the Interior to provide technical assistance and to enter into cooperative agreements with the Center for the purpose of providing financial assistance for marketing, marking, interpretation, and preservation. Finally, it would direct the Secretary to develop a management plan in coordination with the management entity within three years of availability of funds.

The General George C. Marshall House is the house where General Marshall resided during the prime of his career (1941–1959). The nonprofit George C. Marshall International Center purchased the property in 1995 and opened it to the public in 2005.

In response to a request by Senator Tim Kaine, Senator Mark Warner, and Representative Jennifer Wexton, the NPS conducted a reconnaissance survey of the General George C. Marshall House to explore whether this site would be suitable for designation as an affiliated area of the National Park System.

In order to be eligible for affiliated area status, an area must (1) meet the criteria for national significance, (2) require recognition or assistance beyond that available through other NPS programs, (3) be managed in accordance with policies and standards applicable to units of the National Park System, and (4) be assured of sustained resource protection as documented in an agreement between the NPS and the entity managing the area. The report on the survey, which was transmitted to the requesting Members in April 2023, indicated that the site appeared to meet all of the criteria to be considered eligible for affiliated status and that it was likely that the George C. Marshall International Center would benefit from a formalized affiliation with the NPS.

The General George C. Marshall House offers potential interpretive or educational opportunities on the history of American diplomacy from the unique perspective of chronicling Marshall's rise and expansion of his roles on the national and world stages, and showing how his career mirrored America's rise as a world power. Designation as an affiliated area would recognize the significance of George C. Marshall's prominence as the role of the United States in the world community evolved during the 20th century, a theme that is underrepresented in the National Park System itself. The Department would welcome this designation.

Chairman King, this concludes my statement. I would be happy to answer any questions that you or the other members of the Subcommittee have.

**H.R. 8603, To direct the Secretary of the Interior to establish a pilot program for a Federal and State multi-entity pass accepted by one or more Federal land management agencies and State land management agencies, and for other purposes**

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. 8603, to direct the Secretary of the Interior to establish a pilot program for a Federal and state multi-entity pass accepted by one or more Federal land management agencies and one or more state land management agencies, and for other purposes.

The Department appreciates the intent of H.R. 8603 to offer a multi-entity park pass for visitors to Federal and state parks but has concerns with the legislation as introduced.

H.R. 8603 would direct the establishment of a pilot program in the Southeast Region of the National Park Service (NPS), which includes nine states and two territories, to test the viability of offering multi-entity park entrance passes. The pilot program would be for implementing a pass, through Federal-state agreements, that allows entry into parks and other outdoor recreation areas under the jurisdiction of one or more Federal land management agencies and one or more state land management agencies for a specified period, not to exceed 12 months. The agreements would provide for no net loss of revenue to the Federal government or the states. The pilot program would be required to be established within 2 years after the date of the enactment of this Act.

The authority to enter into multi-entity pass agreements already exists through the Federal Lands Recreation Enhancement Act (FLREA) (Public Law 104-447). FLREA, enacted in 2004, authorizes the NPS, the U.S. Fish and Wildlife Service, the Bureau of Land Management, the U.S. Forest Service, and the Bureau of Reclamation to collect and retain revenue and requires that fee revenue be used to enhance the visitor experience. Over the years, the NPS has explored whether this authority could be used to boost visitation at some of our lesser-utilized parks. In evaluating this approach, the NPS has identified several barriers that have made multi-entity passes impractical to implement:

First, the six participating Federal land management agencies maintain eight different pass types that cover entrance fees and standard amenity (day-use) fees where these fees are charged. These passes include:

- The Annual Military Pass—for active-duty members of the armed forces, which is free;
- The Veterans Lifetime Pass—for honorably discharged members of the armed forces and Gold Star Family members, which is free;
- The Access Pass—for U.S. Citizens and permanent residents who have been medically determined to have a permanent disability, which is free;
- The Every Kid Outdoors Pass—for all 4th graders, which is free;
- The Volunteer Pass—for persons who have volunteered 250 hours of service for any of the six Federal agencies that are part of the Interagency Pass Program, which is free;
- The Senior Lifetime Pass and the Senior Annual Pass—for persons over the age of 62, which cost \$80 and \$20 respectively; and
- The America the Beautiful Interagency Pass—an annual pass available to anyone, which costs \$80.

Additionally, children under the age of 16 are granted free access; there are multiple national fee-free days for everyone offered every year; and, the NPS offers a variety of site-specific passes, which are valid from one to seven days as well as site-specific annual passes which are all sold at various price points.

Harmonizing the multitude of Federal pass types and their complex eligibility rules with those offered by state governments would be enormously challenging. Even without combining Federal and state passes, the numerous Federal pass types are confusing to visitors, especially if they qualify for more than one pass type.

The creation of multi-entity passes would come with startup and ongoing support costs for marketing, design, and distribution of passes and the management of funds. Given those costs, it would be difficult to comply with the bill's requirement for no net loss of revenue to the NPS or the state involved with the proposed multi-entity pass. Additionally, distributing agencies would need to maintain an accurate record of the number of passes sold and be able to meet the other party's financial accounting standards. Lastly, simply selling the Federal interagency pass and a state's pass at a combined price point would not likely drive additional sales.

The Department appreciates the no net loss of revenue language in H.R. 8603. The revenue from FLREA has become a critical source of funding for the NPS, generating nearly \$360 million in annual revenue. These funds support a wide range of park operations, including visitor safety, facility operations and maintenance, and interpretation and education. By policy, the NPS requires that fee-collecting parks

spend no less than 55% of their revenue on facility maintenance activities, which is critical for addressing our deferred maintenance backlog.

If the Committee decides to act on this legislation, we would like to work with the bill sponsor and the Committee on amendments that would align the bill's language with laws already governing the fee collection and entrance pass program. We would also like to discuss whether the pilot program authorized by this bill could be tailored to meet more specific goals.

Chairman Tiffany, this concludes my statement. I would be pleased to answer any questions you or other members of the Subcommittee may have.

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QUESTIONS SUBMITTED FOR THE RECORD TO MR. FRANK LANDS, DEPUTY DIRECTOR  
FOR OPERATIONS, NATIONAL PARK SERVICE

**Mr. Lands did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.**

#### **Questions Submitted by Representative Westerman**

*Question 1. Regarding H.R. 2405, the BLM Testimony states: "The BLM supports the Sponsor's goal of addressing the patchwork of inholdings within existing reservation boundaries." Does the BLM have the authority to pursue these land exchanges without Congressional Action? If so, why have they not been pursued? If the BLM does not have the authority, please explain why.*

*Question 2. Of the 58,000 surface acres in North Dakota BLM manages, how many of these acres have been identified as priority disposal and are on the disposal list?*

*Question 3. What is the current land classification of the 58,000 acres? Please provide how many acres are classified as Areas of Critical Environmental Concern (ACECs), wilderness, wilderness study areas, etc.*

*Question 4. Has the BLM been approached with interest in a restoration or mitigation lease on any BLM land in North Dakota?*

*Question 5. Has the BLM approached any group or organization to discuss a conservation or mitigation lease in North Dakota?*

*Question 6. I am aware the BLM recently updated its regulations for broadband infrastructure on public lands under the rule, Update of the Communications Uses Program, Cost Recovery Fee Schedules, and Section 512 of FLPMA for Rights-of-Way. In this final rule, lease applications decisions must be made within 270 days. What is the enforcement mechanism to ensure this happens? Is there recourse for the agency failing to meet this deadline?*

*Question 7. Is broadband communication infrastructure compatible with a restoration or mitigation lease?*

*Question 8. Has the BLM discussed with any interested party a restoration or mitigation lease that would encompass current rights of way or broadband infrastructure?*

*8a) If yes, please provide details about the relationship of broadband infrastructure, rights of way, and restoration or mitigation leases.*

*Question 9. Please list any categorical exclusions available for the BLM to use in the deployment of broadband infrastructure.*

*Question 10. Is the BLM pursuing actions to adopt categorical exclusions related to broadband infrastructure from other agencies under the authority of Section 109—Adoption of Categorical Exclusions in the Fiscal Responsibility Act?*

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Mr. TIFFANY. Thank you, Deputy Director Lands. I would now like to introduce the Honorable Romaine Quinn, a State Senator from Wisconsin.

Senator Quinn, you have 5 minutes.

**STATEMENT OF THE HON. ROMAINE QUINN, SENATOR,  
WISCONSIN SENATE, RICE LAKE, WISCONSIN**

Mr. QUINN. Thank you, Subcommittee Chairman and Committee members, for allowing me to testify before you today.

I am Wisconsin State Senator Romaine Quinn, and my district encompasses nine counties in the northwest corner of the state, which includes the Apostle Islands. I am here today to enthusiastically support Representative Tiffany's proposal to elevate the Apostle Islands National Lakeshore to the status of Apostle Islands National Park.

Known as the Crown Jewels of Wisconsin, the Apostle Islands are a treasured natural resource in Wisconsin and for the nation, for the residents of our region, but also for the countless visitors who come to experience their pristine beauty, scenery, wildlife, and outdoor activities. The Federal Government has already recognized the importance of this area through its commitment in establishing the Apostle Islands National Lakeshore in 1970. On the shores of Lake Superior, the national lakeshore designation is comprised of 21 islands and 12 miles of mainland shoreline.

For those who haven't been there, let me briefly describe this natural wonder. The Apostle Islands display diverse natural habitats, from beaches, to forests, to towering sandstone cliffs. Miles of hiking paths lead visitors to lighthouses, crystal clear waters, and other scenic views. Sea caves are best explored by a kayak in the summer, and offer a unique perspective as ice caves in the winter. Adventure can be found in any season.

National parks are renowned for attracting visitors from every state who wish to see the natural beauty of the American landscape. Transforming the Apostle Islands into a national park will allow visitors the opportunity by preserving the Apostle Islands and providing benefits that align with the values of our community. The designation of the Apostle Islands as a national park will have a positive impact on our local economy, bringing more visitors to the area who contribute to local businesses including hotels, restaurants, shops, and recreational services.

Increased tourism will create new job opportunities, stimulate economic growth, and support the livelihoods of many residents in the Bayfield area and beyond. For example, a National Park Service study found that communities within 60 miles of a national park, on average, increase in tourism spending by 14 percent, with related job growth of 11 percent.

In summary, national park status will raise the profile of the Apostle Islands on a national and international level, drawing attention to the unique attractions and recreational opportunities they offer. As the Wisconsin State Senator of this area, I wholeheartedly support this legislation, and I urge the Subcommittee to consider the conservation and economic benefits it will bring to our citizens today and for future generations.

Thank you for your time and consideration.

[The prepared statement of Mr. Quinn follows:]

PREPARED STATEMENT OF ROMAINE ROBERT QUINN, WISCONSIN STATE SENATOR  
ON H.R. 9111, "APOSTLE ISLANDS NATIONAL PARK AND PRESERVE ACT"

Thank you Subcommittee Chairman Tiffany and committee members for allowing me to testify before you today.

I am Wisconsin State Senator Romaine Quinn and my senate district encompasses nine counties in the northwest corner of the state, which includes the Apostle Islands. I am here today to enthusiastically support Representative Tiffany's proposal to elevate the Apostle Islands National Lakeshore to the status of Apostle Islands National Park.

Known as the crown jewels of Lake Superior, the Apostle Islands are a treasured natural resource in Wisconsin and for the nation, for the residents of our region but also for the countless visitors who come to experience their pristine beauty, scenery and wildlife, and outdoor activities.

The federal government has already recognized the importance of this area through its commitment in establishing the Apostle Islands National Lakeshore in 1970. On the shores of Lake Superior, the national lakeshore designation is comprised of 21 islands and 12 miles of mainland shoreline.

For those who haven't been there, let me briefly describe this natural wonder. The Apostle Islands display diverse natural habitats, from beaches to forests to towering sandstone cliffs. Miles of hiking paths lead visitors to lighthouses, crystal clear waters, and other scenic views. Sea caves are best explored by kayak in the summer and offer a unique perspective as ice caves in the winter. Adventure can be found in any season of the year.

National parks are renowned for attracting visitors from every state who wish to see the natural beauty the American landscape has to offer. Transforming the Apostle Islands into a national park will allow visitors that opportunity by preserving the Apostle Islands and providing benefits that align with the values of our community.

The designation of the Apostle Islands as a national park will have a positive impact on our local economy, bringing more visitors to the area who contribute to local businesses, including hotels, restaurants, shops, and recreational services. Increased tourism will create new job opportunities, stimulate economic growth, and support the livelihoods of many residents in the Bayfield area and beyond. For example, a National Park Service study found that communities within 60 miles of a national park saw an average increase in tourism spending by 14%, with related job growth of 11%.

In summary, national park status will raise the profile of the Apostle Islands on a national and international level, drawing attention to the unique attractions and recreational opportunities they offer. As the Wisconsin State Senator of this area, I wholeheartedly support this legislation and I urge the subcommittee to consider the conservation and economic benefits it will bring to our citizens today and in future generations.

Thank you for your time and consideration.

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Mr. TIFFANY. Yes, thank you, Senator Quinn. I now recognize Mr. Joseph Heringer, the Commissioner of University and School Lands for the state of North Dakota.

Commissioner Heringer, you have 5 minutes.

**STATEMENT OF JOSEPH HERINGER, COMMISSIONER OF  
UNIVERSITY AND LANDS, STATE OF NORTH DAKOTA,  
BISMARCK, NORTH DAKOTA**

Mr. HERINGER. Chairman Tiffany and Ranking Member Neguse, thank you for the opportunity to testify today. I would also like to thank Representative Armstrong and Senators Hoeven and Cramer for their instrumental work in helping to move this important bill forward.

My name is Joseph Heringer, and I am the North Dakota Commissioner of University and School Lands. As Commissioner, I lead the North Dakota Department of Trust Lands, the agency



responsible for managing lands that were granted in North Dakota by Congress at statehood for the financial support of public education and other state institutions. The Department is overseen by the North Dakota Board of University and School Lands, which consists of the Governor, Attorney General, Secretary of State, Treasurer, and Superintendent of Public Instruction.

The Department manages approximately 2.6 million mineral acres with their roughly 8,300 associated oil and gas leases, and over 700,000 surface acres with their roughly 4,400 associated Ag leases. Revenues generated from these leases, along with payments received from other income sources, such as oil and gas lease bonus payments and easements granted for pipelines, roads, and well pads, are deposited into 13 permanent trust funds and invested to provide long-term income for trust beneficiaries.

Beneficiaries of these trust funds include public K-12 education and various other state institutions, such as colleges and universities, schools for the blind and deaf, and a long-term care facility for veterans. The largest fund is a North Dakota Common Schools Trust Fund, which has a current balance of approximately \$6.8 billion.

I encourage the Subcommittee and Congress to act favorably on H.R. 2405, the North Dakota Trust Lands Completion Act of 2023. This Act would allow North Dakota and the Department of the Interior to exchange lands for the mutually beneficial purposes of: (1) providing North Dakota with more productive and easily accessible lands for increased revenue to support public education; and (2) helping North Dakota Tribal Nations to further consolidate lands within their reservations so they can manage and develop the land as they see fit.

We have worked hard to collaborate and build a broad coalition of support for this Act that includes all members of the North Dakota Land Board, North Dakota Tribal Nations, western North Dakota counties and grazing associations, and educational organizations.

Upon statehood, Congress granted North Dakota 2.6 million acres of lands and minerals scattered throughout the state for the purpose of funding public education and other critical needs within the state. The establishment of tribal reservations enclosed lands and minerals within these boundaries, which are often very difficult for the state to manage and access. North Dakota currently holds over 31,000 surface acres within tribal reservations, which are largely unable to be developed pursuant to the state's mandate to generate income for schools, universities, and other public purposes.

Utilizing the historic tool of in-lieu relinquishment and selections, this Act would allow North Dakota to relinquish state lands within tribal reservations to the Secretary of the Interior and select, in lieu thereof, Federal land or mineral rights located elsewhere in the state. These would be equal-value transactions that would allow North Dakota to access the lands promised upon statehood. Valuations would be determined by uniform appraisal standards for Federal land acquisitions and the Uniform Standards for Professional Appraisal Practice.

It is important to note these would not be exchanges under the Federal Land Policy and Management Act.

Within tribal reservations, lands received by the Secretary in these transactions would be held in trust for the tribes. This would help tribes consolidate land within their reservation boundaries for greater ownership and control. This Act also requires the Secretary to consult with tribes that would be affected by any proposed transactions.

As an example under this Act, North Dakota could propose the exchange of state-owned surface acres within a reservation for federally owned mineral rights elsewhere in the state that are in the development path of mineral producers. The Secretary would then review the proposal and consult with the affected tribe. If approved by the Secretary, first the state-owned land within the reservation would be transferred to the Department of the Interior to be held in trust for the tribe, and be considered part of the reservation, allowing further consolidation of tribal lands and management and development of the land as the tribe sees fit.

Two, the identified mineral rights would be transferred from the Federal Government to North Dakota, who could then work to develop the mineral deposits using the revenue to benefit North Dakota public schools and students. Transactions could also be done where North Dakota receives surface rights elsewhere in the state for the relinquishment of surface rights within a reservation.

Land conveyed under this Act would be subject to all applicable Federal, state, and tribal law, and valid existing rights will be respected in these transactions. There will be no impact on any Indian treaty rights. This is good legislation that promotes the shared interest and mutually beneficial goals of North Dakota, the Federal Government, and North Dakota Tribal Nations.

Thank you for your time and consideration. I would be happy to answer any questions the Committee may have.

[The prepared statement of Mr. Heringer follows:]

PREPARED STATEMENT OF JOSEPH HERINGER, NORTH DAKOTA COMMISSIONER OF  
UNIVERSITY AND SCHOOL LANDS  
ON H.R. 2405

Chairman Tiffany and Ranking Member Neguse, thank you for the opportunity to testify today. I would also like to thank Representative Armstrong, and Senators Hoeven and Cramer, for their instrumental work in helping to move this important bill forward.

My name is Joseph Heringer, and I am the North Dakota Commissioner of University and School Lands. As Commissioner, I lead the North Dakota Department of Trust Lands ("Department"), the agency responsible for managing lands that were granted to North Dakota by Congress at statehood for the financial support of public education and other state institutions. The Department is overseen by the North Dakota Board of University and School Lands, which consists of the Governor, Attorney General, Secretary of State, Treasurer, and Superintendent of Public Instruction.

The Department manages approximately 2.6 million mineral acres with their roughly 8,300 associated oil & gas leases, and over 700,000 surface acres with their roughly 4,400 associated agricultural leases. Revenues generated from these leases, along with payments received from other income sources such as oil & gas lease bonus payments and easements granted for pipelines, roads, and well pads, are deposited into 13 permanent trust funds and invested to provide long-term income for trust beneficiaries. Beneficiaries of these trust funds include public K-12 education and various other state institutions such as colleges and universities, schools for the blind and deaf, and a long-term care facility for veterans. The largest

fund is the North Dakota Common Schools Trust Fund which has a current balance of approximately \$6.8 billion.

I encourage the Subcommittee, and Congress, to act favorably on H.R. 2405, the North Dakota Trust Lands Completion Act of 2023 ("Act"). This Act would allow North Dakota and the Department of the Interior to exchange lands for the mutually beneficial purposes of: 1) providing North Dakota with more productive and easily accessible lands for increased revenue to support public education, and 2) helping North Dakota Tribal Nations to further consolidate lands within their reservations so they can manage and develop the land as they see fit.

We have worked hard to collaborate and build a broad coalition of support for this Act that includes all members of the Land Board, North Dakota Tribal Nations, western North Dakota counties and grazing associations, and education organizations. (see attached letters of support)

Upon statehood, Congress granted North Dakota 2.6 million acres of lands and minerals scattered throughout the state (sections 16 and 36 in each township) for the purpose of funding public education and other critical needs within the state. Establishment of tribal reservations enclosed lands and minerals within these boundaries which are often very difficult for the state to manage and access. North Dakota currently holds over 31,000 surface acres within tribal reservations which are largely unable to be developed pursuant to the State's mandate to generate income for schools, universities, and other public purposes. (see attached maps)

Utilizing the historic tool of in-lieu relinquishment and selections, this Act would allow North Dakota to relinquish state lands within tribal reservations to the Secretary of Interior ("Secretary") and select in-lieu thereof federal land or mineral rights located elsewhere in the state. These would be equal value transactions that would allow North Dakota to access the lands promised upon statehood. Valuations would be determined by Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards for Professional Appraisal Practice. It is important to note these would not be "exchanges" under the Federal Land Policy and Management Act.

Within tribal reservations, lands received by the Secretary in these transactions would be held in trust for the tribes. This would help tribes consolidate land within their reservation boundaries for greater ownership and control. This Act also requires the Secretary to consult with tribes that would be affected by any proposed transactions.

As an example, under this Act North Dakota could propose the exchange of state-owned surface acres within a reservation for federally owned mineral rights elsewhere in the state that are in the development path of mineral producers. The Secretary would then review the proposal and consult with the affected tribe.

If approved by the Secretary:

1. The state-owned land within the reservation would be transferred to the Department of Interior to be held in trust for the tribe and be considered part of the reservation, allowing further consolidation of tribal lands and management and development of the land as the tribe sees fit.
2. The identified mineral rights would be transferred from the federal government to North Dakota who could then work to develop the mineral deposits, using the revenue to benefit North Dakota public schools and students.

Transactions could also be done where North Dakota receives surface rights elsewhere in the state for the relinquishment of surface rights within a reservation.

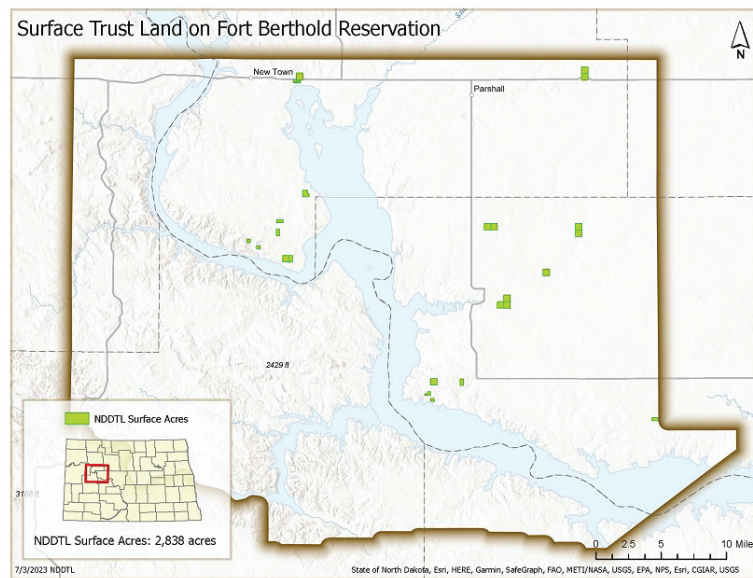
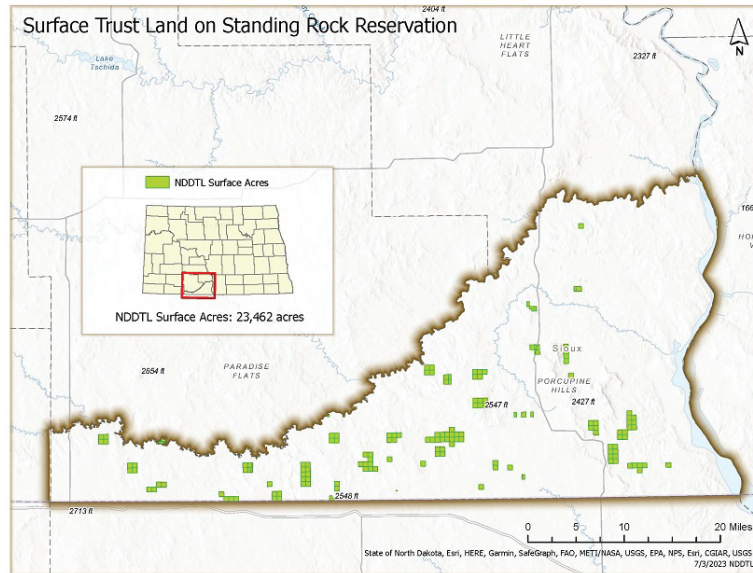
Land conveyed under this Act would be subject to all applicable federal, state, and tribal law and valid existing rights will be respected in these transactions. There will be no impact on any Indian treaty rights.

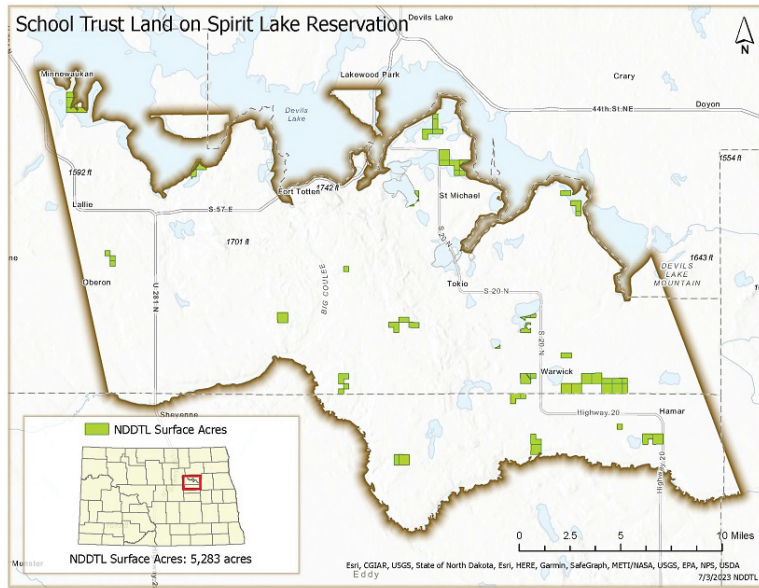
This is good legislation that promotes the shared interests and mutually beneficial goals of North Dakota, the federal government, and North Dakota Tribal Nations.

Thank you for your time and consideration. I would be happy to answer any questions the Committee may have.

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The following documents were submitted as supplements to Mr. Heringer's testimony.





**North Dakota Board of University and School Lands  
Bismarck, ND**

June 29, 2023

Dear Senators and Members of the U.S. House:

We, the five members of the North Dakota Board of University and School Lands (Board), submit this letter of support for the North Dakota Trust Lands Completion Act to enhance funding for North Dakota public schools and restore the use of lands within Reservation boundaries to Tribal Nations. The proposed legislation will bolster public benefits by rectifying over 130 years of checkerboard state and federal land ownership.

Upon statehood, North Dakota was granted approximately 2.6 million acres of land and mineral rights to fund public education and other state institutions. These lands and minerals were typically designated in two sections of every township. Following establishment of Tribal reservations in North Dakota, these trust lands gained approximately 31,000 surface acres and 130,000 mineral acres located within the boundaries of North Dakota's Tribal reservations.

Due to this model of dispersed land ownership, many of these lands are now inholdings within North Dakota's reservations, which complicates the land management goals of the tribes. This checkerboard pattern of land ownership also diminishes the income potential and increases land management costs to the detriment of North Dakota's school children. The North Dakota Trust Lands Completion Act will allow land and mineral exchanges between the Board and the federal government to rectify this unfavorable ownership pattern.

This Act provides an avenue for North Dakota to relinquish its lands and coal mineral interests within reservations and select federal lands or minerals of equal value elsewhere in the state. The surrendered lands will be transferred to the federal government to be held in trust for the tribes and be considered part of the reservation, allowing further consolidation of tribal lands and management/development of the land as the tribes see fit.

For the benefit of our Tribal Nations and our school children, all steps necessary to enact this important legislation are strongly urged.

Regards,

Kirsten Baesler  
Superintendent of Public Instruction

Drew Wrigley  
Attorney General

Thomas Beadle  
Treasurer

Michael Howe  
Secretary of State

Doug Burgum  
Governor

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**Standing Rock Sioux Tribe**

July 5, 2023

Dear U.S. Senators and Members of the U.S. House:

On behalf of the Standing Rock Sioux Tribe I am writing to express our support for the North Dakota Trust Lands Completion Act to enhance funding for North Dakota public schools and restore the use of lands within reservation boundaries to Tribal Nations. This common-sense legislation is a win for all North Dakotans and will help rectify over 130 years of checkerboard state and federal land ownership.

Upon statehood, North Dakota was granted approximately 2.6 million acres of surface and mineral rights to help fund public education and other government functions within the State. As Indian Reservations were established, over 31,000 surface acres and 130,000 mineral acres were left stranded within the boundaries of North Dakota's Tribal Reservations. These assets originally mandated to benefit North Dakota's school children cannot fully produce income for the school trusts and are inholdings within the Tribal Reservations. This Act will allow land and mineral transactions between North Dakota and the federal government to rectify this unfortunate ownership pattern.

The Act will allow North Dakota to relinquish its surface rights within reservations and select federal surface or mineral rights of equal value elsewhere in the state. The relinquished lands within reservations would be held in trust for the Tribes-helping complete their ownership of land as promised to the Tribes decades ago.

We urge Congress to pass this legislation to benefit North Dakota school children and Tribal communities.

Sincerely,

JANET ALKIRE,  
*Chairwoman*

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**SPIRIT LAKE TRIBE**  
**Fort Totten, ND**

July 9, 2023

Dear Senators and Members of the U.S. House:

Please accept this letter in support of the North Dakota Trust Lands Completion Act ("Act"). Passing the Act will enable tribes within North Dakota, such as Spirit Lake Tribe, in their continued efforts to diminish a checkerboard land base restoring lands and more control over those acres of lands on Spirit Lake.

All lands within the reservation boundaries have cultural and spiritual ties to our Spirit Lake people. These lands were used significantly in ceremonial use and purposes and grow an abundance of foods and medicines that are harvested for cultural use. Further, the passage of the Act will allow for Spirit Lake the opportunities to explore future use as the primary beneficiary of these recovered lands.

The Act will also provide a much-needed boost in financial aid to support North Dakota public schools. Currently, there are five public schools on or adjacent to the Spirit Lake Reservation supporting education for our tribal members.

The Spirit Lake Tribe fully supports and urges Congress to support and pass the North Dakota Trust Lands Completion Act.

Sincerely,

LONNA JACKSON-STREET,  
*Tribal Chairwoman*

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**North Dakota School Boards Association  
Bismarck, ND**

July 7, 2023

Re: ND School Boards Association supports the North Dakota Trust Lands Completion Act

Dear Honorable U.S. Senators and Members of the U.S. House of Representatives:

The North Dakota School Boards Association is pleased to support the enactment of the North Dakota Trust Lands Completion Act (NDTLCA). The North Dakota School Boards Association is a leading advocate for public education, serving 174 school districts across the state of North Dakota. NDSBA supports local school boards in their governance role through education, services, information, and legislative advocacy. Governed by a board of seven local school board members elected by their peers, NDSBA empowers local boards to be effective leaders of their districts and works cooperatively with school board members around the state to form an effective voice for public education.

We understand and support the purpose of the NDTLCA to provide authorization for the State of North Dakota, acting through North Dakota Board of University and School Lands (the State), to relinquish lands and minerals contained within Tribal Reservations, excluding sovereign lands and minerals, and select in lieu thereof equal value federal minerals within the borders of North Dakota. State lands or minerals acquired by the Secretary would be held in trust on behalf of the Tribes.

Upon statehood, North Dakota was granted 2.6 million acres of scattered lands and minerals (sections 16 and 36) with the purpose of funding public education and needs within the state. Establishment of Tribal Reservations trapped lands and minerals within these boundaries which are often very difficult for the State to access. The State currently holds over 130,000 acres of minerals and over 31,000 surface acres within Tribal Reservations alone and these are largely unable to be developed pursuant to the State's mandate to generate income for schools, universities, and other public purposes.

NDSBA supports the NDTLCA because, if enacted, it would be a positive step forward for all parties involved: the federal government, tribes located within North Dakota, the state of North Dakota, and public education in North Dakota. Thank you for this opportunity to provide support, and we look forward to the NDTLCA's passage and enactment.

Sincerely,

ALEXIS D. BAXLEY,  
*Executive Director*

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**BILLINGS COUNTY**  
**Medora, ND**

September 6, 2022

Senator John Hoeven  
338 Russell Senate Office Building  
Washington, DC 20510

Senator Kevin Cramer  
330 Hart Senate Office Building  
Washington, DC 20510

Congressman Kelly Armstrong  
1740 Longworth House Office Building  
Washington, DC 20515

Dear Senator Hoeven, Senator Cramer and Congressman Armstrong:

The Commissioners of Billings County have been very interested in the North Dakota Trust Lands Completion Act, H.R. 5855 and Senate Bill 3200. The North Dakota Land Commission and its current head, Mr. Heringer, have been most helpful in our involvement, along with McKenzie County and others.

We are very pleased that there is now an agreement to remove the National Grasslands from the proposed law.

You, as our Congressional Delegation (and your staffs) have been most accommodating in listening to our concerns. We are appreciative of the fact that Mr. Armstrong reached out to our States Attorney, early on in the process, and gave us assurances that it was not the intent of the proposed legislation to impact our grazing agreements or to impact any existing arrangements.

Your staffs have committed to providing the "Western Counties" with advance notification of any federal legislation that might impact our concerns, as has Mr. Heringer's Land Department and for that we are also grateful.

Sincerely,

Lester Iverson,  
Chairman

Dean Rodne,  
Commissioner

Michael Kasian,  
Commissioner

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**North Dakota Grazing Association**

February 3, 2023

Senator John Hoeven  
338 Russell Senate Office Building  
Washington, DC 20510

Senator Kevin Cramer  
330 Hart Senate Office Building  
Washington, DC 20510

Congressman Kelly Armstrong  
1740 Longworth House Office Building  
Washington, DC 20515

Dear Senators and Congressman:

This letter is a follow-up from our letter of August 2022 where the three Grazing Associations in the Little Missouri Grasslands made a request to review the NEW North Dakota Trust lands legislation.

The Grazing Associations have reviewed the NEW legislation provided to us by Senator Hoeven's office. The Grazing Association's do support the NEW legislation.

Once again the Grazing Associations thank the North Dakota Congressional delegates for their work on this legislation.

Sincerely,

McKenzie County Grazing  
Association

Medora Grazing Association

Little Missouri Grazing Association

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Mr. TIFFANY. Thank you, Commissioner Heringer. I would now like to recognize Mr. Randy Minchew, a board member at the George C. Marshall International Center.

Mr. Minchew, you have 5 minutes.

**STATEMENT OF RANDY MINCHEW, BOARD MEMBER, GEORGE C. MARSHALL INTERNATIONAL CENTER, LEESBURG, VIRGINIA**

Mr. MINCHEW. Thank you, and good morning, Mr. Chairman, Mr. Ranking Member, and honorable members of the Subcommittee. My name is Randy Minchew. And as a member of the Board of Directors of the George Marshall International Center, I would like to thank this Subcommittee for holding this hearing and allowing me to speak in support of Congresswoman Wexton's H.R. 6210, designating the George C. Marshall home in the Commonwealth of Virginia to be an affiliated area of the National Park Service.

We are extremely proud of our efforts to restore and preserve the home of one of our nation's greatest leaders, and we believe that National Park Service designation would bolster our efforts to allow for this important historical home to educate the citizens of our nation and the world on the importance of General Marshall's work and its continuing relevance today.

General George Catlett Marshall is considered to be one of the greatest Americans of the 20th century. He is recognized as the organizer of the Allied Victory in World War II, and the architect

of the European Recovery Plan, known as the Marshall Plan, that changed the face of the world and earned General Marshall the Nobel Peace Prize.

From the beginning of his 45-year career and a graduate of the Virginia military Institute in 1901, and to being a recipient of the Nobel Peace Prize in 1953, General Marshall received more than 60 decorations, awards, and honorary degrees, including military, civilian, and foreign recognition.

General Marshall was most appreciated and beloved for who he was. He earned an uncontested reputation for being an honest, humble, and resolute leader who did not seek fame. His personal contributions to the efforts and development of our nation and other countries during some of the most significant elements in modern history are remarkable not only for the magnitude of what he accomplished, but because of his incorruptible, selfless integrity with which he served.

As Army General Chief of Staff, General Marshall built and led an American military force that grew to 8 million soldiers and led our nation in defeating fascism on two global theaters in World War II. In the wake of World War II and afterwards, Secretary of State Marshall led the efforts to rebuild the democracies of Europe through the Marshall Plan, an effort that contributes to the American economy and national security to this day. For this he earned the Nobel Peace Prize.

Mr. Chairman, the George C. Marshall International Center in Leesburg, Virginia brings to life the timeless values and efforts of General Marshall: his unwavering integrity, his selfless service, and his visionary leadership, and works to develop visionary leaders in our nation and worldwide. We believe that an appreciation of General Marshall's life as a principal selfless leader can serve as a tireless example for others to follow. The Marshall Center in Leesburg is dedicated to translating his ideal of service to our nation and to the young people of our nation.

National Park Service designation for Dodona Manor, General Marshall's home in Leesburg, will appropriately honor this American icon and will contribute to the work of our Marshall Center as we preserve and share his history with thousands of visitors each year. Over the last 20 years, we have worked hard to restore and preserve his home, improving both the physical condition of the home and the historical accuracy of its holdings.

To visit Dodona Manor in Leesburg is a true experience of what General Marshall and his wife, Katherine, experienced during their war years, from the gardens that General Marshall tended, to where they faithfully attended the dining room where they shared their meals, through the quiet study where General Marshall would reflect, read, and plan the future of our country.

At a time in our history when political unity is elusive on so many matters, this bill sends a clear message that we Americans remain united in our commitment to service, honor, and a vigorous defense of our constitutional values, ideas that were central to General Marshall's career.

We are deeply appreciative to Representative Wexton, and Virginia Senators Kaine and Warner, for their leadership on this legislation and their works to advance this bill. And I thank you,

Mr. Chairman, for the opportunity to share our thoughts on this legislation.

I will yield back the balance of my time, Mr. Chairman, and will be glad to answer any questions.

[The prepared statement of Mr. Minchew follows:]

PREPARED STATEMENT OF J. RANDALL MINCHEW ON BEHALF OF THE GEORGE C.  
MARSHALL INTERNATIONAL CENTER

ON H.R. 6210

Mr. Chairman, Mr. Ranking Member and Honorable Members of the Subcommittee on Federal Lands, My name is Randy Minchew and as a member of the Board of Directors of the George C. Marshall International Center, I would like to thank the Subcommittee for the opportunity to speak in support of Representative Wexton's H.R. 6210, designating the General George C. Marshall House, in the Commonwealth of Virginia, as an affiliated area of the National Park System, and for other purposes as explained in the bill. We are extremely proud of our efforts to restore and preserve the home of one of our nation's most important leaders, and we believe that National Park Service designation would bolster our efforts to allow for this important historical home to educate the citizens of our nation and the world on the importance of General Marshall's work and its continuing relevance today.

#### **On General George Catlett Marshall**

General George Catlett Marshall is considered by many to be one of the greatest modern-day Americans. He is recognized as the organizer of the Allied victory in World War II and the architect of the European Recovery Program (the Marshall Plan) that changed the face of the world and earned Marshall the Nobel Peace Prize. From the beginning of his 45-year public career as a graduate of Virginia Military Institute in 1901 to recipient of the Nobel Peace Prize in 1953, Marshall received more than 60 decorations, awards, and honorary degrees, including military, civilian, and substantial foreign recognition.

Amid his extraordinary accomplishments, Marshall was most appreciated and beloved for who he was. He earned an uncontested reputation for being an honest, humble, and resolute leader and did not seek fame. His personal contributions to the efforts and development of the United States and other countries during some of the most significant events in modern history are remarkable, not just for the magnitude of what he accomplished, but because of the incorruptible, selfless integrity with which he served.

During his long and distinguished career of service to our nation, George C. Marshall played key roles in the major events of the first half of the 20th Century. As a young staff officer, Major Marshall advised General Pershing during the pivotal campaigns that ended World War I. In the 1920's, Colonel Marshall reimagined officer training for a generation of Army leaders, hundreds of whom would lead millions of U.S. soldiers to victory in World War II. In the 1930's, Marshall led several Civilian Conservation Corps camps during the depths of the Great Depression.

As Army Chief of Staff, General Marshall built and led an American military force that grew to eight million soldiers and lead our allies in defeating fascism in two global theaters of war. And, in the wake of World War II, Secretary of State Marshall led the efforts to rebuild the economies and democracies of Europe through the Marshall Plan—an effort that contributes to the American economy and national security to this very day. For this, he was honored with the Nobel Peace Prize. His service continued even after that accomplishment, including time as Secretary of Defense and President of the American Red Cross.

#### **On The George C. Marshall International Center, Inc.**

The George C. Marshall International Center brings to life the timeless values of selfless service, unwavering integrity, and visionary leadership and works to develop visionary leaders in our nation and worldwide. We believe that an appreciation of General Marshall's life as a principled, selfless leader can serve as a timeless example for others to follow. The Marshall Center is dedicated to translating his ideal of service to country to inspire the leaders of today and tomorrow.

National Park Service designation for Dodona Manor, General Marshall's historic home in Leesburg, Virginia, will appropriately honor this American icon and will contribute to the work of our Marshall Center as we preserve and share his story with thousands of visitors each year. Over the last 20 years, we have worked hard

to restore and preserve his home, improving both the physical condition of the house and the historical accuracy of its holdings. To visit Dodona Manor is to truly experience what General Marshall and his wife Katherine experienced during their years there, from the gardens they faithfully tended to the dining room where they shared their meals to the study where Marshall read and reflected.

At a time in our history when political unity is elusive on so many matters, this bill also sends a clear message that we Americans remain united in our commitment to service, honor and a vigorous defense of our Constitutional values—ideas that were central to General Marshall's career.

We are deeply grateful to Representative Wexton, Senator Kaine, and Senator Warner for their leadership and efforts to advance this legislation, and I thank you again for the opportunity to share our thoughts on this legislation.

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The following document was submitted as a supplement to Mr. Minchew's testimony.



**General George C. Marshall House**  
Reconnaissance Survey  
Leesburg, Virginia | 2022



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The full document is available for viewing at:  
<https://docs.house.gov/meetings/II/II10/20240724/117498/HHRG-118-II10-20240724-SD004.pdf>

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Mr. TIFFANY. Thank you, Mr. Minchew. I will now recognize Mr. Ken Cissna, former President of the Benton MacKaye Trail Association.

Mr. Cissna, you have 5 minutes.

**STATEMENT OF KEN CISSNA, FORMER PRESIDENT, BENTON  
MACKAYE TRAIL ASSOCIATION, MORGANTON, GEORGIA**

Mr. CISSNA. Good morning, Chairman Tiffany, Ranking Member Neguse, and other members of the Subcommittee. Thank you for the opportunity to speak with you regarding protecting the Benton MacKaye Trail by passing the Benton MacKaye National Scenic Trail Feasibility Study Act, which authorizes a feasibility study into designating the Benton MacKaye Trail as a National Scenic Trail.

I would also like to thank Congressmen Cohen and Fleischmann, as well as our partner, the United States Forest Service, for their help and support over the years.

My name is Ken Cissna. I live in Morganton, Georgia, among the southern Appalachian Mountains. I am the immediate Past President and a Member of the Board of Directors of the Benton MacKaye Trail Association.

Work began on the trail in 1980, and it was completed in 2005. It runs for 288 miles, from Springer Mountain in Georgia through Tennessee and North Carolina, enters the Great Smoky Mountains National Park, and ends in the northeast corner of the park. Ninety-five percent of the trail is on protected Federal land, either national forests or national park.

The development and maintenance of the trail depends on volunteers. The BMTA is an all-volunteer organization, and more than 200 of us work on the trail each year, generating about 8,000 hours of volunteer maintenance annually.

The National Trails System Act defines National Scenic Trails as having outstanding scenic values and high quality recreation experience. The Benton MacKaye Trail has, for many years, met those high standards. The trail traverses some of the nation's most unique natural lands and biodiverse habitats as it runs through three national forests—one in Georgia, another in Tennessee, and another in North Carolina—six federally designated wilderness areas, and more than 90 miles in the Great Smoky Mountains National Park.

A National Scenic Trail designation would have important benefits for the trail and for local communities. It would enhance the trail's value as a first-class recreational destination and bring with it important economic benefits to its rural communities. The designation will also improve people's quality of life by increasing outdoor recreation opportunities for families and individuals, young and old. Designation would have the added benefit of helping pass on our outdoor heritage to future generations.

Currently, the trail has no official Federal designation. Although the BMTA has been successful at building and maintaining the trail with our Forest Service partners, becoming a National Scenic Trail would provide significant protections. Without this, we face risks of potentially losing these lands for future generations.

Our efforts to designate the trail as the 12th National Scenic Trail has strong local support from all the states and counties the trail goes through, including Chambers of Commerce and visitor's bureaus, local businesses and political leaders, and numerous trail, hiking, and outdoor organizations. We know of no opposition to protecting this trail as a National Scenic Trail.

We are seeking a feasibility study with a 1-year deadline. Although that might appear to be an ambitious timeline, the trail was fully completed 20 years ago as a strong volunteer non-profit organization that manages and maintains it and has for over 40 years, and it is very popular with hikers. The trail is extremely deserving of designation as a National Scenic Trail, and we are confident the feasibility study will agree. It is reasonable for Congress to expect the study to be completed within a year of the legislation being approved.

In conclusion, the Benton MacKaye Trail is a vital natural and economic resource that warrants national recognition and protection. Its historic significance, economic impact, and the numerous benefits it provides to communities and individuals make a compelling case for its designation as a National Scenic Trail. I urge the Committee to support this designation, ensuring the long-term protection of the Benton MacKaye trail as a cherished part of our national heritage.

Thank you for your time and consideration.

[The prepared statement of Mr. Cissna follows:]

PREPARED STATEMENT OF KENNETH N. CISSNA, BENTON MACKAYE TRAIL  
ASSOCIATION  
ON H.R. 8403

Good morning, Chairman Tiffany, Ranking Member Neguse, and other members of the Subcommittee. Thank you for the opportunity to speak with you today regarding the importance of protecting the Benton MacKaye Trail by passing the Benton MacKaye National Scenic Trail Feasibility Study Act of 2024, which will authorize a feasibility study into designating the Benton MacKaye Trail as a national Scenic Trail. I would also like to thank Congressmen Cohen and Fleischmann for their leadership on this bill.

My name is Ken Cissna. I live in Morganton, Georgia among the southern Appalachian Mountains. I am the Immediate Past President and a member of the Board of Directors of the Benton MacKaye Trail Association. I have held four previous positions on the Board and have been a Board member continuously for the past 10 years. I have led upwards of a hundred hikes on sections of the Benton MacKaye Trail and have spent nearly a thousand hours over the last 15 years building and maintaining the trail. I have been leading the BMTA's National Scenic Trail Working Group for the past four years.

The Benton MacKaye Trail Association was founded in 1980 as a 501(c)(3) non-profit organization. In partnership with the United States Forest Service, our mission is to preserve, protect, and maintain the Benton MacKaye Trail. The trail was named for Benton MacKaye, a visionary regional planner and forester, who over 100 years ago gave the country the gift of the idea of having an Appalachian Trail. We look forward to continuing to collaborate with the Forest Service as we manage and protect the Benton MacKaye National Scenic Trail.

Work began on the BMT in 1980, and the trail was completed in 2005. It runs for 288 miles from Springer Mountain in northwest Georgia through western Tennessee and eastern North Carolina, enters the Great Smoky Mountains National Park, and ends at Big Creek in the northeast corner of the park.

Ninety-five percent of the trail is on protected federal land—either national forest or national park. Only 15 of its 288 miles run through private land or on public roads. The trail took many years to develop and was completed entirely through private funds and volunteer work, along with the support and assistance of the Forest Service.



The development and maintenance of the trail depends completely on volunteers. One hundred percent of us who work with the BMTA are volunteers, and more than 200 of us do maintenance work on the trail each year, generating approximately 8,000 hours of volunteer maintenance annually.

Our volunteers work hard to maintain the trail, and it's a labor of love. As a rather extreme example, on June 8th last month, 36 volunteers put in 362 hours clearing 48 major blowdowns on a single 6.7-mile section of the BMT in Tennessee, most of it in designated Wilderness, which means that chainsaws and other mechanical tools are not allowed. During the month of June, we removed more than 200 blowdowns from the BMT in Georgia, Tennessee, and North Carolina (almost ten times the normal amount for a month). Members of the BMTA care deeply about this trail and are committed to maintaining it, now and in the future.

In addition to maintaining the trail, we offer half a dozen guided hikes each month to our 897 members as well as to the general public, and I invite all of you to join us in experiencing the beauty of the southern Appalachian Mountains. We also work to educate our members and the public about safe and sustainable outdoor practices, foster skills in trail construction and maintenance, and instill a sound conservation ethic.

The BMT provides numerous opportunities for easy, moderate, and challenging day hikes, many routes for multi-day backpacking and camping, and of course for the most serious hikers end-to-end thru hikes. There is something on the trail for everyone—scenic mountain vistas and gorgeous waterfalls, beautiful rivers and streams, majestic trees and eye-catching wildflowers, including flat sections for easier walks. In recent years, the number of day- and long distance-hikers has increased as more people discover what the BMT offers. In addition, we are currently working with the Forest Service to identify and develop sections of the trail that could be made accessible for people with disabilities.

You will find ample road crossings with trailheads where hikers can access the trail. The BMT intersects America's first NST, the Appalachian National Scenic Trail, five times and has a connector trail at its northern terminus in the Great Smoky Mountains National Park. The BMT also connects with two other long-distance trails, the Mountains-to-the-Sea Trail in North Carolina and the Pinhoti Trail in Georgia.

The National Trails System Act defines National Scenic Trails as having outstanding scenic values and high-quality recreation experience. The Benton MacKaye Trail has for many years met those high standards. The trail traverses some of the nation's most unique natural lands and biodiverse habitats as it runs through three national forests (Chattahoochee in Georgia, Cherokee in Tennessee, and Nantahala in North Carolina), six federally designated Wilderness areas, and more than 90 miles in America's most visited national park, the Great Smoky Mountain National Park.

A NST designation would have important benefits for the trail and for local communities. It would undeniably enhance the trail's value as a first-class recreational destination and bring with it important economic benefits to these rural communities. This designation will also improve the quality of life for nearby communities by increasing outdoor recreation opportunities—especially for families and individuals, young and old. Moreover, the trail enhances property values and encourages sustainable development. Proximity to well-maintained trails is a desirable feature for residential and commercial real estate, attracting new residents and businesses. The BMTA's efforts in promoting the trail have also fostered a sense of community pride and conservation awareness, leading to greater investments in local infrastructure and services. A designation would also have the added benefit of helping to pass on our outdoor heritage to future generations. That is why we need this legislation—to set the trail on the path toward a NST designation.

Outdoor recreation, particularly hiking, is a major economic driver in rural communities. Hundreds of thousands of people live in the counties the trail goes through, and many millions live within a short drive of the trail in and around cities such as Atlanta, Chattanooga, Knoxville, and Asheville. Further, the BMT presently draws visitors from around the country and even overseas. Hikers stay in motels, eat at restaurants, and shop at stores from barbershops and hair salons to groceries and hardware stores—as do their friends and families who see them off, resupply them along the way, and greet them at the end. Because the NST designation will attract more hikers all along the trail, the economic impact for the small towns and rural counties nearest the trail will multiply.

Our efforts to protect the trail and designate it as our country's twelfth National Scenic Trail has strong support from all states and counties the trail goes through, including Chambers of Commerce and Visitors' Bureaus, local businesses, local

political leaders, and numerous trail, hiking, and outdoor organizations. We know of no opposition to protecting this trail as a National Scenic Trail.

In Congress, this effort also enjoys bipartisan and bicameral support. In the Senate, our companion legislation is led by Senators Warnock and Tillis.

Currently, the trail has no official protection or federal designation. Although the BMTA has been successful in building and maintaining the trail, a National Scenic Trail designation will provide important safeguards that currently are not in place. Without federal protection, we face continued risks of development, potentially losing these lands for future generations.

We are seeking a feasibility study with a one-year deadline. Although this might appear to be an ambitious timeline, I would like to reiterate that the trail was fully completed 20 years ago, has a strong volunteer non-profit organization that manages and maintains the trail and has for over 40 years, and is already very popular with hikers. We anticipate nominal complications to arise during the feasibility study. The trail is extremely deserving of designation as a National Scenic Trail, and we are confident that the feasibility study will come to the same conclusion. We are ready and willing to assist the Forest Service with the feasibility study and believe it is reasonable for Congress to expect the study to be completed within a year after this legislation is approved.

The Benton MacKaye Trail is a vital natural and economic resource that warrants national recognition and protection. Its historical significance, economic impact, and the numerous benefits it provides to communities and individuals make a compelling case for its designation as a National Scenic Trail. I urge the Committee to this legislation and help ensure the trail remains a cherished part of our national heritage and a beacon for conservation and outdoor recreation.

Thank you for your time and consideration.

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The following documents were submitted as supplements to Mr. Cissna's testimony.

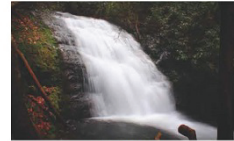


## The Benton MacKaye National Scenic Trail Feasibility Study Act of 2024 (H.R. 8403, S. 4352)

### ABOUT THE BENTON MACKAYE TRAIL

Nestled in the Southern Appalachian Mountains, the 288-mile-long Benton MacKaye Trail (BMT) begins in Northwest Georgia and runs through Tennessee and North Carolina. Thousands of visitors flock to the trail each year, especially from metropolitan areas like Atlanta, Charlotte, Knoxville, and Nashville. Efforts to maintain the BMT are coordinated by the Benton MacKaye Trail Association (BMTA) and its all-volunteer workforce of over 200 trail workers and 897 members.

BMTA is working with a broad coalition of local leaders, businesses and community members to designate the Benton MacKaye Trail as our next National Scenic Trail (NST). The first step in this process is passing the Benton MacKaye National Scenic Trail Feasibility Study Act of 2024 (H.R. 8403, S. 4352).



SHADOW FALLS  
COHUTTA, GA

### WHAT IS A NATIONAL SCENIC TRAIL?

The National Trails System Act of 1968 authorized a national system of trails to support outdoor recreational opportunities and to promote access to the nation's outdoor areas and historic resources. Congress plays an ongoing role in shaping the National Trails System through legislation and oversight, including by establishing new NSTs and directing federal agencies to study potential new NSTs. Each of the existing 11 NSTs have a federal agency administrator and a non-profit partner.



OWEN VISTA  
CHATTAHOOCHEE NATIONAL FOREST, GA

NST designations are afforded to trails that display significant characteristics of the nation's "physiographic regions", including mountain, forest, river, or other areas. NSTs provide for outdoor recreation and the conservation of significant scenic and natural landscapes.

### WHY THE BMTA DESERVES A NST DESIGNATION

**PRESERVING UNIQUE LANDSCAPES & CRITICAL HABITATS.** The BMT traverses some of the nation's most unique natural lands and biodiverse habitats. It passes through the Chattahoochee, Cherokee, and Nantahala National Forests, crossing six designated Wilderness Areas. The northernmost 93 miles are within the world-renowned Great Smoky Mountains National Park.

Notably, some of the most varied and abundant wildflowers of any temperate climate forest around the globe can be found along the BMT — and the variety of tree species is second to none. Whether it's the creek-side trillium flowers in the spring or the outstanding 360-degree mountain views in the winter, the BMT is a visual treat any time of the year.



SUSPENSION BRIDGE OVER THE TOCCOA RIVER  
CHATTAHOOCHEE NATIONAL FOREST, GA

**BOOSTING ECONOMIC ACTIVITY IN RURAL AREAS.** The BMT is a short drive from several of the largest metropolitan centers in the Southeast and draws visitors from across the country to the small, rural communities it traverses. The BMT is a key economic pillar in these rural communities, as visitors spend their money on food, outdoor supplies, and lodging. Providing the trail with an NST Designation would bolster the trail's popularity, bringing thousands of more hikers — and substantially greater economic activity — to the areas along the trail.



## The Benton MacKaye National Scenic Trail Feasibility Study Act of 2024 (H.R. 8403, S. 4352)

**OFFERING SUBSTANTIAL RECREATION OPPORTUNITIES.** The BMT has many access points and offers a wide range of easy, moderate, and challenging day hikes, as well as camping and end-to-end thru hikes.

**PROVIDING A FULLY CONNECTED TRAIL.** BMTA volunteers began construction of the BMT in 1980 and have successfully managed and maintained it ever since. The trail has been fully connected since its grand opening in 2005.

### WHO SUPPORTS THIS TRAIL DESIGNATION?

BMTA's efforts to protect the trail have garnered enthusiasm from a wide variety of individuals and organizations, including:



HIWASSEE RIVER, TN

#### • LOCAL GOVERNMENTS

The Monroe County Mayor, Polk County Executive, Tennessee Valley Authority, Chattanooga Area Regional Council of Governments and the Southeast Tennessee Development District.

#### • ECONOMIC DEVELOPMENT ORGANIZATIONS

The Fannin, Gilmer and Polk County Chambers of Commerce, The Tennessee Overhill Heritage Association, and Discover Copper Basin.



FONTANA LAKE, NC

#### • HIKING GROUPS & OUTDOOR BRANDS

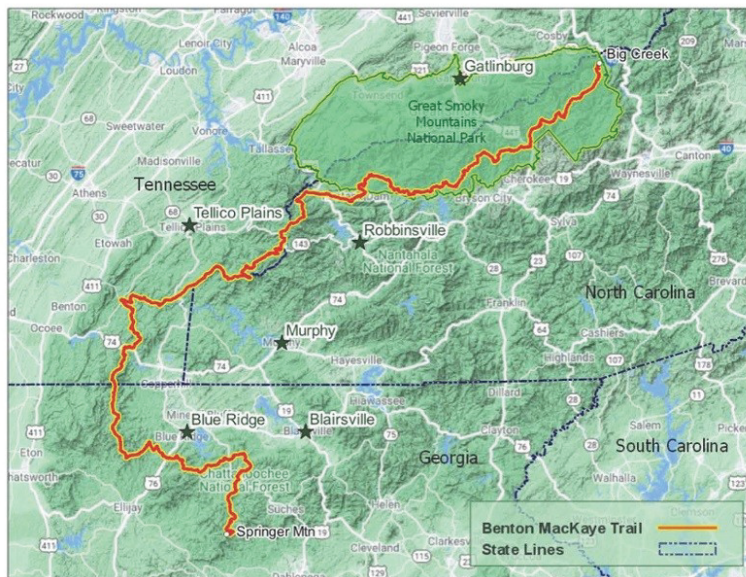
Appalachian Long Distance Hikers Association, Chattanooga Hiking Club, Smoky Mountains Hiking Club, Nantahala Hiking Club, Georgia Appalachian Trail Club and the National Parks Conservation Association.

Local leaders in Georgia, North Carolina, and Tennessee recognize that this designation would bring substantial economic, recreation and conservation benefits to their communities.

The bipartisan Benton MacKaye National Scenic Trail Feasibility Study Act of 2024 (H.R. 8403, S. 4352), led by Representatives Cohen and Fleischman and Senators Warnock and Tillis, would take a critical step forward in protecting the Benton MacKaye Trail and creating our country's 12th National Scenic Trail. This designation would permanently protect this trail for future generations while supporting local tourism in our communities.



The Benton MacKaye National Scenic Trail Feasibility  
Study Act of 2024 (H.R. 8403, S. 4352)



**Benton MacKaye National Scenic Trail Feasibility Study Act  
of 2024 (H.R. 8403, S. 4352)**

**Select Support Letters**

Tennessee Eastman Hiking & Canoeing Club  
Appalachian Long Distance Hikers Association  
Mainspring Conservation Trust  
Cherokee County Chamber of Commerce  
Maggie Valley North Carolina Chamber of Commerce  
Tennessee Valley Authority  
Chattanooga Hiking Club  
Georgia Appalachian Trail Club  
Nantahala Hiking Club  
Smoky Mountains Hiking Club  
Monroe County Department of Tourism  
Mitch Ingram, Monroe County Mayor  
Robert M. Hatcher, Polk County Executive  
Fannin County Chamber and CVB  
National Parks Conservation Association  
Gilmer County Board of Commissioners  
Gilmer County Chamber  
Tennessee Overhill Heritage Association  
Discover Copper Basin  
Southeast Tennessee Development District  
Zpacks

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The document containing all these letters is available for viewing  
at:

<https://docs.house.gov/meetings/II/II10/20240724/117498/HHRG-118-II10-20240724-SD007.pdf>

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Mr. TIFFANY. Thank you, Mr. Cissna.  
Finally, I would like to introduce Mr. Eric Keber, Vice President  
of Government Affairs for the Western Telecommunications  
Alliance.

Mr. Keber, you have 5 minutes.

**STATEMENT OF ERIC KEBER, VICE PRESIDENT OF GOVERNMENT AFFAIRS, WTA, ADVOCATES FOR RURAL BROADBAND, WASHINGTON, DC**

Mr. KEBER. Good morning, Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. Thank you for the opportunity to testify at this legislative hearing, specifically in support of H.R. 3293, the Expediting Federal Broadband Deployment Reviews Act. I am testifying on behalf of WTA Advocates for Rural Broadband, a trade association representing approximately 370 small broadband providers serving rural areas of the country.

A typical member company serves between 3,000 to 5,000 customers and has 20 to 30 employees. They primarily deploy buried fiber, but at times, depending on terrain, costs, and other factors, a company's network could include aerial fiber attached to poles, as well as fixed and cellular wireless technology. The companies are primarily a mix of private and mostly family-owned companies and also cooperatives. They have been providing telecom services in rural areas for decades, and in some cases for over 100 years. These are small businesses based in the communities they serve.

Congress has embarked on a bipartisan goal of connecting every American to high-speed broadband, and WTA's members are playing an important part in this effort. They have long made use of the FCC's Universal Service Fund and various loan and grant programs administered by USDA's Rural Utilities Service. Additionally, most likely early next year, \$42 billion will begin to be awarded through NTIA's BEAD program. Our member companies are considering this funding source, as well.

I love a good road trip, and one of the things I realized driving around this country is that once you get further west, particularly in the western half of the country, it is hard to get anywhere without crossing Federal land. And this is one of the big problems that our member companies face: to get broadband to the people who need it, you have to cross Federal land at some point, and getting through the permitting process can add years to the time it takes to complete construction. It can add tens of thousands of dollars to the cost of building even a relatively small localized network.

But it is not just a Federal lands problem. It is also a Federal dollars problem. The delays occur and costs rise any time Federal dollars are spent to build networks, whether they are on state, local, tribal, or private lands. Any time a provider accepts Federal funding to assist in the build-out of its network, it triggers a possibly lengthy permitting review process under Federal laws, like NEPA and the National Historic Preservation Act.

Whenever possible, broadband providers make use of existing rights-of-way along roads or areas where other utilities have already received permission to place infrastructure, or they collocate facilities with existing towers, buildings, and other structures. As small businesses with limited staff and resources, making use of existing rights-of-way is usually the most efficient way to get fiber from a central office to customers. Only on very rare occasions do they attempt to get permission to construct networks in or on completely undisturbed ground.

It makes no sense, whether on or off Federal land, if a broadband provider is simply digging up previously disturbed ground and

making use of an existing right-of-way, that the process should take as long as it often does. The problem with broadband permitting delays and associated costs stems from many sources, and there is no one solution or quick fix. It is a problem that must be addressed from various points, including NEPA and NHPA reform, making sure land management agencies have adequate staff and modern technological systems, better Federal, state, and agency coordination, clarification of rights and responsibilities when it comes to railroad crossings, and more.

WTA and its member companies appreciate the attention the Subcommittee has given to the issue of broadband permitting in the various bills it has approved over the past several years. In that vein, the bipartisan Expediting Federal Broadband Deployment Reviews Act, H.R. 3293, is a proposal that will move us closer to the goal of expeditious review and approval of broadband projects on Federal lands, and ultimately getting every American connected to broadband.

We appreciate Representatives Jeff Duncan and Angie Craig giving attention to this matter and introducing this legislation.

H.R. 3293 would create a strike force led by NTIA to prioritize broadband permit review through periodic consultations with the various Federal agencies that manage Federal land. NTIA has the expertise and the incentives to make sure that broadband build-out is not stymied by unnecessary delays. We are hopeful that a concerted effort to expedite broadband projects will enable the network to reach the unconnected so that they may enjoy the economic, educational, healthcare, and social benefits of broadband. Coordination between Federal land management agencies and broadband funding agencies and the prioritization of broadband projects is an important part of the solution.

Thank you for this opportunity to testify at today's hearing. I am happy to answer any questions you may have.

[The prepared statement of Mr. Keber follows:]

PREPARED STATEMENT OF ERIC KEBER, VICE PRESIDENT OF GOVERNMENT AFFAIRS,  
WTA—ADVOCATES FOR RURAL BROADBAND  
ON H.R. 3293

Chairman Tiffany, Ranking Member Neguse and members of the Subcommittee, thank you for the opportunity to testify at this legislative hearing, specifically in support of H.R. 3293, the Expediting Federal Broadband Deployment Reviews Act.

I am testifying on behalf of WTA—Advocates for Rural Broadband, which represents approximately 370 small broadband providers serving rural America with high-speed broadband, telephone, and other communications services. The typical company serves between 3,000–5,000 customers and has 20–30 employees. The networks these companies build predominantly consist of buried fiber. But at times, depending on terrain, cost, and other factors a company's network will consist of aerial fiber attached to poles as well as fixed and cellular wireless technology. Our members are primarily a mix of private, mostly family-owned, companies and co-operatives. They have been providing telecommunications services in these rural areas for decades and, in some cases, for over 100 years. These are small businesses based in the rural communities they serve, and they are committed to serving rural residents and businesses because that is where their owners and employees live.

Congress has embarked on a bipartisan goal of connecting every American to high-speed broadband, and WTA's members are playing an important part in this effort. They have long made use of the Federal Communication Commission's Universal Service Fund—primarily the High Cost Program—and various telecom and broadband loan and grant programs administered by the U.S. Department of Agriculture's Rural Utilities Service (RUS), such as the ReConnect Program. Addi-



tionally, most likely early next year, \$42 billion will begin to be awarded through the National Telecommunications and Information Agency's (NTIA) Broadband Equity, Access and Deployment (BEAD) program. Our member companies are seriously considering this option as well.

While there are many challenges to serving rural areas including distance between customers, difficult terrain, socio-economic issues, constrained construction seasons, and severe weather, the obstacle of acquiring the necessary permits in a timely manner looms large. If all of the federal funding mentioned above is going to have the intended impact, we need to address the time-consuming and expensive permitting process, especially if awardees are going to meet the buildout deadlines contained in the law. Getting through the permitting process can add years to the time it takes to complete construction and can add tens of thousands of dollars to the cost of building even a relatively small, localized network. If federal agencies are having trouble approving broadband permits today, imagine what the backlog will look like when \$42 billion of BEAD funding is awarded over the next couple of years.

While the focus of today's hearing is federal lands, permitting is not just a federal lands problem. It's also a federal dollars problem. The delays and expenses crop up any time federal dollars are spent to construct communications networks whether they are on state, local, Tribal, or private lands. Any time a broadband provider accepts federal funding to assist in the buildout of its network, regardless of the jurisdiction, it triggers a possibly lengthy permitting review processes under federal laws like the National Environmental Protection Act (NEPA) and the National Historic Preservation Act (NHPA).

Whenever possible, rural broadband providers make use of existing rights-of-way along roads or where other utilities have already received permission to place infrastructure, or they collocate facilities with existing towers, buildings, and other structures. As small businesses with limited staff and resources, making use of existing rights-of-way is usually the most efficient way to get fiber from a central office to customers. Only on very rare occasions do they attempt to get permission to construct networks in or on completely undisturbed ground. It makes no sense, whether on or off federal land, if a broadband provider is simply digging up previously disturbed ground or making use of an existing rights-of-way that the process should take as long as it often does.

Some anecdotal examples of the problems faced by WTA's rural broadband providers include:

- A company that sought to bury fiber along an existing state highway that passed through federal land. It took two years and seven months to get final approval so this project could begin construction.
- A company that was awarded federal funding through RUS' ReConnect program in October of 2022 to build a network to residents unserved by fiber. The network is to be built in existing rights-of-way. The environmental review process is still ongoing.
- A provider burying fiber along a county right-of-way through federal land with ReConnect funding has been waiting since October 2023 to receive what's called an "Organic Permit," which merely allows their environmental consultant to begin the necessary environmental survey.
- A company applied to put a larger microwave antenna on an existing tower on federal land without changing the height or footprint of the tower. It took 12 months for the request to be approved.
- A provider has existing towers on federal land with permits that expired in 2019. The land management agency has yet to issue new permits.

The problem of broadband permitting delays and associated costs stems from many sources, and there is no one solution or quick fix. It is a problem that must be addressed from various points including NEPA and NHPA reform, making sure land management agencies have adequate staff and modern technological systems, better federal and state agency coordination, clarification of rights and responsibilities when it comes to railroad crossings, and more.

WTA and its member companies appreciate the attention the Subcommittee has given to the issue of broadband permitting and the various bills it has approved over the past several years. In that vein, the bipartisan Expediting Federal Broadband Deployment Reviews Act, H.R. 3293, is a proposal that will move us closer to the goal of expeditious review and approval of broadband projects on federal lands and ultimately getting every American connected to broadband. We

appreciate Representatives Jeff Duncan and Angie Craig giving attention to this matter and introducing this legislation.

H.R. 3293 would create a “strikeforce” led by NTIA to prioritize broadband permit review through periodic consultations with the various federal agencies that manage federal land. NTIA has the expertise and the incentives to make sure that broadband buildout is not stymied by unnecessary delays.

As the leader of this strikeforce, NTIA could encourage the agencies processing permits to institute internal best practices for the tracking and processing of applications. A Government Accountability Report released in April of this year (“*Agencies Should Take Steps to Better Meet Deadline for Processing Permits*,” GAO-24-106157, April 2024) found that the two federal agencies with the most communications use applications, the Forest Service and Bureau of Land Management, use data management systems that, either due to problems with the systems themselves or data entry errors, at times “lack sufficient information to determine processing times for all applications.” According to GAO, 50 percent of the applications processed took longer than 270 days (the standard set by the MOBILE NOW Act) or lacked data to analyze how long it took to process the applications.

But progress can be made. According to that same GAO report (for those applications where accurate data was kept) the two agencies shortened the processing time in recent years. But getting to where we want to be will require continued Congressional oversight, increased resources, modernization of internal agency processes and data processing, and reform of environmental and historic preservation laws so that there are fewer field surveys of previously surveyed ground and less paperwork to be processed in the first place.

We are hopeful that a concerted effort to expediate broadband projects will enable the network to reach the unconnected so that they may enjoy the economic, educational, health care, and social benefits of broadband. Coordination between federal land management agencies and broadband funding agencies and prioritization of broadband projects is an important part of the solution.

Thank you for this opportunity to testify at today’s hearing. I am happy to answer any questions you may have.

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Mr. TIFFANY. Thank you, Mr. Keber. I promise to get your name correct as we go forward.

I would now like to recognize the Ranking Member, Mr. Neguse, for his opening statement.

**STATEMENT OF THE HON. JOE NEGUSE, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF COLORADO**

Mr. NEGUSE. I thank the Chairman. Let me thank each of the witnesses for their testimony and their participation in this important process. And certainly, my colleagues, it is good to be back after the district work period last week.

As we have heard from the witnesses, and I suspect we will hear in the course of the debate in this legislative hearing, these bills that we are considering today serve as a reminder of the wide range of benefits and uses associated with our parks and public lands, and the work that we can get done under this Subcommittee and the Full Committee.

I would be remiss if I did not note there is an individual who worked very hard on public lands conservation and preservation for many years. He was the Chairman of this distinguished and august committee. The room that we sit in is named after him, of course, Morris K. Udall, and one of my constituents, his granddaughter, Tess Udall, has joined us, and we are very grateful to have her here at the hearing today.

I think it is imperative that we continue to identify new places worthy of recognition while bolstering our protection of those that have already been identified, and I am certainly proud of the work

that we have done to effectuate that as we collectively champion new conservation opportunities. And I think some of the bills that are on our agenda today serve as a way for us to recognize the historical and diverse stories across our country.

This hearing, I think, provides a reminder, I suppose, of the promising trend of considering more conservation and commemorative bills. But as made clear by our last few Subcommittee hearings, there are still plenty of places throughout the country that deserve increased protection and conservation. And I appreciate the Chairman's consideration as we submit bills for this Subcommittee to consider.

While I am very supportive of a number of the bills that we are considering today, I do think that perhaps some of them are bills that the Committee does not need to necessarily consider, given that they have already received full and adequate consideration by other Committees in which there is concurrent jurisdiction, H.R. 3293 being a good example of that, a bill that was already considered and marked up out of the Energy and Commerce Committee and awaiting action on the Floor. I think it passed at the Committee on a bipartisan, unanimous basis.

I know there are a number of bills that our side of the aisle has submitted for consideration by this Subcommittee from Representative Horsford, from myself, other members, and would ask for the Chairman to consider those bills as we hopefully return in several weeks to pursue this Committee's business.

With that, I will save the remaining commentary on the underlying bills, knowing that votes have been called, for the debate and the discussion.

I yield back.

Mr. TIFFANY. The gentleman yields.

We have to break for votes right now, and we hope you will bear with us for probably about 45 minutes. We hope to be back here at 11:30 to be able to resume with Members' questions.

I want to thank all of you for your testimony. It was good we were able to get through that. And with that, the Subcommittee stands in recess, subject to the call of the Chair.

[Recess.]

Mr. TIFFANY. The Committee will stand in order, and we are going to move on to Members' questions. Thank you all for your testimony, and we are going to start out with the gentleman from Minnesota, Representative Stauber.

Mr. STAUBER. Thank you very much, Mr. Chair. I want to thank you for convening this hearing today, as well as your work on the Apostle Island National Park and Preserve Act. I am proud to serve as an original co-sponsor of this legislation.

The Apostle Islands truly are a gem of Lake Superior. The Apostle Islands are right across Lake Superior from Silver Bay, Minnesota, which I am proud to represent. If only the Apostle Islands were about 15 miles or so northwest, they would sit in Minnesota's territorial waters in Lake Superior, and part of Minnesota's 8th Congressional District. But they don't.

Senator Quinn, thanks for being here, and thanks for your work in your great state of Wisconsin. Just like northern Minnesota, the tourism and recreational economy is an integral part of north-

western Wisconsin. Can you share a bit more about the impact that tourism and outdoor recreation have on the communities that you represent?

Mr. QUINN. Yes, absolutely. Thank you for the question.

And as you know, our areas are pretty demographically similar in terms of the economy and culture, and who we are as a people in northern Minnesota and Wisconsin. And it is not easy to scratch out a living in northern Wisconsin, and a lot of them depend on the tourism industry. So, it is critically important, especially coming off of COVID, coming off of a poor winter with no snow. Any opportunity to attract more people to our region for a shot in the arm for those businesses that rely on those tourists would be huge.

It is a beautiful area. We are glad Wisconsin has it, not Minnesota, but we are happy to welcome anyone from Minnesota over that wants to see our new national park.

Mr. STAUBER. My mother is a Wisconsinite, so I get it. And how would designating the Apostle Islands as a national park and preserve increase the activity?

Mr. QUINN. Well, as I mentioned, the one study in my testimony shows that when this does take place, when the designation occurs, there is just a natural increase in exposure, I think.

This last budget in the state, we put more money towards tourism, being able to elevate that and showcase that, even from a state perspective. But the opportunities, the people that it will reach by elevating that status will be super important to getting more people to come and visit.

Mr. STAUBER. Perfect.

Mr. Keber, the district I represent has plenty of Federal land and plenty of rural broadband challenges. The challenges that you outlined in your testimony are the very same challenges that my constituents and communities face constantly. As you shared in your testimony, when projects are delayed that costs money. In areas of the country like northern Minnesota, which is known for its incredibly short construction season, if a project faces delays and does not get moving quickly, a project can be delayed months or even years. And that is on top of years of permitting delays.

Can you go into more depth into how these project delays incur additional costs?

Mr. KEBER. Yes, thank you for the question. I was actually talking to a company representative up in Alaska just yesterday, which has even more extreme situations compared to Minnesota, and an even shorter construction season.

Mr. STAUBER. Yes.

Mr. KEBER. And they are waiting on a Federal lands agency to approve a permit for some microwave towers to get to some remote villages, and the agency has been working on this for over a year now, and they are saying, well, we will probably get this approved by October. Well, of course, by then you are waiting until next spring or late summer up there to actually get started. So, that is a whole three quarters of a year. And then you, obviously, have to begin construction and get it done by the end of the construction season. So, it is a very real challenge.

Mr. STAUBER. Yes.

Mr. KEBER. Obviously, that adds cost, too, you are trying to contract with contractors to get them in the right place at the right time, and getting it all done efficiently.

Mr. STAUBER. Yes. So, would you say that we are wasting Federal dollars because of the permitting delays, and Federal grant dollars are not going as far as they could because of our inefficient permitting system?

Mr. KEBER. Absolutely. To get to build out in rural areas, a lot of that is done with Federal dollars because there is no business case for a private company to solely fund that on their own. So, it is inefficient, yes.

Mr. STAUBER. Yes, I think that permitting 2.0 is what is needed across this country for all industries. As you alluded to, in October, middle of November-ish or late November, our construction season is pretty much done in Minnesota, just like it is in Alaska. If you don't get it done that construction season, as you mentioned, it is 4, 5, or 6 months before you can start again, and time is money. And I think it is unacceptable.

I think our permitting system needs to be challenged and changed to benefit our industries and our people. And that will help us save Federal dollars.

Mr. Chair, thanks again for holding this, and I yield back.

Mr. TIFFANY. The gentleman yields. I now recognize myself for 5 minutes, and we are going to start with a UC request here to submit letters of support for the record for the Apostle Islands National Park and Preserve Act.

I ask unanimous consent that the following letters of support for the Apostle Islands National Park and Preserve Act be added to the record for today's hearing. These 21 letters are from northern Wisconsin communities, locally-elected leaders, and local business organizations. There is a broad local support for this effort to elevate the crown jewels of Wisconsin into crown jewels of the National Park System.

Here is an excerpt from one of the letters from the Northwest Wisconsin Investment Board: "The Apostle Islands National Lakeshore is already a cherished destination known for its breathtaking natural beauty, unique ecosystems, and rich cultural history. Elevating its status to a national park will undoubtedly enhance its profile on a national and international level, tracking more visitors and boosting regional tourism. This influx of tourists will have a ripple effect, stimulating local businesses, creating jobs, and fostering economic growth throughout the area."

Without objection, it is so ordered.

[The information follows:]

**Apostle Islands National Park and Preserve Act  
Support Letters**

The Development Association  
Town of Brule, Wisconsin  
Town of Barnes  
Town of Morse  
Town of Oma, Iron County  
Village of Oliver  
Bayfield County, Economic Development Corp.  
Burnett County Development Association  
Hayward Area Chamber of Commerce  
City of Hayward  
Iron County Development Zone Council  
Norvado  
Northwest Regional Planning Commission  
Northwest Wisc. Workforce Investment Board  
Chanz Green, Wisconsin State Representative  
Angie Sapik, Wisconsin State Representative  
Sawyer County/LCO Economic Develop. Corp.  
Romaine Robert Quinn, Wisconsin State Senator  
Superior-Douglas County Area Chamber of Commerce  
Town of Bass Lake, Sawyer County  
Town of Namakagon

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The document containing all these letters is available for viewing at:

<https://docs.house.gov/meetings/II/II10/20240724/117498/HHRG-118-II10-20240724-SD003.pdf>

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Mr. TIFFANY. I want to continue with Mr. Keber first, since Representative Stauber closed with you. It seems like I read a document recently that said, I believe it was in the Inflation Reduction Act, that there were billions of dollars that were authorized for broadband introduction, but there has not been a dollar spent yet. Does that ring a bell for you?

Mr. KEBER. Yes. In the IJA, there was about \$42 billion given to NTIA, an agency at the Department of Commerce. And yes, the money has not been obligated yet. They are in the process, it was given the opportunity for the states to come up with their plans of how they want to best build out broadband within the states to unserved and underserved communities. That was a direction from Congress to do that.

So, the states have been putting together plans and then submitting them to NTIA. NTIA is in the process of approving or recommending changes to the plans, and the word is that the states will start awarding grants next year. So, it has taken a couple of years to get that going.

Mr. TIFFANY. Yes, 3 years and it is going to be going on for years here real soon. And what we are seeing is the speed of the Federal Government.

And to Representative Stauber's point, this is really a big concern not just with broadband, but all these infrastructure projects that are taking so much time. And then, when you add the permitting into it, I mean, these projects simply are not going to get done, and it is a serious problem.

Mr. LANDS, so Apostle Islands, what the proposal is, to take it from a national lakeshore to a national park, what has been the experience with a couple of other areas that have went the same approach? Because I believe in Indiana Dunes, didn't that happen with them, that they went from a national lakeshore to a national park? What was the impact of doing that?

Mr. LANDS. Thank you for your question, Chairman.

First of all, I want to say that the National Park Service is proud to have a possible island lakeshore in its system. It truly is a jewel.

I can't speak specifically on Indiana Dunes, but I can talk a little bit about New River Gorge. Congress redesignated New River Gorge National River as New River Gorge National Park and Preserve a few years ago. The preserved portion of the unit allows hunting and the national park portion does not. The law provides for the park and preserve to be administered as a single park unit, but recognizes two separate named subjects. So, the beauty of it was that it was designated, a portion of it was reserved for hunting and the remainder of it, as we keep with national parks, remains as no hunting. Hopefully, that answered your question.

Mr. TIFFANY. Yes. You expressed a little bit of concern in your testimony in regards to Sand Island. Could you expound on that a little bit?

Mr. LANDS. I am unaware of any significant concerns. The bill was just recently introduced, and the Department is analyzing it right now. The issue would be, as you indicated initially in your opening statement, that it would be preserved for hunting as a national preserve. At this point, that is what we have to further explore, is which portions would be designated as a national park and Sand Island be designated as a preserve to allow for future hunting and trapping.

Mr. TIFFANY. Isn't that fairly straightforward, how the map is written and how it is designated?

Mr. LANDS. Yes, sir, it is. But again, the Department has not had the opportunity to look into the legislation in depth, so I can't provide specifics at this time.

Mr. TIFFANY. OK. Well, we look forward to working with you in regards to that.

In regards to your testimony, did you comment on the North Dakota proposal, Mr. Lands?

Mr. LANDS. I did not. At this point, we would defer to the Bureau of Land Management for any comments.

Mr. TIFFANY. Yes, OK, sounds good.

Mr. Heringer, one of the concerns that I have, and many do in Congress, is we would like to see a no net gain policy in regards to going into the Federal estate. Will there be additional land? Will there be a net gain with the proposal that is before us?

Mr. HERINGER. Thank you for that question, Mr. Chairman.

The intention of the bill and any exchanges proposed would be to try to keep things as equitable as possible and, in fact, likely, if any exchanges are approved finally, the Federal footprint may be actually less because any lands transferred would be titled in the name of the tribes that received the land in exchange. So, the footprint of BLM could actually go down potentially a little bit under the bill.

Mr. TIFFANY. And those of us that have that concern, how should we be looking at this to be able to complete the bill, as you folks have proposed it?

How should we be looking at this in terms of is this actually good for the United States of America?

Mr. HERINGER. I think it is good for all parties involved. I think that, as I said in my testimony, there has been a lot of collaboration between the state, the tribes, and the Federal Government. I know that Interior, BLM has made some comments that are technical in nature. I think they are generally in support of it. We have been working with the BLM to work through any of those issues that they have had. On the Senate side, there was an amendment proposed to try to address some of those issues.

So, I think that if the House would look at the amendment that the Senate put through, I think that that would address a lot of the issues that BLM and Interior have. When you look at a big picture, I think it is going to benefit all parties involved because the state is going to be able to generate more revenue, and the Federal Government will help consolidate some of the tribal lands that have been an issue outstanding for many years.

Mr. TIFFANY. And once again, that is that checkerboard effect, is that correct?

Mr. HERINGER. Yes, especially in North Dakota on the tribal reservations, it is a checkerboard of private ownership, tribal ownership, state, and Federal. So, it does get very, very confusing, and it is very hard to deal with.

Mr. TIFFANY. Under the proposal, how will it affect funding for public schools in your state?

Mr. HERINGER. Well, we think it could very much benefit public school funding in our state. As I mentioned in my testimony, some of these lands are unproductive. They are hard to access for the state right now. They are hard to manage for various reasons.



And then, on the mineral side, some of the minerals that we would like to potentially exchange into are currently locked in by Federal ownership. And we believe that if we step in as the state with ownership there, that would open that to more productivity to where the state could generate much more revenue for public education in the state.

Mr. TIFFANY. Well, we certainly know North Dakota has abundant natural resources. Do you see the ability to expand some of that, perhaps energy production, things like that, as a result of the exchanges that would go on if it turns out as you are hoping?

Mr. HERINGER. Yes, for sure. We believe that there are some opportunities where I said some of these lands would be in the path of development but for obstructions because of the different types of ownership, the checkerboard pattern. And we believe that, if we step in as a state, we could much more efficiently develop those, which would be very beneficial for energy production because we are talking about coal, natural gas, oil, those types of developments.

Mr. TIFFANY. Senator Quinn, you know very well the Apostle Islands area. Give us a little more in depth than you did in your testimony in regards to how the Apostle Islands is viewed in Wisconsin and the Upper Midwest and its great value as the crown jewel of Wisconsin?

Mr. QUINN. Yes, I mean, it is a gem. It is almost kind of a hidden gem. Although there is a lot of tourism to those areas, I think a lot of people don't realize it really is unique. There is nothing else like it.

I have had the opportunity, myself and my family, we have gone and toured, when the season was right, the actual ice caves version of it. You can kayak into the caves if you want. But for those of you that live in other parts of the country or southern parts of the state, we do walk on ice in the winter across water. And you can go into these caves during that season.

So, it is a unique opportunity to really enjoy a piece of the American landscape in every season, and that is what is really exciting about being able to open this opportunity up, hopefully open more eyes to what we have to offer.

Mr. TIFFANY. Well, I think that is going to conclude our questioning here today, but I would like to thank all of you for your testimony.

Mr. Minchew and Mr. Cissna, I look forward to visiting the places that you came here to represent. In particular, I would really like to read more about George Marshall. We certainly saw his name in our history books, and the incredible and quick renovation that was done in Europe after just a devastating war. For Europe to be able to recover the way they did, and the United States to lead the way, and someone like George C. Marshall to be that person that made that happen, it really is a great story, and I sure look forward to visiting some time to do that.

But anyhow, I just want to thank all the witnesses for your testimony, and our Members, well, just a couple Members, for questions. It is a busy day.

And members of the Subcommittee may have some additional questions for our witnesses today, and we will ask that they

respond to those in writing. Under Committee Rule 3, members of the Subcommittee must submit questions to the Subcommittee Clerk by 5 p.m. on Monday, July 29, 2024. The hearing record will be held open for 10 business days for those responses.

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

[Whereupon, at 11:48 a.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

**Statement for the Record**  
**Bureau of Land Management**  
**U.S. Department of the Interior**  
**on H.R. 2405, North Dakota Trust Lands Completion Act**

Thank you for the opportunity to provide this Statement for the Record on H.R. 2405, the North Dakota Trust Lands Completion Act. H.R. 2405 authorizes the relinquishment of certain surface lands and mineral estate currently owned by the State of North Dakota that are wholly or partially within specified Tribal reservations to the Secretary of the Interior (Secretary) and the selection by the State of North Dakota of other surface lands and mineral estate managed by the Bureau of Land Management (BLM) within the state after such relinquishment. The bill also directs the Secretary to take any relinquished lands into trust for the benefit of the applicable Tribes, upon their request.

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. In addition, the BLM is committed to managing public lands and minerals in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of federally recognized Tribes, consistent with the BLM's mission and applicable law. By placing lands into trust status through the Department, Tribes are able to reacquire lands within or near their reservations, establish a land base for Tribal communities, and clarify jurisdiction over their lands.

The BLM supports the Sponsor's goal of addressing the patchwork of inholdings within existing reservation boundaries. The BLM would like to work with the Sponsor to clarify the intent of several of the bill's provisions and the mechanisms outlined in the bill for effectuating the proposed conveyances.

The BLM defers to the U.S. Department of Agriculture (USDA) regarding any impacts to lands managed by the USDA Forest Service.

**Background**

The North Dakota Enabling Act, enacted in 1889, provided for the division of what was then known as Dakota into two states—North Dakota and South Dakota. It also enabled the people of North Dakota and South Dakota, as well as the states of Montana and Washington, to form constitutions and state governments. The Act granted, with certain exceptions, sections 16 and 36 in every township to the new states to support schools. Under the Act, the State of North Dakota was granted lands and minerals totaling more than 2.5 million acres.

Many of the land grant parcels are located within Tribal reservation boundaries. Specifically, 3,612 surface acres and 74,888 total subsurface acres are located within the Fort Berthold Indian Reservation; 24,179 surface acres and 74,717 total subsurface acres are located within the Standing Rock Indian Reservation; 9,379 surface acres and 36,338 total subsurface acres are located within the Fort Totten Indian Reservation; and 72 surface acres and 639 total subsurface acres are located within the Sisseton-Wahpeton Indian Reservation. There are no state land grant parcels located within the Turtle Mountain Indian Reservation. In total, there are approximately 37,000 surface acres and 186,000 total mineral acres located within the boundaries of the five Tribal reservations in the state.

**H.R. 2405**

H.R. 2405 would authorize the State of North Dakota to relinquish to the Secretary of the Interior certain lands and mineral estates that are located partially or wholly within the boundaries of four Tribal reservations in the state, to the extent such lands or mineral estates were conveyed to the state at statehood. The bill would apply to up to approximately 37,000 surface acres and approximately 186,000 total mineral acres. If the State elects to relinquish a parcel, the bill authorizes the State to select one or more parcels of BLM-managed public land or mineral estate of substantially equivalent value within the State of North Dakota. The bill further directs the Secretary to, upon request of a Tribe, take into trust relinquished lands or mineral estates within the boundaries of a reservation.

The BLM notes that it manages only approximately 58,000 surface acres in North Dakota, which would constrain the agency's ability under the bill to convey surface acres if the State selects surface acres in exchange for relinquishing state land grant parcels. Should the State focus on obtaining Federal minerals via selection of sub-

surface lands, the BLM notes that a large majority of the Federal oil and gas minerals in North Dakota are leased, and thus are encumbered by valid existing rights. We would like to work with the Sponsor to clarify which Federal mineral estate would be eligible for transfer and whether any additional exclusions should be included in the bill. We also recommend further coordination with the USDA, particularly if surface management of the National Forest System lands might be affected.

#### *Parcel Selection Process*

H.R. 2405 authorizes the State of North Dakota to select one or more parcels of BLM-managed public land of substantially equivalent value within the State in exchange for relinquishing to the Department all right, title, and interest of a state land grant parcel located wholly or partially within the boundaries of any Tribal reservation. Under the bill, the Secretary must approve or reject the State's selection within 90 days, and if approved, must initiate the process of conveying the selected parcel to the State within 60 days. The bill stipulates that the conveyance shall not be considered a sale, exchange, or conveyance under sections 203, 205, 206, or 209 of FLPMA.

After selection and approval, the bill requires that relinquished state land grant parcels located within the boundaries of a Tribal reservation be taken into trust by the Secretary for the benefit of that Tribe, upon the request of the Tribe. Prior to the conveyance of such a parcel, the State and the Secretary are required to consult with the Tribe that has the subject land grant parcel within its reservation boundaries.

The BLM notes that although the bill stipulates that the conveyances would not be considered a sale, exchange, or conveyance under FLPMA, there are necessary procedures and compliance actions required to convey ownership. While the BLM recognizes the Sponsor's intent to simplify the conveyance process for the purposes of the bill, we would like to work with the Sponsor to ensure that any lands selected by North Dakota go through an appropriate review process. In addition, the BLM would like to work with the Sponsor to include all affected Tribes in the Tribal consultation process, and not limit consultation to only the Tribe with the state land grant inholding to be conveyed, as Tribal consultation is an important process that should involve Tribes impacted by a Federal action, consistent with applicable law and regulation.

#### *Existing Uses*

The bill permits the State to select, and the Secretary to convey, BLM-managed public lands that are subject to a mineral lease or permit issued under the Mineral Leasing Act or in a producing or producible status during the 10-year period following enactment. The State would also be authorized to select BLM-managed land that is "mineral in character," on the condition that, if subject to an existing lease or permit, the Secretary shall reserve an overriding interest in the portion of the mineral estate that is subject to a mineral lease, and such a selection shall not include any portion of the mineral lease or permit. The bill allows the conveyance of the Federal surface interest of land subject to a mineral lease but requires all Federal mining claims to be converted to State leases and provides that the State will assume all authority over any authorizations or obligations applicable to a relinquished Federal mining claim. Under the bill, all BLM-managed parcels selected by the State for conveyance would be withdrawn from operation of the public land laws, mining laws, and mineral leasing laws, with the withdrawal ending on the date the land is conveyed to the State or the date that the selection is rejected.

Regarding all existing uses, section 4(c) of the bill states that each party to an exchange shall, to the fullest extent allowable under Federal and state law, assume the rights and obligations of the conveying party with respect to any lease, right-of-way, permit, or other valid existing rights. The bill specifically provides for continuance of Federal grazing permits by requiring the Secretary and the State to allow the grazing to continue for the remainder of the permit or lease term. Further, the bill stipulates that if a parcel conveyed by the State is used to meet the base property requirements for a Federal grazing permit or lease, the land shall continue to qualify as a base property for the remainder of the term of the permit or lease, as well as for the term of any renewal or extension.

The BLM notes that while several of the bill's provisions refer to "Federal mining claims," there are currently no Federal locatable mining claims in North Dakota. The BLM recommends the Sponsor clarify the intent of these provisions. In addition, it is unclear what would constitute the "overriding interest" reserved by the Secretary in mineral estate subject to a lease. The BLM recommends that the

Sponsor further define what is considered an overriding interest, as well as the mechanism for its reservation. Additionally, the BLM recommends the Sponsor clarify whether the overriding interest reserved by the Secretary would supersede the bill's direction that each party is to succeed to the rights and obligations of the conveying party with respect to any lease, right-of-way, permit, or other valid existing right to which the land is subject—particularly given other provisions directing conversion of all Federal mining claims to state leases.

The BLM appreciates the Sponsor's attention to the disposition of existing grazing operations in the bill. The BLM notes that it may still be required to comply with regulations requiring two years notice of lease cancellation, and cooperative range improvements may also require refunds based on valuation and depreciation schedules. The Department also recommends that the Sponsor work with the Bureau of Indian Affairs to clarify future management of state grazing leases on the lands to be held in trust for the benefit of a Tribe.

Lastly, the BLM notes that the savings clause in section 7 of the bill states that "nothing in this Act applies to or impacts the ownership of any land or mineral resources." The BLM recommends that the Sponsor clarify the intent of the savings clause, given the conveyances of ownership of land and mineral resources directed by the bill.

#### *Valuation of Parcels*

Under the bill, state land grant parcels conveyed for a parcel of Federal land must be "substantially equal in value." The bill requires the Secretary to determine the values of both the state land grant parcel and the BLM-managed parcel to be conveyed through an appraisal completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions. The bill further authorizes the Secretary, with the consent of the State, to use mass appraisals, a summary appraisal, or a statement of value made by a qualified appraiser to determine the value of a parcel using the Uniform Standards for Professional Appraisal Practice, if both parties agree that the market value of the parcel is less than \$500,000 and less than \$500 per acre.

For the value of a Federal parcel that is attributed to the existence of a mineral lease and the lease is to be conveyed, the bill requires that the value of the parcel be reduced by the amount that represents the likely Federal revenue sharing obligation under the Mineral Leasing Act. The bill stipulates that such an adjustment is not to be considered as a property right of the State.

If the overall value of the parcels to be conveyed is not equal, the bill requires the party conveying the parcel of lesser value to equalize the value by payment of funds to the other party. The bill also allows the party conveying the parcel of lesser value to enter the imbalance in value in a ledger account established by the bill. The ledger account must reflect imbalances in value to be reconciled in a subsequent transaction, balanced not later than three years after the date on which the ledger account is established, and closed not later than five years after the date of the last conveyance of land under the bill. Regarding costs and other requirements of conveyance, the bill authorizes the State or the Secretary to assume costs, responsibilities, or requirements for conveying land under the bill that are ordinarily borne by the other party. The parties are directed to make adjustments to the value of the Federal parcel to be conveyed to compensate the State or the Secretary, as applicable.

The BLM notes that the bill does not include any mechanism for protesting or appealing land valuations by any party. The BLM recommends that the Sponsor consider their intent as to how such protests or appeals would be addressed. In addition, the BLM notes that it is typical for the party requesting the purchase to cover the costs of conveyance outright and recommends amending the provisions requiring adjustments to the value of the Federal land to be conveyed to the State accordingly.

#### **Conclusion**

Thank you again for the opportunity to provide this Statement for the Record.

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**Statement for the Record**  
**Bureau of Land Management**  
**U.S. Department of the Interior**  
**on H.R. 3293, Expediting Federal Broadband Deployment Review Act**

Thank you for the opportunity to provide this Statement for the Record on H.R. 3293, the Expediting Federal Broadband Deployment Review Act. H.R. 3293 directs the Department of Commerce to establish an interagency strike force to support the review of requests for communications use authorizations by the Bureau of Land Management (BLM) and the U.S. Department of Agriculture (USDA) Forest Service. The BLM supports the goals of H.R. 3293, which align with the Biden-Harris Administration's priority to provide affordable, reliable high-speed internet to everyone in the United States. We would like to have further discussions with the Sponsor and the Subcommittee to clarify that the BLM retains decision making authority over land management actions and to ensure that any new coordinating body augments existing coordination efforts.

The BLM defers to the Department of Commerce regarding potential impacts to that agency associated with establishing the strike force. We also defer to the USDA regarding potential impacts to the USDA Forest Service.

**Background**

In an increasingly digital world, broadband communications are as essential as roads, bridges, powerlines, and water and sewer systems. As the nation's largest land manager, BLM plays a major role in connecting communities to the internet as part of its management of approximately 245 million surface acres, located primarily in 12 western states. The Federal Land Policy and Management Act (FLPMA) sets forth the BLM's multiple-use mission, directing that public lands generally be managed for a broad range of uses including broadband development, as well as renewable and conventional energy development, livestock grazing, timber production, and conservation—including protecting cultural and historic resources. FLPMA also requires the BLM to manage public land resources on a sustained-yield basis for the benefit of current and future generations.

Under Title V of FLPMA, the BLM is authorized to grant, issue, or renew rights-of-way (ROW) over, upon, under, or through public lands for specific projects, such as roads, pipelines, transmission lines, and communication sites. A ROW grant authorizes rights and privileges for a specific use of the land for a specific period of time. Generally, a BLM ROW is granted for a term appropriate for the life of the project. Additionally, a communications use authorization is required to modify or locate communications facilities on public lands.

The BLM currently administers more than 1,500 communications sites on public lands in the 11 Western states and Alaska. Most communications sites on BLM-managed public lands are located at geographic elevations and consist of one or more facilities (such as towers, antennas, or other buildings) owned by private or governmental entities. Activities at each site are managed by a local BLM field office under a resource management plan and a site-specific management plan. To date, the BLM has authorized the construction and operation of more than 4,000 facilities—ranging from radio and television transmitters to cellular and wireless broadband towers—using ROW grants. We also manage ROWs for approximately 5,000 miles of energy corridors that are compatible with fiber optic and telephone lines.

The BLM also recently updated its regulations for developing and operating broadband infrastructure on public lands. The final rule, titled *Update of the Communications Uses Program, Cost Recovery Fee Schedules, and Section 512 of FLPMA for Rights-of-Way*, was published in April and brings several key changes consistent with the provisions of H.R. 3293, including: committing the agency to making a decision on communications uses ROWs, easements, or lease applications within 270 days; providing consistency in the BLM's review of applications to locate communications facilities on Federal land; and allowing project applications to be submitted electronically.

**H.R. 3293**

H.R. 3293 directs the Department of Commerce to establish an interagency strike force to support the review of requests for communications use authorizations by the BLM and USDA Forest Service. Under the bill, the strike force would comprise the Assistant Secretary of Commerce for Communications and Information, the BLM Director, the Chief of the USDA Forest Service, a designee of the Secretary of

Agriculture, and a designee of the Secretary of the Interior. H.R. 3293 requires that the strike force: 1) conduct periodic calls with strike force members to ensure that the BLM and USDA Forest Service prioritize the review of requests for communications use authorizations; 2) establish goals for the review of the requests; and 3) monitor and facilitate agency accountability for meeting the established goals. The bill also requires the strike force to report to Congress regarding its effectiveness.

The BLM supports the goals of H.R. 3293, which we understand aims to facilitate the deployment of broadband internet and aligns with the Administration's priorities. However, we note that the proposed task force may be duplicative of work that the Department and its bureaus are already doing to support broadband deployment. For example, the BLM currently engages in several interagency working groups to support broadband, infrastructure, and streamline Federal permitting, which include the Department of Commerce, the USDA Forest Service, as well as agencies beyond those specified in H.R. 3293. These working groups have established processes to support and facilitate the expeditious review of communications projects. Moreover, the Permitting Council, which was established by Title 41 of the Fixing America's Surface Transportation Act (FAST-41), includes the Department, the USDA, and other Federal agencies. The Permitting Council is charged with improving the transparency, predictability, and outcomes of the Federal environmental review and authorization process for certain large-scale critical infrastructure projects, which includes broadband. As a result, the work stream and priority setting proposed by the bill may overlap or conflict with other ongoing work, potentially negatively impacting the BLM's ability to support broadband deployment. The BLM recommends that the Sponsor and the Subcommittee consider modifying the bill to better align the proposed strike force with existing coordination processes and to clarify that the BLM retains decision making authority over land management actions on public lands.

#### **Conclusion**

Thank you again for the opportunity to provide this Statement for the Record.

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**Statement for the Record**

**United States Department of Agriculture  
Forest Service**

**H.R. 3293—Expediting Federal Broadband Deployment Reviews Act  
and**

**H.R. 8403—Benton MacKaye National Scenic Trail Feasibility Study Act**

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to provide a statement for the record on two bills pertaining to the United States Department of Agriculture (USDA), Forest Service.

**H.R. 3293—Expediting Federal Broadband Deployment Reviews Act**

H.R. 3293 would require the National Telecommunications and Information Administration (NTIA) to establish an interagency strike force to prioritize the review of communications use applications by the Bureau of Land Management (BLM) and the Forest Service. The strike force would have to: (1) conduct periodic calls with strike force members to ensure that each agency prioritizes the review of applications for communications use authorizations; (2) establish goals for the review of the applications; and (3) monitor and facilitate agency accountability for meeting the established goals. The strike force would include members from USDA and the Department of the Interior. Lastly, the strike force would have to report to Congress within 270 days after the enactment of this act whether Federal land management agencies are effectively prioritizing requests for communication use authorizations.

H.R. 3293 would overlap with existing coordination among the NTIA, the Forest Service, BLM, and other federal agencies. Representatives from the NTIA, the Forest Service, and the BLM currently participate in biweekly Broadband Permitting Working Group meetings to share information. Forest Service staff and NTIA's Environmental Program staff routinely share best practices and strategies for effective and efficient broadband deployment on federal lands. We are working together to conduct stakeholder outreach on this topic, including sharing useful resources and tools related to federal permitting. With regard to H.R. 3293, USDA recommends clarifying the relationships and operational integrations among the strike force with existing coordination efforts provided through the Broadband Permitting Working Group, the national broadband team and the Federal Permitting Improvement Steering Council. We look forward to working further with the committee and bill sponsor to ensure the bill language would augment the Department's ongoing coordination with other federal land management agencies to streamline review and processing of communications use applications.

The Forest Service has prioritized the processing of proposals and applications for communications uses, including broadband projects, on National Forest System (NFS) lands. The Forest Service is striving to fully comply with current law, which requires federal land management agencies to grant or deny communications use applications within 270 days of receipt. The Forest Service received multi-year funding from the Federal Permitting Improvement Steering Council to address the anticipated influx of proposals and applications for broadband deployment on NFS lands. The agency established the national broadband team that advises and supports Forest Service offices with reviewing and processing communications use applications and that tracks these applications to ensure the agency meets its statutory requirements. Lastly, our ability to review broadband permits efficiently and effectively has been facilitated by the availability of categorical exclusions (CEs) that we have adopted under Section 109 of NEPA, enacted through the Fiscal Responsibility Act, such as NTIA's CEs C-4 through C-8, concerning new communications uses, including broadband, and the Department of Commerce's CEs A-4 (communication towers) and A-6 (fiber optic cable).

USDA would like to have further discussions with the committee and bill sponsor to clarify that the Forest Service and Bureau of Land Management retain decision making authority over land management decisions and to ensure any new coordinating body augments existing coordination efforts.

**H.R. 8403—Benton MacKaye National Scenic Trail Feasibility Study Act**

H.R. 8403 would amend the National Trails System Act to direct the Secretary of Agriculture to conduct a study on the feasibility of designating the Benton MacKaye Trail as a National Scenic Trail. The Benton MacKaye Trail is a 287-mile, multiple-use resource that traverses the Chattahoochee, Cherokee, and Nantahala



National Forests. The Benton MacKaye Trail is maintained through agreements between federal land managers and volunteer organizations seeking to sustain hiking, mountain biking, and equestrian uses of the Trail.

USDA supports this feasibility study, which is a standard step in the establishment of a national scenic trail. The study would include findings related to the feasibility, suitability, sustainability, and desirability of designating the Benton MacKaye Trail as a national scenic trail. If the bill is enacted, the Forest Service would work with all interested parties to complete the feasibility study, including representatives from the diverse groups that currently use and help maintain the Benton MacKaye Trail.

USDA supports H.R. 8403 and recognizes the importance of a feasibility study for designating a national scenic trail, and the Forest Service embraces its mission to administer national scenic trails.

Thank you for the opportunity to provide a written statement on H.R. 3293 and H.R. 8403. USDA welcomes any questions from the Subcommittee.

