

**Statement of  
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Senate Committee on Energy & Natural Resources  
Subcommittee on Public Lands, Forests, & Mining**

- S. 175, To codify certain public land orders relating to the revocation of certain withdrawals of public land in the State of Alaska**
- S. 297, To amend the Federal Land Policy & Management Act of 1976 to authorize certain construction activities on public lands**
- S. 1348, Wyoming Public Lands Initiative**
- S. 1719, FIRESHEDS Act**
- S. 1764, Western Wildfire Support Act**
- S. 1889, Unrecognized Southeast Alaska Native Communities Recognition & Compensation Act**
- S. 2151, Utah Wildfire Research Institute Act**
- S. 2581, Secure Rural Schools Reauthorization Act**
- S. 2615, Alaska Native Village Municipal Lands Restoration Act**
- S. 2855, CLOSE THE GAP Act (BROADBAND)**
- S. 2867, Promoting Effective Forest Management Act**
- S. 2991, America’s Revegetation & Carbon Sequestration Act**
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- S. 3036, Mountain View Corridor Completion Act**
- S. 3062, Small-Diameter Timber & Underutilized Material Act**
- S. 3079, Accelerating Appraisals & Conservation Efforts**

**October 25, 2023**

**Introduction**

Thank you for the opportunity to provide testimony on the bills on the hearing agenda related to Bureau of Land Management (BLM).

The BLM manages approximately 245 million surface acres, located primarily in 12 western states, as well as 30 percent of the nation’s onshore mineral resources across 700 million subsurface acres, overlain by properties managed by other Federal agencies such as the Department of Defense and the U.S. Forest Service (USFS) as well state and private lands. The BLM manages public lands under the Federal Land Policy and Management Act (FLPMA), passed by Congress in 1976. The BLM remains committed to its core mission of multiple use and sustained yield, which provides for a careful balancing across many uses and resources to steward the public lands for all.

Under the BLM’s multiple use mandate, the BLM manages public lands for a broad range of uses, such as renewable and conventional energy development, livestock grazing, timber production, hunting and fishing, recreation, and conservation – including protecting cultural and

historic resources. Lands managed by the BLM also provide vital habitat for more than 3,000 species of wildlife and support fisheries of exceptional regional and national value. In addition, the Biden Administration's America the Beautiful initiative emphasizes the conservation of the nation's natural resources recognizing that many uses of our lands and waters, including working lands, can be consistent with the long term health and sustainability of natural systems.

Overall, the BLM estimates that commercial activities on public lands, support nearly 524,000 jobs in timber, recreation, grazing, nonenergy minerals and the energy sector. That activity is the economic driver for communities across the West. It is also a significant generator of tax revenues that support state and local governments.

We appreciate the Sponsors' work on the bills under consideration today. A review of each of the bills follows.

**S. 175, To codify certain public land orders relating to the revocation of certain withdrawals of public land in the State of Alaska**

S. 175 would codify Public Land Orders (PLO) Nos. 7899 through 7903, revoking the withdrawal of approximately 28 million acres of public land in the State of Alaska from operation of the public land, mining, mineral leasing, geothermal leasing, and mineral materials disposal laws, subject to valid existing rights.

***Analysis***

PLOs are a type of action by the Secretary of the Interior that establish, modify, extend, or revoke public land withdrawals. Some PLOs are tied to Alaska-specific laws like the Alaska Native Claims Settlement Act of 1971 (ANCSA, P.L. 92-203) or the Alaska National Interest Lands Conservation Act of 1980 (P.L. 96-487), while some stem from other laws like the Federal Land Policy and Management Act of 1976 (P.L. 94-579). The "PLOs of 1972" (PLO Nos. 5172 through 5176, 5178, 5179, 5180, 5184, 5186, 5353) were issued to implement ANCSA's requirement directing the selection of certain public lands by village corporations in order to address aboriginal land claims. The PLOs of 1972 withdrew certain public lands from all forms of appropriation under the public land laws and mineral leasing laws.

In 2020 and 2021, under the previous Administration, the BLM prepared PLOs 7899-7903, partially revoking the PLOs of 1972. These PLOs would have opened 28 million acres of BLM-managed land to activities such as mining and oil and gas development within the Bay, Bering Sea-Western Interior, East Alaska, Kobuk-Seward Peninsula, and Ring of Fire planning areas. PLO No. 7899 was signed on January 11, 2021, and published in the Federal Register. PLO Nos. 7900-7903 were never published in the Federal Register and do not have an opening date.

The Biden administration identified certain procedural and legal defects in the decision-making processes for PLO Nos. 7899-7903, including failure to secure consent from the Department of Defense (DOD) with regard to lands under DOD administration as required by section 204(i) of FLPMA; overlapping withdrawals; insufficient analysis under the National Environmental Policy Act (NEPA); failure to follow section 106 of the National Historic Preservation Act; and possible failure to adequately evaluate impacts under section 7 of the Endangered Species Act. Due to these identified deficiencies, on April 16, 2021, the Department of the Interior

(Department), relying on its authority to revisit decisions based on identified legal errors, deferred the opening of lands under PLO No. 7899 until April 16, 2023, and the publication of PLO Nos. 7900-7903, in order to address the deficiencies in the decision-making processes and defects associated with initial analysis under NEPA, including inadequate review of potential impacts on subsistence hunting and fishing. On April 10, 2023, the opening of lands under PLO No. 7899 was further delayed until August 31, 2024, in order to allow adequate time to address the issues identified under the legal authorities listed above and reach a decision, due to the scope and complexity of the issues being analyzed.

While the larger review is underway, the Secretary prioritized partially lifting the PLOs of 1972 to make lands in Alaska available for selection by Alaska Native veterans under the Alaska Native Vietnam-era Veterans Land Allotment Program (Allotment Program), established in the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 (Dingell Act, P.L. 116-9). On August 15, 2022, following preparation of an environmental assessment, the Secretary issued PLO 7912 to partially revoke 15 PLOs (including the PLOs of 1972) affecting approximately 27.1 million acres of public lands. On August 9, 2023, PLO 7929 partially revoked 8 PLOs affecting approximately 813,000 additional acres of public lands. PLOs 7912 and 7929 opened these 27.9 million acres specifically to allow for allotment selection by eligible Alaska Native Vietnam-era veterans under the Allotment Program.

During these efforts, the BLM consulted with potentially affected Federally recognized Tribes on a government-to-government basis and with affected Alaska Native Corporations to support BLM's efforts to reconsider and correct defects identified in the decision-making process to open these lands, including lack of consultation with affected Tribes and Alaska Native Corporations. As a result of this work, BLM's Alaska State Office is now working with Alaska Native Vietnam-era Veterans to ensure they receive their entitled land selections.

Further, on August 18, 2022, the BLM published a Notice of Intent to prepare an environmental impact statement (EIS) to consider the effects of opening lands currently subject to withdrawals established pursuant to Section 17(d)(1) of ANCSA. The BLM received public scoping input through October 17, 2022, including through three virtual public meetings held during the scoping period. The EIS will review PLOs 7899-7903, which were previously prepared but either were not issued or have not gone into effect, and the BLM expects the Draft EIS will be available for public review and comment by the end of 2023. In the interim, the BLM has completed its review and opening of lands to ensure that Alaska Native Vietnam-era veterans are able to select the land allotments they are owed without delay and with an expansive selection area.

S. 175 would prematurely revoke PLOs impacting approximately 28 million acres of public lands – over ten percent of all BLM-managed public lands across the country. The attempted revocations directed by the prior administration PLOs were rushed and relied on insufficient and outdated environmental and subsistence analysis. Codifying these revocations without sufficient analysis risks endangering rural subsistence preference for many individuals, including Alaska Natives, who rely on subsistence resources for their cultures and livelihoods. The BLM opposes S. 175 as the bill would enact the unpublished PLOs without allowing time to correct the legal

defects in the previous decision-making process and ensure adequate engagement with affected parties.

**S. 297, To amend the Federal Land Policy & Management Act of 1976 to authorize certain construction activities on public lands**

S. 297 directs the Secretary of the Interior and the Secretary of Agriculture to carry out a pilot program to establish and operate tree nurseries on Federal lands to address tree planting needs. Under the bill, Bipartisan Infrastructure Law (BIL, Public Law 117–58) funds authorized to restore native vegetation and mitigate environmental hazards on mined land would be used for the nurseries. Each Secretary is responsible for carrying out the pilot program in four of the eleven contiguous Western States and one state that is not one of the eleven contiguous Western States. In carrying out the pilot program, U.S. Department of Agriculture (USDA) and the Department may enter into cooperative agreements with non-Federal entities to use trees produced in the nurseries and may conduct research on grazing and forest management to maximize the ability to sequester carbon, prevent soil erosion, and improve air and water quality.

The Department supports the goals of the bill to establish nurseries to meet conservation and restoration needs. The Department notes there are approximately twenty existing Federal nurseries and supports the establishment of new nurseries to address a shortage of native seeds and seedlings. The Department recommends expanding the scope of the bill to include nurseries propagating native forbs, shrubs, grasses, and seeds to restore climate resilient native plant communities. Given that BIL funds are devoted to both restoring native vegetation and mitigating environmental hazards on mined lands, the Department recommends authorizing additional funds to ensure sufficient funding exists for both restoring abandoned mine lands and providing seedlings.

**S. 1348, Wyoming Public Lands Initiative Act**

S. 1348 designates over 15,000 acres of Wilderness Study Areas (WSA) as wilderness; releases from WSA status approximately 130,000 acres of BLM-managed WSAs; and designates four special management areas (SMA), three management areas, a motorized recreation area, and a National Conservation Area on approximately 94,000 acres of lands released from WSA status in the State of Wyoming. The bill also directs the BLM to study the potential for the development of special motorized recreation areas in Fremont County, and to pursue the exchange of State lands within the Lander Slope and Red Canyon Areas of Critical Environmental Concern (ACEC) for other lands managed by the BLM. Lastly, S.1348 prohibits the application of the BLM’s proposed Conservation and Landscape Health rule, or any substantially similar rule, to the lands covered by the bill.

***Analysis***

Wilderness and WSAs are an essential component of conservation. The Biden Administration recognizes wilderness is a fundamentally important part of the American landscape, for practical and scientific values, and for the beauty, majesty, and solitude it provides. Wilderness and WSAs generate significant economic benefits to local communities by providing recreational opportunities while simultaneously supporting community and ecosystem health and biodiversity. The BLM does not support S. 1348, which would remove over 130,000 acres of

public lands from conservation status. The BLM defers to the USDA regarding the bill's provisions affecting the management of lands under their jurisdiction.

FLPMA provides a clear statement on the retention and management of lands administered by the BLM. Section 603 of FLPMA provided direction under which the BLM became a full partner in the National Wilderness Preservation System established by the Wilderness Act of 1964. The first step of the Section 603 process—to identify areas with wilderness characteristics—was completed in 1980. The BLM identified over 800 WSAs encompassing more than 26 million acres of BLM-managed lands. The second step of the process, begun in 1980 and concluded in 1991, was to study each of the WSAs and make a recommendation to the President on their suitability or non-suitability for preservation as wilderness. The President was then directed to send wilderness recommendations to Congress within two years of receiving the Secretary of the Interior's recommendation.

The President's 1992 and 1993 wilderness recommendations to Congress are now 30 years old, and the on-the-ground analysis of their wilderness suitability is as much as 40 years old. During that time, resource conditions have changed, our understanding of natural resources has changed, and public opinion has changed. Today, WSAs remain undeveloped Federal lands that retain their primeval character and influence, without permanent improvements or human habitation, and are managed so as not to impair their suitability for designation as wilderness.

S. 1348 designates BLM-managed lands within the Encampment River Canyon, Prospect Mountain, Sweetwater Canyon, and Bobcat Draw Badlands WSAs as wilderness. The BLM supports these wilderness designations, and if this bill moves forward, recommends the inclusion of additional acreage within the Encampment River Canyon and Bobcat Draw Badlands WSAs as wilderness. The BLM would like to work with the Sponsor to prevent the creation of small and isolated parcels of wilderness created by the exclusion of portions of the WSAs from wilderness designations.

Under the bill, the Bennett Mountain, Sweetwater Rocks, and Cedar Mountain SMAs are designated on lands released from the Bennett Mountain, Lankin Dome, Split Rock, Savage Peak, Miller Springs, and Cedar Mountain WSAs. Additionally, the Fortification Creek, Fraker Mountain, and North Fork Management Areas are designated on lands released from the Fortification Creek, Gardner Mountain, and North Fork WSAs. While the BLM appreciates the Sponsor's direction to maintain some of the varied resource values of these areas, the BLM recommends a more targeted approach rather than releasing WSAs in their entirety for other uses and management priorities. Further, the BLM cannot support the wholesale release of the Dubois Badlands WSA to create the Dubois Motorized Recreation Area and Dubois Badlands National Conservation Area as the WSA falls within an elk wintering area, which is critical winter range for mule deer, and encompasses at least two sage-grouse strutting grounds.

S. 1348 would also release the Copper Mountain, Whiskey Mountain, and Honeycombs WSAs to be managed in accordance with the laws generally applicable to BLM-managed lands. While these lands were not recommended for wilderness designation in the BLM's 1991 recommendations, if these suitability recommendations were made today, many of them would likely be different. The Copper Mountain WSA encompasses 6,858 acres of mountainous BLM-

administered land without any inholdings or split estate lands, while the Whiskey Mountain WSA and surrounding environments provide exceptional opportunities for backcountry hunting and host some of the largest concentrations of Rocky Mountain Bighorn Sheep in the United States. Lastly, the Honeycombs WSA consists of sharply eroded, strongly dissected badlands and rolling to steep hills that provide outstanding opportunities for solitude and primitive and unconfined recreation. The BLM cannot support release of these WSAs given their extensive wilderness characteristics including naturalness, solitude, opportunities for unconfined recreation, and special features.

Additionally, the BLM notes that we support the direction of S. 1348 to pursue transfers in which land managed by the Bureau in Fremont County could be exchanged for land owned by the State that is within the boundaries of the Lander Slope and Red Canyon ACECs. Under the bill, these exchanges would occur in accordance with applicable laws. Further, the BLM supports the proposed study evaluating the potential for the development of special motorized recreation areas in Fremont County.

Finally, S. 1348 prohibits the application of the BLM's proposed Conservation and Landscape Health rule, or any substantially similar rule, to the lands covered by the bill. The BLM is committed to its congressionally-mandated mission of multiple use and sustained yield, which includes managing for healthy lands today so that the BLM can deliver on its core mission now and in the future. The proposed rule would help the BLM respond to the pressures posed by unprecedented drought, intense wildfires, loss of wildlife, and an influx of invasive species. Given the significant challenges the BLM faces in maintaining the health of the public lands, the BLM opposes the prohibition on applying the proposed rule, or any substantially similar rule, to the lands covered by the bill.

#### **S. 1719, FIRESHEDS Act**

S. 1719 establishes emergency fireshed management areas on lands administered by the Secretary of the Interior and the Secretary of Agriculture that are at high risk of catastrophic fire. The bill institutes a framework for states and the Secretaries to enter into agreements to jointly designate fireshed management areas, conduct stewardship and fireshed assessments, and carry out fireshed management projects. The bill directs the Secretaries to enter into agreements with states within 90 days of the request of the governor and requires the completion of a stewardship and fireshed assessment within 90 days of entering into the agreement. The bill also directs fireshed management projects to be developed through a collaborative process and to prioritize public health and safety, protecting infrastructure, wildlife habitat, and water quality. Finally, it establishes a new categorical exclusion for fireshed management projects.

The Department supports the Sponsor's goal to address the risk that catastrophic wildfires pose to our communities and our natural resources and remains committed to working with all our partners and stakeholders on reducing wildfire risk on public lands.

However, the Department opposes the broad categorical exclusion for fireshed management projects created by the bill. The Department does not believe this is the best management tool for reducing fuel loads and mitigating wildfire risk. The Department, in coordination with the White

House Council on Environmental Quality, would like to work with the Sponsor to address the timeliness and efficiency of carrying out priority hazardous fuels treatments.

The bill directs the Secretary of the Interior to enter into agreements with states within 90 days of a request from a governor and requires the completion of a stewardship and firehosed assessment within 90 days of entering into the agreement. The Department has concerns that these deadlines would be particularly challenging to meet if a state governor were to submit multiple firehosed management area designations under one agreement request. Further, it is unclear how the 90-day timelines would apply to additional firehosed management areas submitted after the Secretary and a state governor enter into an agreement. The Department would like to work with the Sponsor for additional clarity on how the required timelines would apply in such a scenario.

Finally, the bill would prohibit any court from issuing an injunction or restraining order when reviewing a decision to prepare or conduct a firehosed management project. The Administration opposes the broad limitation on judicial remedies available to stakeholders.

### **S. 1764, Western Wildfire Support Act**

S. 1764 creates separate funding accounts that support aviation and ground-based firefighting resources and authorizes up to \$1 billion to the Department of the Interior (DOI) for ground-based firefighting and up to \$500 million to DOI and USDA for aviation. The bill also authorizes up to \$200 million to DOI and USDA to assist communities in planning and preparing for wildfires and establishes a mechanism to support local training and assistance to states for aviation and firefighting resources. Finally, S. 1764 invests in important research and technology into unmanned aircraft systems and wildfire detection systems.

The Department supports the intent of S. 1764 and would like to work with the Subcommittee on technical modifications to ensure effective implementation of the bill. For example, section 101 establishes separate ground-based and aviation accounts, which poses administrative and budgetary complications. The Department supports the concept of spatial fire management plans provided for in section 103 but notes the challenges associated with their development within the proposed timeframes considering the scope and alignment with other planning documents.

The Department would like further clarification of the intent and purpose of the training and certification program authorized in section 105. The Department also suggests that the grant provisions for slip-on tanks included in section 202 be expanded to include additional firefighting resources that could also benefit other local needs.

### **S. 1889, Unrecognized Southeast Alaska Native Communities Recognition & Compensation Act**

S. 1889 would amend the Alaska Native Claims Settlement Act (ANCSA) (P.L. 92-203) to authorize the Southeast Alaska Native communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell to organize as Urban Corporations under Sealaska Corporation, the regional corporation for Southeast Alaska. The bill also directs the Secretary to convey approximately 23,040 acres of surface estate in the Tongass National Forest to each urban corporation, and to convey the subsurface estate underlying the same lands to Sealaska Corporation. S. 1889 further

notes that Congress intends such conveyances to be made within two years from the date the corporations are formed.

### *Analysis*

In 1971, Congress passed ANCSA, which settled aboriginal land claims in Alaska by entitling Alaska Native communities to select and receive title to 46 million acres of Federal land. The Act established a corporate structure for Native land ownership in Alaska under which Alaska Natives would become shareholders in one of over 200 private, land-owning Alaska Native village, group, urban, and reserve corporations and/or one of 12 private, for-profit, land-owning regional corporations. Most Alaska Natives are enrolled in two corporations; the corporation representing the community where they lived in 1970 and a regional corporation.

Each regional corporation encompasses a specific geographic area and is associated with Alaska Natives who had traditionally lived in the area. For each corporation, whether village or regional, ANCSA provided at least two potential acreage entitlements through which it could select and receive ownership of Federal lands. For Alaska Natives who were non-residents of the state at the time the Act was signed into law, ANCSA authorized a non-landowning 13th Regional Corporation.

Due to a monetary settlement prior to ANCSA (*Tlingit and Haida Indians of Alaska and Harry Douglas, et al. v. United States, 182 Ct. Cl., 130, 389 F.2d 778, 1968*), land entitlements in Southeast Alaska differ from those in the rest of the state. Section 16(a) of ANCSA withdrew lands for 10 specific Native villages located in Southeast Alaska, which did not include the communities of Haines, Ketchikan, Petersburg, Tenakee, and Wrangell.

The communities of Haines, Ketchikan, and Tenakee have previously applied for eligibility for lands and benefits under ANCSA. The Bureau of Indian Affairs (BIA) originally determined Haines as eligible to receive land and benefits under ANCSA but reversed its decision in February of 1974. The BIA also determined Tenakee and Ketchikan to be ineligible.

All three appealed the BIA's decisions to the Alaska Native Claims Appeal Board (ANCAB), an ad hoc Interior appellate board established specifically to hear appeals on ANCSA matters. The ANCAB found that Congress intended to grant benefits only to the 10 villages listed in Sec. 16(a) of ANCSA and affirmed BIA's decisions. Petersburg and Wrangell did not apply for eligibility, and none of the five villages filed land selection applications.

As the Secretary of the Interior's designated survey and land conveyance agent, the BLM is the Federal agency tasked with transferring to Alaska Native corporations title to the 46 million acres as required by ANCSA. The BLM's Alaska Land Transfer program administers the transfer of lands to individual Alaska Natives under the Alaska Native Allotment and Alaska Native Veterans Allotment Acts, the transfer of 46 million acres to Alaska Native communities under ANCSA, and the conveyance of 104.5 million acres to the State of Alaska under the Alaska Statehood Act.

The BLM appreciates the Sponsor's efforts to resolve this long-standing dispute regarding ANCSA eligibility for the Alaska Native communities of Haines, Ketchikan, Petersburg,



Tenakee, and Wrangell. The BLM would like to work with the Sponsor on several technical modifications to address potential issues, including conveyance of land with valid existing rights, and potentially contaminants, to the new Alaska Native Corporations. Additionally, the BLM would like to ensure all parcels identified are available to be transferred; and that previous and future allocations to regional corporations are unaffected by the bill. The BLM defers to the U.S. Forest Service on issues related to the land designated by the bill to be transferred, as the designated lands are all within the Tongass National Forest. The BLM is also currently working on the land conveyances, identified in Section 7 of the bill, through existing authorities and believe that to be the most effective and efficient process to complete those actions.

### **S. 2151, Utah Wildfire Research Institute Act**

S. 2151 amends the Southwest Forest Health and Wildfire Prevention Act of 2004 to direct USDA to establish, in consultation with DOI, an additional wildfire research institute in Utah, as allowed for by the law, to promote adaptive management to reduce wildfire risk and restore ecosystems damaged by wildfires. These Institutes further our collective abilities to achieve effective, comprehensive ecological restoration treatments that not only enhance land health, but also increase the natural resilience of our public lands to wildfire. The existing institutes in New Mexico, Colorado, and Arizona foster collaborative decision-making, informed by the best available science, for practical, landscape-scale efforts that reduce wildfire risk across administrative boundaries. The Department supports the goals of the bill to help reduce wildfire risk and protect people, communities, and resources in the West.

### **S. 2581, Secure Rural Schools Reauthorization Act**

S. 2581, the Secure Rural Schools and Community Self-Determination Reauthorization Act, extends the authorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (P.L. 106-393). Under S. 2581, payments to states and counties would be extended through fiscal year 2026, the authority to initiate projects would be extended through September 2028, and the authority to expend project funds would be extended through September 2029.

### ***Analysis***

The Secure Rural Schools and Community Self-Determination (SRS) Act provides funding for schools, roads, and other municipal services to over 700 counties with Federal lands within their borders that cannot provide tax revenue. The SRS Act, as it relates to the BLM, was based upon the county payments authorized by the Oregon and California Act of 1937 (O&C Act), and the Coos Bay Wagon Road Act of 1939 (CBWR Act). Under the O&C Act and subsequent legislation, the 18 counties in western Oregon with O&C lands receive 50 percent of the revenue generated from the O&C lands. Under the CBWR Act, the two counties in western Oregon with CBWR lands receive payments in lieu of taxes for the CBWR lands based on tax rates applied to similar private lands from up to 75 percent of the revenue generated from the CBWR lands (these two counties also have O&C lands). Revenue generated from the O&C and CBWR lands primarily comes from timber harvest.

The BLM manages its portion of the Secure Rural Schools program in concert with the U.S. Forest Service. The BLM administers the SRS payments for nearly 2.4 million acres of BLM-managed public lands located in the 18 western Oregon counties with O&C or CBWR lands, known as the “O&C counties,” and the U.S. Forest Service makes payments to counties in 41

states. The Department of the Interior defers to the U.S. Forest Service regarding activities on their lands.

Starting in 1991, payments to O&C counties from timber harvests consistently dropped from the historic highs experienced in the late 1980s. Congress enacted “safety net payments” to stabilize income flow to timber-dependent counties in 1994 (P.L. 103-66). Subsequently, in 2000, Congress enacted the SRS Act, which allowed O&C counties to elect to receive a payment equal to the average of the payments received under the O&C and CBWR Acts in the three years of highest payments between 1986 and 1999, in lieu of their payments under the O&C and CBWR Acts. Under the SRS Act, states receive funds to be distributed directly to the counties (Title I) and elect how to allocate the remaining funds between Title II projects (administered by the BLM), Title III projects (administered by the counties), or returned to the Treasury. Resource Advisory Committees (RACs) provide advice and recommendations regarding projects requesting Title II funding within the counties.

Most recently, in November 2021, SRS was reauthorized as a part of the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL, Public Law 117-58), to issue payments through fiscal year 2023, with the FY 2023 payment expected to be made in March 2024. The 2021 reauthorization extended the date by which Title II and Title III projects must be initiated to September 30, 2026. Further, the BIL established regional and national pilot programs to expedite appointment of members to RACs. The authority to administer these pilot programs expired on October 1, 2023.

S. 2581 establishes a new pilot program directing the “Secretary concerned” to allow the regional forester with jurisdiction over a unit of Federal land to appoint members of the RAC for that unit. The BLM notes that the term “Secretary concerned” may apply to either the Secretary of the Interior or the Secretary of Agriculture. However, the BLM does not have a position with the title of “regional forester.” Within the Department, RAC appointments are made in accordance with rules prescribed by the Secretary pursuant to Section 309 of FLPMA and recommends that the authority remain with the Secretary per current regulations (43 CFR 1784).

SRS funds support critical county projects and local schools. For FY 2022 payments issued in FY 2023, the BLM provided nearly \$26 million in SRS funds to O&C counties. An additional \$2.3 million was provided for cooperative projects. Authorized by the Western Oregon RAC, these projects improve the health of public lands, and can include wildfire hazard reduction, stream and watershed restoration, forest road maintenance, road decommissioning or obliteration, control of noxious weeds, improvement of fish and wildlife habitat, and opportunities for youth employment. The BLM looks forward to working with Congress on S. 2581.

### **S. 2615, Alaska Native Village Municipal Lands Restoration Act**

S. 2615 would amend the Alaska Native Claims Settlement Act (ANCSA, P.L. 92-203) to retire the requirement for village corporations of unincorporated communities to reconvey lands to the State in trust for a future city, for municipal purposes. In addition, S. 2615 would allow village corporations to regain title to the lands held in trust with the State by dissolving the trust through formal resolution by the village corporation and the residents of the Native village.

### *Analysis*

ANCSA provided the framework to settle aboriginal land claims in Alaska and entitled Alaska Native Corporations through payment of approximately \$970 million and conveyance of about 46 million acres of land. The lands are conveyed to state-chartered Native corporations and are not held in trust. ANCSA further established the village corporations' right to lands in and around their villages through Sections 14(a) and (b). Section 14(c) requires village corporations to reconvey lands to individuals and certain entities as specifically outlined in subsections (1) through (4). Section 14(c)(3) addresses the lands needed by cities for present and future public land uses and requires all Native village corporations receiving land under Sections 14(a) and (b) to convey lands to the existing municipality. If no municipality exists, then the lands are conveyed to the State in trust for a future municipality. The lands conveyed to the State in trust are called municipal trust lands.

There are currently 96 village corporations that have not yet completed their ANCSA 14(c) reconveyance obligations. The BLM understands that many of the remaining communities under the State Municipal Land Trust program do not intend to incorporate. Many of these communities have not completed their reconveyance obligations under 14(c) due to concerns related to their 14(c)(3) lands being held in trust by the State. Failure to complete the entire 14(c) process, not just 14(c)(3), clouds the title of those village corporation lands and leaves community members, both shareholder and non-shareholder, Native and non-Native, without a process that addresses the potential rights to lands recognized by Congress in Section 14(c). The BLM is also left with the lingering obligation to survey lands eventually selected for reconveyance under 14(c).

S. 2615 sunsets the requirement for Village Corporations to convey lands to the State in trust for a future municipality. The BLM supports retiring this conveyance requirement as it could provide an additional pathway for Village Corporations to clear the title of their lands. Further, the BLM interprets S. 2615 to allow village corporations to convey land to the State in trust if they so choose but would no longer require them to do so. The BLM appreciates leaving this tool in place for the use of village corporations who may elect to convey lands for future municipal development.

S. 2615 also provides village corporations with the ability to regain title to lands conveyed to the State in trust for a future municipality that has not been established as of the date of enactment. The BLM recognizes that the State currently holds approximately 11,500 acres in trust for 83 communities, which could be returned to the village corporations under this bill. The BLM supports returning the title of these lands to village corporations upon "formal resolution by the Village corporation and the residents of the Native village" as required by the bill, provided there are protections put in place for village residents who are not shareholders of the Village Corporation, so that they may also enjoy the benefits of community infrastructure.

The BLM emphasizes that Section 14(c)(3) of ANCSA is only one step towards completing Section 14(c) obligations. Section 14(c)(1) and Section 14(c)(2) establish additional reconveyance requirements that must be completed prior to 14(c)(3) considerations. Further, there is no legally established timeline for the corporations to either initiate or complete these

obligations, and the claims become more difficult to adjudicate over time as the population ages. The BLM would welcome the opportunity to work with the Committee and the Sponsor to address additional barriers to completing Section 14(c) obligations, such as an established timeframe for a village corporation to complete its entire 14(c) obligation, lack of training in the ANCSA 14(c) process, and lack of mapping expertise within many village corporations.

The BLM supports the goals of S. 2615 and looks forward to working with the Sponsor on various modifications. With these changes, the bill would provide Alaska Native village corporations another avenue to complete one aspect of their 14(c) obligation and further the process to clear the title to lands conveyed to village corporations.

### **S. 2855, Closing Long Overdue Streamlining Encumbrances To Help Expeditiously Generate Approved Permits (CLOSE THE GAP) Act**

S. 2855 directs the Secretary of the Interior and the Secretary of Agriculture to issue new regulations to expedite the process for reviewing and approving broadband applications on public lands managed by the DOI land management agencies, including the BLM, as well as the USFS. Under the bill, the regulations must allow for exempting certain projects from Federal environmental and historic preservation reviews, and right-of-way (ROW) authorizations granted under the bill would have a minimum 30-year term.

S. 2855 also establishes a special account at the U.S. Treasury for land management agencies to deposit cost recovery fees to be retained specifically for broadband deployment. In addition, the bill establishes new requirements to make submitted broadband application information publicly available on Federal agency websites. Finally, S. 2855 creates a Federal Land Management Agency Working Group to coordinate and expedite the review of applications and to work with the Federal Communications Commission to identify unserved locations that could utilize this program. The BLM supports the goals of the bill to promote broadband development and access.

### ***Analysis***

The Biden-Harris administration is committed to guaranteeing affordable, reliable, high-speed internet to rural communities — an essential service in an increasingly digital world. The President has committed \$65 billion in funding to connect everyone in America, including expanding internet access with funding from the Bipartisan Infrastructure Law, and has mobilized additional resources from across the Federal government.

The BLM makes public lands available for broadband infrastructure through the issuance of ROW authorizations. ROWs on public lands support a wide range of communication facilities and related technologies, including broadband, radio, television, cellular, and microwave. The BLM manages approximately 120,000 existing ROW authorizations and receives an average of 3,000 applications per year, some of which include towers for cellular and wireless services. The BLM also administers 5,000 miles of energy corridors for power transmission that are compatible with communications uses, such as fiber optic and phone lines.

The BLM supports the goals of the bill to promote the expansion of broadband and efficiently process ROW applications for broadband projects. The BLM is already working to improve several of the processes related to broadband through a proposed rulemaking announced in

November 2022. This proposed rule would benefit broadband providers by making it easier to build new infrastructure on public lands while also streamlining the ROW application process. Through this new rule, the BLM would help get broadband access to those who need it, while also protecting investments in infrastructure that are critical to our local and national economies. The BLM is currently reviewing comments on the proposed rule and is working to develop the final rule. The BLM is concerned that a requirement to promulgate an additional set of regulations relating to broadband development might conflict with or delay this process.

Section 5 of the bill would require creation of categorical exclusions from reviews required under NEPA for broadband projects that have previously received an approved permit to install infrastructure, or those that involve co-location. Section 6 would exclude new ROW applications from any review under NEPA or the National Historic Preservation Act (NHPA) when occupying or using previously disturbed Federal lands. Section 7 appears to further exempt wireless facilities deployment from compliance with NEPA and the NHPA. The BLM generally opposes blanket exemptions from environmental and cultural reviews of future applications. The BLM notes that it has existing options for expediting NEPA reviews where existing analysis has been completed or where proposed projects are within the project area of existing authorizations. Furthermore, the BLM is working with the Council on Environmental Quality to develop a new NEPA categorical exclusion to help facilitate faster processing of some projects with less impacts on the environment.

Section 4 would require the development of an online application tracking system where agencies would be required to post ROW application information, including the number of applications approved or denied. Additionally, Section 8 would require an online portal and an electronic Standard Form 299 application (SF-299). The BLM notes that it currently provides the public with the ability to file communications uses applications online and to track specific projects online; the BLM supports providing the public with the ability to track online the total numbers of applications received, approved, or denied. The BLM is also finishing development of the Mineral Lands and Records System, which will replace the existing database for ROW processing and administration, as well as provide a modern interface for the applicant and the BLM for proposed applications and existing permits. In addition to modernizing systems and regulations, the BLM is updating its external broadband website to provide stakeholders with the tools necessary to submit a complete application. This will expedite processing by reducing the number of incomplete applications received.

Section 9 would direct the Secretary of the Treasury to create an account for each Federal land management agency to collect cost recovery fees. The BLM notes that it already collects cost recovery fees from applicants in advance for the costs incurred to process applications for use of public lands and the subsequent monitoring of a ROW authorization.

Finally, the BLM supports the goals of the bill's provisions to establish a Federal Land Management Agency Working Group to facilitate the approval of broadband projects, but notes there may be overlap with the existing American Broadband Initiative, which has similar goals to increase efficiency in government broadband programs.

## **S. 2867, Promoting Effective Forest Management Act**

S. 2867, the Promoting Effective Forest Management Act, includes wide ranging forest management and wildfire provisions, including provisions to increase mechanical thinning targets; manage fire mitigation reporting; govern content of appropriations requests; and establish a process to define “old growth forests,” among others.

### ***Forest Management***

Title I of S. 2867 requires USDA and the Department, by fiscal year 2028, to establish mechanical thinning targets of up to four times the average acreage mechanically thinned during fiscal years 2017 through 2021. Under Title I, USDA and the Department also would be prohibited from including hazardous fuels treatment acreages in any appropriations request or any annual performance report submitted to Congress if the lands needed to be treated more than once. Rather, USDA and the Department would be directed to include in their appropriations request the acreage restored under the Infrastructure Investment and Jobs Act section 40803(b) and acreage of National Forest System lands where final treatment mitigated wildfire risk. Under the bill, the President is also directed to include this information in the budget submitted to Congress.

Title II directs the Secretaries to adhere to the definition of “old growth forest” used in regulation, as of January 1, 2022, and requires any necessary updates to the definition to be made by a committee of scientists who are not officers or employees of either the BLM or the Forest Service. Title II also includes provisions to establish a pilot program to evaluate wetland and riparian restoration techniques and develop a strategy to utilize livestock grazing as a wildfire mitigation strategy. Finally, Title IV requires USDA and the Department to utilize certain existing streamlined authorities for environmental review for each unit of public land and each unit of the National Forest System within three years.

The Department supports the Sponsor’s goal to streamline forest management and address risks that wildfires pose to our communities and our natural resources, and we remain committed to working with all our partners and stakeholders on reducing wildfire risk on public lands. However, the Department has a number of concerns with the bill as discussed further below.

The Department has concerns related to the mechanical thinning requirements in S. 2867. The Department notes that mechanical thinning projects are heavily impacted by stand condition, merchantability and access to markets, road access, as well as regulatory and legal requirements, which could render the requirement to quadruple mechanical thinning impracticable. Further, the Department recommends the Sponsor clarify the bill’s definition of “public lands” and “unit of public land.”

The Department appreciates the Sponsor’s goal to achieve transparency in wildfire management, but would like to work with the Sponsor regarding the bill’s limits on reporting hazardous fuels treatment acres that have been treated more than once. The Department notes that all hazardous fuels treatments are temporary in nature as vegetation naturally regrows and often requires re-treatment efforts to reduce fire and ensure treatment effectiveness. This information is important to decisionmakers when accounting for the resources needed to effectively manage wildfire risk.

Further, we appreciate the Sponsor's interest in defining old growth forest in Title II. On April 22, 2022, the Biden Administration released Executive Order 14072, Strengthening the Nation's Forests, Communities and Local Economies, requiring the Secretaries of Agriculture and the Interior to jointly define, identify and complete an inventory within one year of old-growth and mature forests on lands managed by the Forest Service and the BLM. The Departments' public comment period to inform implementation of E.O. 14072 closed on August 30, 2022. The Department does not support severely limiting the Departments' participation in defining "old growth" as outlined in Title II. The Departments' current effort to define "old growth" will ultimately lead to climate-smart management and conservation strategies that address threats to mature and old-growth forests on Federal land.

Finally, the Department supports provisions of the bill to further wetland and riparian restoration through a pilot program and to develop a strategy to utilize grazing as wildfire mitigation. The Department also recommends that the Sponsor provide a post-fire rest from livestock grazing, in the near term, before utilizing grazing as part of a fire recovery strategy.

### ***Wildfire***

Title III of the bill would authorize wildland firefighter workforce reforms, including increasing the break-in-service period from 3 days to 9 months and reducing pre-tax payroll deductions by 40 percent to help wildland firefighters pay for rent for government housing. Title IV of the bill repeals the reporting requirement associated with the FLAME Act of 2009.

The Department supports the objectives of the workforce reform provisions included in Title III that are applicable to the Department but would like to work with the Sponsor on how best to target support to the wildland firefighter workforce without creating new benefit inequities across the broader Federal workforce. Additionally, the Department generally supports efforts to provide additional housing assistance to wildland firefighters, given current limitations with housing availability and affordability in certain geographic areas of the country.

The Department also supports the repeal of the FLAME Act reporting requirements included in Title IV of the bill since the Department is no longer appropriated FLAME Act emergency suppression funding. Starting in FY 2020 through FY 2027, additional new budget authority for suppression was made available to the Department through the Suppression Operations Reserve Fund. Prior to accessing the Reserve Fund each fiscal year, the Department is required to notify Congress about the status of suppression funding and projected spending. The Department is also required to report annually on factors that went into the use of the fund.

### **S. 2991, America's Revegetation & Carbon Sequestration Act**

S. 2991 requires the Secretaries of Interior and Agriculture to complete an assessment with non-Federal partners, including Tribes, of revegetation needs on Federal lands and establishes an interagency revegetation task force to develop a 10-year comprehensive revegetation strategy and implementation plan. The bill authorizes a pilot program for revegetation projects on abandoned mine lands. S. 2991 also requires the U.S. Geological Survey to develop a national commercialization plan for the production, sale and use of biochar as a soil amendment for plant growth for commercial, agriculture and residential use. Finally, S. 2991 requires the Secretaries of the Interior and Agriculture to work collaboratively with other Federal and non-Federal

partners to develop an action plan to map, treat and control invasive grasses to promote resiliency, reduce wildfire risk and enhance forage.

The Department supports the bill's requirement for an action plan. We would like to work with the bill Sponsors to ensure the action plan is aligned with and not duplicative of national plans for invasive species. Invasive species pose substantial threats to the ecological integrity of both public and private lands and can have impacts on the communities that depend on these lands. Additionally, we recognize the role that invasive annual grasses play in exacerbating the timing, frequency, and severity of wildfire on the landscape and the combined impact of wildfire and conversion to invasive annual grasses on carbon storage. Invasive species prevention and management activities necessitate interjurisdictional approaches, such as those described in the bill. Importantly, this bill would further efforts already in progress to promote strategic invasive annual grass management with our partners.

We look forward to working with the Subcommittee to clarify some of the bill's language, such as the definitions, the scope and timelines of the plan, and other terminology. We also recommend that section 204 include language emphasizing the importance of collaboration with tribes, tribal governments, and other local and regional entities; broader restoration efforts beyond revegetation, including restoring ecosystem benefits; use of best practices to minimize the risk of introducing and spreading invasive grass through wildfire response efforts and other activities including restoration and invasive species management; and conducting early detection and rapid response in areas that do not have a large quantity of invasive grass but are targeted high priority areas for reducing wildfire and promoting connectivity or migratory corridors.

### **S. 3033, Pecos Watershed Protection Act**

S. 3033, the Pecos Watershed Protection Act, would withdraw approximately 162,762 acres of Federal land located near Pecos, New Mexico, from entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials. The bill also designates the Thompson Peak Wilderness Area on approximately 11,599 acres managed by the USFS in the Santa Fe National Forest.

The lands proposed for withdrawal include approximately 161,162 acres managed by the USFS and 1,600 acres managed by the BLM. While the BLM manages the subsurface Federal mineral estate, it defers to surface management agencies regarding potential development activities on Federal lands not managed by the BLM. The BLM defers to USFS regarding the proposed Thompson Peak Wilderness Area.

On January 27, 2021, President Biden signed Executive Order 14008, Tackling the Climate Crisis at Home and Abroad, which launched a government-wide effort to confront climate change and restore balance on public lands and waters. The President's directive recognizes the opportunities America's lands and waters offer and outlines a historic and ambitious challenge to the nation to conserve at least 30 percent of our lands and waters by 2030. The Executive Order also commits to ensuring that economic and environmental justice are key considerations in how we govern. S. 3033 aligns with the Administration's conservation and environmental justice goals and the BLM supports the bill.



### ***Background – Upper Pecos Watershed***

The Pecos River in northern New Mexico originates in the Santa Fe National Forest's Pecos Wilderness within the Sangre de Cristo Mountains. The river flows through a series of reservoirs and dams for over 926 miles before becoming part of the Rio Grande in Texas. In 1990, over 20 miles of the Pecos River were designated for protection under the Wild and Scenic River Act from its headwaters to the confluence with Holy Ghost Creek.

The lands proposed for withdrawal under S. 3033 surround the Village of Pecos, New Mexico, and are within and adjacent to the Santa Fe National Forest. Approximately 1,600 acres of BLM-managed lands within the proposed withdrawal area are managed as multiple use and are not identified for disposal, as per the BLM's Taos Resource Management Plan. The BLM parcels included in the bill consist of upland areas containing juniper, piñon, and Gambel oak. These areas are considered critical summer range for big game species such as elk. The area offers abundant recreational activities, including hunting, fishing, camping, hiking, and off-highway vehicle use, and includes three active grazing allotments. There are no active or pending mining claims on the BLM-managed lands. There is active mineral exploration on mining claims on approximately 3,300 acres within the entire withdrawal area, of which approximately 1,500 have been located since 1979.

Various local stakeholders have worked together to take an active role in restoring the Upper Pecos Watershed. In April 2020, a broad coalition of stakeholders, including the New Mexico Acequia Association, San Miguel County, the Village of Pecos, the Upper Pecos Watershed Association, and local farmers submitted a petition to designate the Pecos River and its tributaries in the Upper Pecos Watershed as Outstanding National Resource Waters (ONRW) under the Federal Clean Water Act. This designation would provide the highest level of protection against degradation that can be afforded for surface waters under the State of New Mexico's water quality standards, while allowing traditional agricultural uses.

### ***S. 3033***

S. 3033 would withdraw, subject to valid existing rights, approximately 161,162 acres of USFS-managed lands and approximately 1,600 acres of BLM-managed lands from operation of the public land and mining laws, and all laws pertaining to mineral and geothermal leasing or mineral materials.

The BLM recognizes the importance of locally crafted recreation and conservation areas on public lands and waters and believes they can yield immense economic benefits. The BLM believes the most effective and enduring conservation strategies are those reflecting the priorities, needs, and perspectives of the families and communities that know, live, work, and care for the lands and waters. While the BLM notes S. 3033 would withdraw known mineral resources, we understand the value of safeguarding the Pecos Watershed for present and future generations and addressing historic environmental and economic injustices.

### **S. 3036, Mountain View Corridor Completion Act**

S. 3036 directs the Secretary to convey approximately 200 acres under the administrative jurisdiction of the BLM to the State of Utah within 90 days of enactment. Under the bill, Utah is

directed to pay fair market value for the lands. The parcels proposed for conveyance under S.3036 have been withdrawn for military purposes since 1914 and are not actively managed by the BLM.

### ***Analysis***

The BLM understands the lands proposed for conveyance will be used to facilitate the completion of the Mountain View Corridor freeway. According to the Record of Decision issued by the Federal Highway Administration, Utah Division, the construction of the Mountain View Corridor freeway is intended to address the need for a continuous north-south transportation facility from western Salt Lake County to northern Utah County, which has been identified in long-range transportation plans since the 1960s. The corridor is in the vicinity of the approximately 24,000-acre Utah National Guard training site at Camp Williams, which is comprised of both Federal and State lands.

The FLPMA stipulates that the conveyance or sale of public lands may occur when it is determined to be in the public interest and is consistent with approved land use plans that have been developed with public involvement and environmental analysis. FLPMA also requires that such lands be conveyed for no less than their appraised fair market value.

The BLM is not aware of any natural resource management concerns on the 200 acres proposed for conveyance in S. 3036. The BLM understands the Utah National Guard prefers the transfer of only 36 acres as included in the House version of the bill (H.R. 2468). The BLM provided a statement for the record July 20, 2023, on H.R. 2468 that it had no objection to the proposed transfer of 36 acres. The BLM recommends the S. 3036 be amended to reference the appropriate legislative map and include standard language requiring fair market value be determined in accordance with FLPMA, based on an appraisal that is conducted using Uniform Appraisal Standards. With these modifications, the BLM has no objection to S. 3036.

### **S. 3062, Small-Diameter Timber & Underutilized Material Act**

S. 3062 provides for the removal of small-diameter trees from fire hazard areas as identified by the Secretary of Agriculture or the Secretary of the Interior. Under the bill, trees under 8 inches in diameter, at breast height, in fire hazard areas would be removed generally without a fee or cost recovery unless the Secretary determines that a payment is appropriate for a particular species. The Secretary is prohibited from requiring a volume determination or conducting a timber appraisal to determine the fair market value of the small-diameter trees being removed.

The Department supports the goals of S. 3062 to facilitate efficient fuels reduction. We would like to work with the Sponsor to minimize potential economic impacts to counties receiving income from Revested Oregon and California Railroad (O&C) lands and Reconveyed Coos Bay Wagon Road Grant (CBWR) lands. The O&C Lands Act placed 2.4 million checkerboard acres of O&C Lands and CBWR grant lands under the jurisdiction of the Department. Under the O&C Lands Act, the Department manages these lands for permanent forest production in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating streamflow, and contributing to the economic stability of local communities and industries and providing recreational facilities. Currently, 18 O&C counties receive yearly payments equal to 50 or 75 percent of receipts from timber harvests on

O&C lands in these counties. The Department notes that the removal of small-diameter trees in O&C lands without payment could adversely impact payments to the O&C counties. As a result, the Department recommends that O&C lands and CBWR lands be excluded from the bill's provisions disallowing fees and payments.

### **S. 3079, Accelerating Appraisals & Conservation Efforts Act**

S. 3079, the Accelerating Appraisals and Conservation Efforts (AACE) Act aims to expedite DOI land tenure actions by granting limited license reciprocity to appraisers.

#### ***Analysis***

Appraisals are a critical component of most real property transactions undertaken by DOI, ensuring equitable treatment for all parties involved, regardless of the Federal agency participating in the transaction. This is particularly pertinent in acquisitions where the Constitution mandates the payment of just compensation. The DOI's Appraisal and Valuation Services Office (AVSO) completes over 4,000 appraisals, appraisal reviews, and valuation services each year in support of agency land transactions, making it the busiest appraisal office in the Federal government supporting land management. Many of these appraisals are completed by contract appraisers.

Over the past five years, there has been a persistent shortage of both appraisers employed by the government and private contract appraisers. This shortage has hindered the completion of appraisal assignments in support of DOI's mission and objectives. The limited pool of certified general appraisers nationwide poses a significant challenge for DOI in securing appraisers who can complete assignments within a reasonable timeframe.

The Financial Institution Reform, Recovery, and Enforcement Act of 1989 (FIRREA) instituted appraisal licensing, which is implemented at the state level. The Uniform Act regulations (49 CFR 24.103(d)(2)) require that contract appraisers be licensed or certified to conduct appraisals in support of Federal acquisitions in compliance with FIRREA. Because the current licensing regime places limits on property type and value, appraisers contracted to prepare appraisals for transactions under the authority of the Secretary of the Interior must hold a certified general real property appraiser license issued by the state where the project is located. If a project spans two states, an appraiser must be licensed in both states. Many contract appraisers performing assignments for DOI do so across multiple states, requiring them to hold credentials from each state.

While most states allow appraisers to obtain a temporary license to complete an assignment in that state, this can be a time-consuming process that often needs to align with the timeframes required by the solicitation/bidding process, resulting in a longer time to complete Federal land acquisitions. Appraisers generally cannot bid on assignments until they have obtained their temporary license. Licensing fees and state-specific continuing education requirements are also significant and often deter well-qualified contract appraisers from working on DOI projects due to the difficulties associated with maintaining multiple state licenses.

In 1992, the Office of Management and Budget (OMB) issued Bulletin 92-06, stating that Federally employed appraisers holding appraisal licenses are only required to be licensed in one

state or territory to work across all states and territories. The AACE Act aims to extend this reciprocity to contract appraisers when completing appraisal assignments at the direction of the Secretary.

This limited license reciprocity eliminates the need for contract appraisers conducting work for the Secretary to obtain multiple licenses, which is similar to the license requirements for Federally employed appraisers. Reducing the number of state licenses an appraiser must maintain to work on DOI projects would decrease costs and procedural hurdles for contract appraisers, making more appraisers available to complete DOI work. This increased availability will result in more competitive proposals and reduce the time and cost of DOI land management programs. Reducing appraisal times and costs would also enable DOI bureaus to respond more effectively to landowners and other stakeholders in land transactions.

The AACE Act would expand the pool of qualified contract appraisers beyond those currently holding licenses in the state where projects are located. The Department supports the bill and is actively working to identify ways to enhance the efficiency of the appraisal process while preserving its independence, impartiality, and objectivity.

**Conclusion**

Thank you again for the opportunity to provide testimony on these bills.