

**STATEMENT OF ELENA DALY  
DIRECTOR, NATIONAL LANDSCAPE CONSERVATION SYSTEM  
BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR  
ON H.R. 4808  
A LAND EXCHANGE NEAR HOLLOWMAN AIR FORCE BASE, NEW MEXICO**

**SUBCOMMITTEE ON NATIONAL PARKS, RECREATION AND PUBLIC LANDS  
COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES**

**SEPTEMBER 14, 2004**

Thank you for inviting the BLM to testify on H.R. 4808, legislation that would authorize an exchange of public and privately-owned lands in the vicinity of Holloman Air Force Base<sup>1</sup> in New Mexico.

It is our understanding that a 241-acre parcel of privately-owned land near Holloman AFB is located within the required safety zone surrounding the base's munitions storage bunkers. The U.S. Army Corps of Engineers (Corps), acting on behalf of Holloman AFB, failed to reach agreement with the private landowners on compensation and undertook to acquire the 241-acre parcel by condemnation. H.R. 4808 proposes an alternative compensation for the private landowners--it directs the Department of the Interior to convey to them a 320-acre parcel of public land currently managed by the Bureau of Land Management (BLM).

We commend Congressman Pearce for seeking to resolve this issue in a way that benefits the public and private landowners. However, we have significant concerns with the bill as currently drafted.

The BLM would like the opportunity to work with the sponsor of this legislation and the Committee to clarify a number of issues related to this proposed exchange:

- the legislation needs to specify which acres of public land and of privately-owned lands are intended for the exchange;
- it is important that the lands involved in any exchange be of equal value based upon appraisals prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition;
- the BLM would like the opportunity to develop a map to accurately portray this proposed exchange and to incorporate a reference to the map in H.R. 4808;
- the provision under which the private landowners' previous expenses would be deducted from any cash equalization payment due to the federal government is contrary to the public interest and should be deleted.

Our concerns with H.R. 4808 are described in more detail below.

The legislation needs to specify which acres of public land and of privately-owned lands are intended for the exchange. Section 1 of H.R. 4808 authorizes a land exchange of an unidentified 320-acre parcel of public land currently managed by the BLM for a 241-acre parcel of land owned by the Rabons of Otero County, New Mexico. Without an identification of the specific public and privately-owned acreage proposed for the exchange, the BLM is unable to compile and analyze key information, such as mineral ownership, mineral potential, the presence of leases or mining claims, whether the parcels are encumbered by liens, easements, or other prior existing rights; or whether the parcels have been identified for retention or disposal under the BLM's land use planning process.

The acquired private land should not be placed under the administrative jurisdiction of the Secretary of the Interior. Since the 241-acre parcel of private land is being acquired for the protection of the military interests at Holloman AFB, the parcel should be withdrawn for that purpose and included within existing

Public Land Order 833. We understand that the Department of Defense has some technical concerns with this issue. We would like to work with the Committee to address these concerns.

It is important that the lands involved in the proposed exchange be of equal value based upon appraisals prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisition. Generally, an exchange proponent is responsible for paying appraisal costs. If the legislation requires the government to pay this cost, funds should be provided for this purpose.

The BLM would like the opportunity to develop a map to accurately portray the proposed exchange, to be incorporated by reference in H.R. 4808. As introduced, H.R. 4808 does not provide reference to a map or a legal description of the specific parcels; instead, subsection (e) authorizes surveys to be conducted after enactment. This formula will delay the exchanges because key information will be unavailable until finalization of the surveys to be conducted after enactment.

The provision in H.R. 4808 under which the Rabons' expenses would be deducted from any cash equalization payment due to the federal government is contrary to the public interest and should be deleted. Subsection (c)(3) authorizes the Rabons to deduct from any cash equalization payment they may owe the United States an amount equal to all costs the Rabons incurred since August 3, 1999, in their response to efforts by Holloman AFB and the Corps to obtain their land for the public purpose of creating a munitions storage safety zone at Holloman. We object to subsection (c)(3) because public compensation to the landowners would set an adverse precedent and is contrary to the public interest.

Finally, the BLM would like to work with the sponsor and the Committee to address our concerns with other provisions in H.R. 4808, including environmental documentation, grazing leases, payment to New Mexico land account, prior existing rights, warranty deed, and appraisal.

### **Conclusion**

Thank you again for the opportunity to testify on H.R. 4808. I would be glad to answer any questions.

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<sup>1</sup>Holloman AFB is located in south-central New Mexico, near the town of Alamogordo in Otero County. Operated by the United States Air Force, the installation covers nearly 60,000 acres. It is located on lands withdrawn for military purposes under Public Land Order 833.