

Statement of Christopher Kearney
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On S.213, Rio Arriba County Land Conveyance
Subcommittee on Public Lands and Forests
Senate Committee on Energy and Natural Resources
March 8, 2005

Thank you for the opportunity to present testimony on S.213, the Rio Arriba County Land Conveyance Act. S.213 would convey approximately 150.86 acres of land managed by the Bureau of Land Management (BLM) in Rio Arriba County (County), New Mexico, to the County for the purposes of providing County facilities, a new public school, and a cemetery for a local parish on the lands. The Department supports the conveyance. We recommend some technical clarifications to the bill, and would like the opportunity to work with the sponsors and the Subcommittee to develop language to address these clarifications.

The lands proposed for conveyance in S.213 are located to the north of Santa Fe, in the vicinity of Alcalde in north-central New Mexico. The growing population in Rio Arriba County has led to an increasing demand for municipal services. However, Rio Arriba County has a limited land base, and has been working with the BLM in an effort to acquire Federal land for use in the County's efforts to provide expanded services.

Under the Recreation and Public Purposes (R&PP) Act, the BLM can administratively transfer Federal lands to local governments at a reduced price, for various public purposes, including schools and municipal facilities. If the lands to be conveyed under S.213 were part of the public domain, the BLM would have been able to transfer the lands under R&PP Act without the need for authorizing legislation. However, these lands are located on the Sebastian Martin Land Grant and were acquired by the Federal government under the Bankhead-Jones Act. The R&PP Act does not apply to acquired lands. Section 3(c) of S.213 resolves this issue by directing that the land conveyed under the legislation be treated as public land for purposes of the R&PP Act.

Under the R&PP Act, local governments may purchase Federal lands at reduced prices. The R&PP Act authorizes a schedule of reduced prices established by the Secretary, based upon the fair market value of the property, with a reduction based on the proposed use. For most public purposes, a local government may purchase Federal lands under the R&PP Act for \$10 per acre. The special pricing applies to land which will be under the control of the local government, used for government purposes, and serve the general public. Examples include land on which facilities will be constructed for education and public health, fire and law enforcement, administrative services, social services, storage and maintenance, and public works. We would like the opportunity to work with the Subcommittee to clarify exactly which lands among the 150.86 acres are proposed for which specific uses and to develop a more precise map. Once we have that information, the Secretary would be able to apply the provisions of the R&PP Act to determine the appropriate price to be paid by the County.

We believe some clarifications to the legislation would be helpful. The bill should clarify that valid existing rights are protected. In addition, the bill should resolve the inconsistency between Section 3(a), which directs the Secretary to convey "all right, title, and interest" in the lands, and the R&PP Act, under which the mineral estate is reserved to the United States. In addition, conveyances under the R&PP Act require analysis under the National Environmental Policy Act (NEPA). Also, because the lands to be conveyed under S.213 were identified for retention under the BLM's Taos Resource Management Plan (RMP), the RMP will need to be amended. Completion of the requisite NEPA analysis and RMP amendment may not be possible within the one-year time frame prescribed for the land transfer under bill.

Thank you again for the opportunity to testify. We look forward to working with the Subcommittee to help achieve a positive result. I will be happy to answer any questions.

