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H.R. _____, “Locally-Elected Officials Cooperating with Agencies in Land Management Act”
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Thank you for inviting the Department of the Interior to testify on the discussion draft of the “*Locally-Elected Officials Cooperating with Agencies in Land Management Act*.” This bill prescribes various coordination and collaboration requirements for Federal agencies in their interactions with local communities and Tribes, and includes various other disparate provisions.

The Bureau of Land Management (BLM) works closely with states, Tribes, and local communities to implement its multiple-use and sustained yield mission. The relationships we build with local communities are critical to our ability to successfully manage the vast and often fragmented public lands and the diverse uses they host. BLM employees are proud members of these communities. Frequent communication and close collaboration are hallmarks of our work across the west. By working closely with our state, local, Tribal, and Federal government partners, we improve communication and understanding, identify common goals and objectives, and enhance the quality of our management of the public lands. Consistent with this approach, the Department supports the goals of the discussion draft to enhance coordination and collaboration with local communities and Tribes. However, as drafted, the Department cannot support several provisions of the draft bill that we believe will make it more difficult for the agency to work constructively with local elected officials and our many partners in cooperatively managing the public lands. The Department further finds other provisions of the draft bill to be duplicative of existing processes and therefore unnecessary. The Department would appreciate the opportunity to work with the sponsor and the committee on this legislation.

The Department strongly prefers to testify on bills after they have been introduced. Additionally, we note that this version of the draft bill was provided to the Department just eight days before the hearing date, leaving little time for in depth analysis of the draft bill’s provisions. We are providing preliminary views on the discussion draft, but the Department would like to reserve the right to submit additional comments about this discussion draft or on an introduced bill to more fully develop the Administration’s position as necessary. (The Department defers to the U.S. Forest Service on the bill’s provisions that apply exclusively to the management of National Forest System lands.)

Background

The BLM manages over 245 million acres of surface land and 700 million acres of subsurface mineral estate on behalf of the American people. BLM provides robust opportunities for the public to be part of managing these incredible landscapes. In addition to land use planning, the BLM is committed to providing the full environmental review and public involvement

opportunities required by the National Environmental Policy Act (NEPA) and other federal laws for all agency proposals for BLM-managed lands.

Managing the public lands is a tremendous honor for the employees of the BLM, and our work depends on close cooperative relationships with partners and local communities. The Federal Land Policy and Management Act (FLPMA) sets forth BLM's multiple-use, sustained yield mission, and mandates that the agency manage public land resources for a variety of uses, such as energy development, livestock grazing, recreation, and timber harvesting, while protecting a wide array of natural, cultural, and historical resources. To ensure the best balance of uses and resource protections for America's public lands, BLM undertakes extensive land use planning through a collaborative approach with local, state and tribal governments, the public, and stakeholder groups. State and field offices are required to engage their state, local, and tribal government partners consistently and effectively in the preparation or revision of land use plans. These land use plans provide the framework to guide decisions for every action and approved use on BLM-managed lands.

The BLM utilizes Resource Advisory Councils (RACs) in the western States within BLM jurisdiction to provide advice to the agency on the full spectrum of issues in management of public lands and resources. FLPMA gives BLM the authority to establish Federal advisory committees of not less than ten and not more than fifteen members who are representative of major citizens' interests concerning public land use. The RACs have been very successful in bringing diverse and often competing interests together to deal with issues of mutual concern as well as provide oversight of millions of dollars of restoration work and infrastructure improvement to roads and recreational facilities.

The BLM is revising its planning rule as part of the agency's Planning 2.0 initiative, which seeks to make future land-use planning even more collaborative, transparent, and effective. The changes to the planning rule aim to increase opportunities for early engagement by state and local government, Tribes, and other stakeholders in BLM's land-use decision-making, including measures to provide more meaningful participation. Our goal is to make it easier for people to see how their input influences planning decisions. The revised rule also seeks to adopt a broader landscape-scale, science-based approach to managing public lands, and incorporate modern technology into the agency's planning process. The changes to the planning rule will improve our ability to respond to changing environmental, economic and social conditions. The revision recognizes the need to have strong science, early and regular public input, and a landscape-level approach to natural resource management challenges and opportunities.

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Due to the varied nature of the provisions in this discussion draft, this statement will address each of the bill's provisions individually.

Title I

Section 101 requires BLM to enter into an agreement, at the request of the local community, to attend local business meetings for the purposes of reporting ongoing or proposed federal activities and responding to public concerns. As BLM line officers already routinely attend local community meetings to share information about agency activities, we do not believe that a statutory requirement is necessary or conducive to building strong working relationships between land managers and local elected officials.

Section 102 requires that the Secretary extend Cooperating Agency status to the governing body of any affected local community for any forest management, travel management, or other major action. BLM's regulations require the agency to coordinate and cooperate on any project that would affect the local environment under NEPA. In accordance with existing statute, BLM's coordination responsibilities include maximizing consistency with plans of other government entities and providing meaningful public involvement of other Federal, state, local, and Tribal government officials in the development of public land use decisions. One of the most effective ways we coordinate is through granting governmental partners Cooperating Agency status, which affords them a seat at the table as we work together on land use plans and projects. Counties affected by a proposal are already offered Cooperating Agency status, and many choose not to be Cooperating Agencies. Our regulations require coordination even when a formal Cooperating Agency relationship has not been established. For these reasons, we believe this additional statutory requirement to be unnecessary.

Section 103 of the discussion draft makes three key changes to the Resource Advisory Committees established by the Secure Rural Schools Act in the Oregon and California Railroad Grant (O&C) counties. It changes the duties of these RACs from proposing projects to serving as the primary advisory body for the Secretary on forest management (in the O&C and Coos Bay Wagon Road lands for the BLM); reduces through calendar year 2020 the number of members on each RAC from 15 to 9; and requires RAC members to live in the county (or adjacent county) to the federal lands.

The BLM has concerns with each of these changes. First, the draft does not specify what it expects the RAC to accomplish in its role of "primary advisory body" on forest management. Under current law, these RACs recommend restoration projects; this function informs the BLM's managers as they evaluate projects. Also, the current statutory composition of RACs has three categories of community interests represented, with each category having 5 subcategories of interests represented. Reducing the number of RAC members from 15 to 9, while maintaining 3 interests to be represented in each of the three categories, raises the question of which 6 of the 15 interests will be eliminated from representation on the RAC. Finally, current law allows RAC members to be from anywhere in the state. Limiting eligibility for RAC membership to residents of only the county (or adjacent county) in which federal lands are located may make it difficult to provide the necessary composition of a RAC and may exclude important sources of expertise sought by the RAC or the BLM. Finally, the draft bill includes an unrealistic requirement of 90-days for the approval of vacant positions on the RAC.

Section 104, relating to federal acquisition of non-federal lands, would require the Secretary to conduct a study to evaluate the economic impacts of the land acquisition to local communities, as

well as the potential impacts of lost property tax. Under the bill, acquisition of non-federal lands would also require consultation with the local governing body of each affected local community, and a request for a written statement of the position of the governing body on the land acquisition to accompany the project submittal list to Congress. The discussion draft specifies that the Secretary shall give considerable deference to the position of the local governing body for decisions regarding the acquisition of non-federal lands. BLM regulations already require that federal land acquisitions be consistent with BLM's land use plan for the area and be subject to site specific NEPA analysis. The economic impacts to local communities are already among the issues BLM addresses in NEPA analyses for land acquisitions. The BLM believes the additional requirements for studies outside of the NEPA process would duplicate existing efforts and would slow the processing of transactions with willing sellers.

Section 107 requires fee collecting bureaus to notify and solicit comment from the affected local governments for the proposed establishment or increase of a recreation site fee. The draft bill also requires that the Secretary submit to Congress all local government comments received regarding the recreation site fee. Under existing law (the Federal Lands Recreation Enhancement Act), the BLM, the National Park Service (NPS) and Fish and Wildlife Service (FWS) have developed robust civic engagement processes that ensure the public, as well as local governments, have the opportunity to participate in proposed recreation fee rates. The Department believes the draft bill's requirement in Section 107 would be redundant and unnecessarily burdensome, and therefore opposes it.

Title II

Section 201 amends FLPMA to specify the minimum duration of all BLM District office positions to be three years and would require the Secretary to promulgate a rulemaking to enumerate exceptions to that standard. The BLM agrees that stable line leadership is important to effective land management. However, the efficient delivery of government services demands employment policies that promote more nimble and efficient use of scarce employee skills and resources. The BLM assigns personnel based on the employee skills and competencies best suited to meet the program and operational needs of the office. The provision in the discussion draft would hinder the BLM's capacity to deliver mission critical programs and services, potentially including firefighting and emergency response, oil and gas permitting, rangeland management, and recreation planning and visitor services. The BLM opposes this provision.

Section 202 amends the Healthy Forests Restoration Act to require a schedule of implementation for Community Wildfire Protection Plans (CWPPs). CWPPs are an opportunity for local communities to influence where and how federal agencies implement fuel reduction projects on federal lands. The BLM already consults with local, state, and tribal government representatives during the development of CWPPs. The BLM has no objection to this provision.

Section 203 limits NPS ability to accept donations from willing land owners of certain tracts of land immediately adjacent to parks. This change could adversely affect parks by slowing down or stopping a donation which could cause the land owner instead to sell the land. Having flexibility to quickly accept donations along park borders, where local managers have identified a need, allows the NPS to take advantage of opportunities to better protect existing park resources before those opportunities are lost. The NPS opposes this provision.

Section 204 requires that the Secretary take all necessary and reasonable actions to protect and maintain survey monuments located on Federal land from surface disturbing activities. The BLM recognizes the importance of protecting survey monuments and has no objection to this provision.

Title III

Section 301 amends the Tribal Forest Protection Act (TFPA) to establish required time-frames for BLM consideration of, and response to, tribally-proposed projects on BLM-managed land bordering or adjacent to Indian trust land. The purpose of the TFPA is to protect the Indian trust resources from fire, disease, or other threat from the BLM land. The BLM has not experienced a backlog of TFPA requests since enactment in 2004 and does not see the need for the required time-frames.

Section 302 of the discussion draft amends the National Indian Forest Resources Management Act to authorize the Secretary to treat certain Federal forest land as Indian forest land for purposes of planning and conducting forest management activities. Section 302 would apply to all BLM managed forest lands, including O&C and Coos Bay Wagon Road. Also, Section 302 authorizes a 3-party revenue-sharing among a Tribe, the Secretary, and state and county governments of receipts derived from forest management activities on those O&C lands that are managed as Indian forests. The Department notes that the revenue-sharing provision would likely result in a reduction in revenues to the U.S. Treasury, but is reviewing this provision further.

Title IV

Section 401 establishes allotted amounts of funds from the Land and Water Conservation Fund (LWCF) to be used for enhancing public access, describes adjacency requirements and geographic limitations for acquisition of land. Specifically, this provision requires that not less than 33 percent of LWCF amounts may be allotted for the purpose of securing or enhancing public access on existing Federal lands for hunting, recreational fishing, or recreational shooting in any fiscal year. In addition, this section requires that any parcel of land or water to be acquired through the LWCF must abut Federal land on 75 percent or greater of the parcel's border. Finally, this section requires that no more than 15 percent of the acreage acquired through LWCF in any fiscal year can be located west of the 100th meridian.

The LWCF is the federal program to conserve irreplaceable lands and improve outdoor recreation opportunities throughout the nation. The LWCF program is a critical conservation tool. Each year, the FWS, BLM, and NPS acquire land from willing sellers in fee title or conservation easement through the LWCF. The acquired lands provide improved habitat for wildlife, and often enhance resource management capability. Fee title acquisitions generate economic benefits for local communities and provide the public with opportunities to hunt, fish, observe and photograph wildlife, and enjoy environmental education and interpretation. This program is regarded as one of the most successful public outdoor recreation and conservation investments in the nation's history. The restrictions prescribed in Title IV would place unnecessary and unduly burdensome restrictions on this extremely beneficial program, including

the effective elimination of the ability of the U.S. Fish and Wildlife Service to create new refuges. As such, the Department strongly opposes this section.

Conclusion

Thank you for the opportunity to present this testimony.