

**Statement of
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**House Committee on Natural Resources
Subcommittee on Federal Lands
Hearing on**

H.R. 2997, Clifton Opportunities Now for Vibrant Economic Yields (CONVEY) Act

June 22, 2023

Thank you for the opportunity to testify on H.R. 2997, the Clifton Opportunities Now for Vibrant Economic Yields (CONVEY) Act. This bill directs the Bureau of Land Management (BLM) to convey approximately 31 acres of Federal land located near Clifton, Colorado, to Mesa County, Colorado.

As a matter of policy, the BLM supports working with states and local governments to resolve land tenure and land transfer issues that advance public policy objectives. H.R. 2997 directs the conveyance, for fair market value, of a parcel that the BLM has determined to be potentially suitable for disposal, and the BLM supports the bill.

Background

The BLM manages 245 million acres of public land primarily in the west, of which 8.3 million acres are located in Colorado. Colorado's public lands are a significant contributor to the state's economy, and many Colorado communities depend on healthy public lands to sustain their livelihoods. Mesa County, home to approximately 155,000 residents and located near the Utah border in western Colorado, is no exception. Federal lands make up 73 percent of the county's land area, with the BLM managing the majority of the Federal acreage. The county seat of Grand Junction lies near the confluence of the Colorado and Gunnison Rivers in the heart of the Grand Valley. Clifton is bordered by Interstate 70 to the north and Grand Junction to the west.

Grand Valley Reclamation Project

In 1907, the construction of the Grand Valley Reclamation Project was approved by the Department of the Interior. The Bureau of Reclamation (BOR), known as the United States Reclamation Service at the time, was tasked with supplying irrigation water to the farmlands and orchards in Grand Valley. The Grand Valley Reclamation Project was one of the first six projects to have lands withdrawn from settlement for project construction following the passage of the Reclamation Act of June 17, 1902.

Since it first delivered water in 1917, the Grand Valley Reclamation Project has provided irrigation water to approximately 33,368 acres and supplemental water to about 8,600 acres of fertile land. The project's works include a diversion dam, a powerplant, two pumping plants, and two canal systems totaling 90.1 miles.

Mesa County has requested to purchase from the United States an approximately 31-acre parcel of land near Interstate 70 and 32 Road in Clifton for economic development opportunities. The 31 acres are part of an approximately 39-acre parcel currently withdrawn to BOR for the Grand Valley Reclamation Project. On April 28, 2021, BOR's Upper Colorado Regional Office submitted to the BLM Grand Junction Field Office a Notice of Intent to relinquish the 31-acre portion of the parcel, with the intent to retain approximately 8 acres of the withdrawn parcel for project purposes. Currently, the BLM is working to complete the remaining steps of the withdrawal revocation process for the 31-acre parcel, which has been identified by the BLM as potentially suitable for disposal if restored to public land status. The withdrawal revocation process must be complete before the BLM is able to pursue a direct sale of the parcel under existing authority.

Public Land Disposal Authority

A variety of statutes provide the BLM with the authorities necessary to address various land tenure issues. Under the Federal Land Policy and Management Act (FLPMA), public lands may be identified as potentially available for disposal through the BLM's land use planning process. Public lands that are identified as eligible for disposal in a Resource Management Plan (RMP) generally require site-specific analysis prior to disposal to identify special circumstances that may act as impediments to disposal – such as the presence of threatened or endangered species, cultural or historic resources, mining claims, mineral leases, rights-of-way, hazardous materials, or grazing permits – and must also be appraised before a decision on disposal can be made. Furthermore, because land use plans may be decades old, public lands identified as potentially available for disposal in an RMP may be found to be unsuitable later because of new circumstances such as solar or wind energy development, a new conservation designation, oil and gas leasing, the listing of new threatened or endangered species, the establishment of rights-of-way, or other encumbrances.

Under Section 203 of FLPMA, the BLM is authorized to transfer or dispose of public lands that have been identified as potentially suitable for disposal in an approved land use plan or through an amendment to an existing plan. The proceeds from sales are deposited into the General Fund of the Treasury. Typically, these sales are for low value lands or lands that are difficult or uneconomic to manage, such as isolated parcels surrounded by private land. Land sales conducted under FLPMA occur to serve the national interest at the discretion of the Secretary of the Interior and are made at fair market value in accordance with Federal law.

In addition, the Federal Land Transaction Facilitation Act (FLTFA) allows the BLM to sell public lands identified for disposal through the land use planning process and retain the proceeds from those sales in a special account through the Treasury. These funds can then be used by the United States to acquire lands with high conservation or recreation value, or interests therein, from willing sellers.

H.R. 2997, the CONVEY Act

H.R. 2997 directs the Secretary of the Interior, acting through the BLM Director, to convey all rights, title, and interest of the United States in 31-acres of Federal land, referred to as the “Clifton Parcel” in the bill, to Mesa County, Colorado. The bill requires the conveyance to be made notwithstanding the Secretarial Orders that withdrew the Clifton Parcel for the Grand Valley Reclamation Project, dated August 26, 1902, and July 25, 1908. The bill further requires that the conveyance be subject to valid existing rights and for not less than fair market value.

To determine the fair market value of the Clifton Parcel, H.R. 2997 requires the Secretary to obtain an independent appraisal of the parcel. Under the bill, the appraisal must be conducted in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice. The Secretary is directed to pay all costs associated with the conveyance, while Mesa County is responsible for all costs associated with any survey conducted for the conveyance. The bill provides specific instruction for the proceeds from the conveyance, requiring them to be deposited in the Federal Land Disposal Account established by FLTFA, and made available for expenditure under that Act.

Analysis

The BLM generally supports the conveyance of public lands when such conveyances are in the public interest and consistent with publicly approved land use plans. As the Clifton Parcel has already been identified as potentially suitable for disposal should it return to public land status, the BLM supports H.R. 2997 and the direct sale of the parcel to Mesa County.

The BLM notes that the conveyance directed by the bill can be achieved under the existing authorities provided by FLPMA. This process is currently underway, as BOR has submitted a Notice of Intent to relinquish the withdrawal of the Clifton Parcel. The BLM Grand Junction Field Office continues to process revocation of the withdrawal with the intent of pursuing a direct sale to Mesa County. The BLM also notes that it is typical for the party requesting the purchase to cover the conveyance costs and recommends the bill be amended accordingly. Finally, a minor technical edit to the bill is needed to ensure it refers to the date of the most recent version of the legislative map.

Conclusion

Thank you for the opportunity to provide testimony on H.R. 2997, and I look forward to your questions.