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Testimony
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House Natural Resources Committee
HR 1126
Disposal of Excess Federal Lands Act of 2011

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Mr. Chairman and Members of the Committee, thank you for inviting me to testify today on HR 1126. I submit this testimony on behalf of the board, staff, and members of the Western Lands Project. Founded in 1997, ours is the only organization in the country that focuses solely on monitoring federal land exchanges, sales, and conveyances and seeks to prevent the privatization of our public lands. We track all BLM and Forest Service administrative land sales in the 11 western states and Alaska.

HR 1126 mandates the sale of up to 3.3 million acres of federal lands. The lands directed to be sold are the same lands identified in a 1997 report to Congress, pursuant to Section 390(g) of Public Law 104-127, the intent of which was to fund, through land sales in other states, ecosystem restoration in the Florida Everglades. The intent of HR 1126, by contrast, is to put the proceeds of land sales in the General Treasury for deficit reduction.

We oppose HR 1126 both on principle and in practice. We are against mandates that treat our public lands as liquid assets and their disposal as a quick fix for deficit reduction and economic development. Proposals like this are a common, reflexive response to tough economic times. And they fail, for two main reasons. One is that when the public learns of plans to sell off our national heritage, people of every political stripe vociferously oppose them; the other is that under closer scrutiny, these plans are impractical and ineffective.

Federal land retention but for land whose disposal serves the national interest is long-standing federal policy. A common complaint of Western counties is that because of the extent of public land within their boundaries, growth and development are severely restricted. Thus, Congress has responded again and again to this perceived imbalance, as well as to the need for agencies to improve land management, by giving agencies a myriad of authorities for land disposal and acquisition against a showing of need.

The Bureau of Land Management (BLM) already has the authority to dispose of land. This bill removes agency discretion—discretion that allows the agency to respond to the needs of, among others, local communities who benefit from the land. Since 1976, the BLM has had authority to sell land under the Federal Land Management & Policy Act (FLPMA). Lands are identified as suitable for disposal through Resource Management Plans (RMPs) formulated every ten years or so by BLM offices, with public input. These lands must meet certain criteria:

- Their location or other characteristics make them difficult and uneconomical to manage;
- They were acquired for a specific purpose for which they are no longer needed; or
- Their disposal would serve important public objectives, such as expansion of communities and economic development, that cannot be achieved on other than public land and which outweigh other public objectives and values such as recreation and scenic values served by keeping them in public ownership.

However, simply being identified at the planning level as "suitable for disposal" does not mean that a parcel will or should be sold. Although identified as "excess" or of no use to the agency, a parcel may ultimately be found unsuitable for sale or may nevertheless be undesirable for private purchase. Once BLM staff determines that market or development conditions are ripe to put a piece of land up for sale, they do so under a public process--which includes the possibility that an adjacent landowner will protest the sale. An appraisal, designed to protect the taxpayers who own the land, must be conducted. Analysis must be done to determine and disclose whether there are obstacles to the sale, such as the presence of cultural resources, wetlands, endangered species habitat, or contamination—or as important, its use by the community.

For example, we have monitored land sales conducted by the Redding, CA Field Office of the BLM for many years, and in one area where they had identified excess lands in the most recent RMP, local jurisdictions have gradually built a trail network surrounding the land that is heavily used by the local populace. To sell these BLM lands now would be patently counter to the interest of local citizens.

For most parcels or areas the 1997 report describes, it identifies serious impediments to sale, including high disposal costs, hazardous materials, wetlands, critical natural or cultural resources, existing mining claims, and title issues. These parcels were not "ready to go" even then.: according to BLM "…many lands identified appear to have conflicts which may preclude them from being considered for disposal…" Furthermore, the circumstances around much of the land listed in the report may have changed dramatically in the 14 years since it was compiled. Some parcels may already have been sold, while others may now be considered unsuitable for disposal—and all of them would have to undergo up-to-date appraisals and analyses, which cannot be done overnight.

In reality, those most likely to be adversely affected by a broad-brush, expedited disposal of federal land are not environmentalists and public-interest groups such as ours, but members of the community who have a day-to-day relationship with their public land. Overall, federal lands are not a liability but a boon to local economies. In this economy, selling off public land would contribute at best trivial amounts to deficit reduction at the expense of the well-being of local communities.

HR 1126 reflects an oversimplified concept of how BLM land sales should and can occur. It cannot achieve what it purports to achieve—deficit reduction thru land sell-off—in part, because while Congress can order the Secretary of the Interior to sell these lands, it cannot force people to buy them, and our experience in the last several years has shown that, with a few rare

exceptions, there is not a crying demand to buy public lands. Ironically, proposals to use our public lands as a bank account increase during economic downturns when demand is low and their sale would have the least effect on the deficit. Regardless, we believe the value of these lands in public ownership far outweighs their monetary value.

HR1126 is less a substantive piece of legislation than an expression of an orientation that sees public land as expendable for quick cash and development. We fundamentally disagree with this stance. In addition, based on our experience with and knowledge of federal land use planning and sale transactions, the bill cannot achieve what it aspires to do. Even if it could, it would harm rather than benefit taxpayers and the communities that use and value these public lands.