

**PROMOTING CONSERVATION WITH A  
PURPOSE ON AMERICA'S FEDERAL  
LANDS AND FORESTS**

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**OVERSIGHT HEARING**

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

FIRST SESSION

Wednesday, March 8, 2023

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## CONTENTS

---

|  | Page |
|--|------|
| Hearing held on Wednesday, March 8, 2023 .....   | 1    |
| Statement of Members:  |      |
| Tiffany, Hon. Tom, a Representative in Congress from the State of Wisconsin .....  | 1    |
| Prepared statement of .....  | 3    |
| Neguse, Hon. Joe, a Representative in Congress from the State of Colorado .....  | 4    |
| Statement of Witnesses:  |      |
| Ferry, Hon. Joel, Executive Director, Utah Department of Natural Resources, Salt Lake City, Utah .....   | 7    |
| Prepared statement of .....  | 8    |
| Espy, Hon. John, Commissioner, Board of Carbon County Commissioners, Rawlins, Wyoming .....  | 12   |
| Prepared statement of .....  | 13   |
| Leshy, John D., Distinguished Professor Emeritus, University of California Law, San Francisco, California .....  | 16   |
| Prepared statement of .....  | 17   |
| Rigdon, Phil, Superintendent, Department of Natural Resources, Yakama Nation; and Vice President, Inter-Tribal Timber Council .....                                | 24   |
| Prepared statement of .....  | 26   |
| Additional Materials Submitted for the Record:   |      |
| Submission for the Record by Representative Lamborn  |      |
| Deseret News article, Ute Indian Tribe calls Biden's Colorado national monument designation 'an unlawful act of genocide', October 13, 2022, by Kyle Dunphey ..... | 31   |



# **OVERSIGHT HEARING ON PROMOTING CONSERVATION WITH A PURPOSE ON AMERICA'S FEDERAL LANDS AND FORESTS**

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**Wednesday, March 8, 2023  
U.S. House of Representatives  
Subcommittee on Federal Lands  
Committee on Natural Resources  
Washington, DC**

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The Subcommittee met, pursuant to notice, at 10:15 a.m., in Room 1324, Longworth House Office Building, Hon. Tom Tiffany [Chairman of the Subcommittee] presiding.

Present: Representatives Tiffany, Lamborn, McClintock, Fulcher, Stauber, Curtis, Kiggans, Hageman; Neguse, Porter, Kamlager-Dove, Sablan, and Hoyle.

Mr. TIFFANY. The Subcommittee is meeting today to hear testimony on promoting conservation with a purpose on America's Federal lands and forests.

I ask unanimous consent that the gentlewoman from Wyoming, Ms. Hageman, the gentlewoman from Oregon, Ms. Hoyle, and the gentleman from Utah, Mr. Moore, be allowed to participate in today's hearing from the dais.

Without objection, so ordered.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and the Ranking Minority Member.

I, therefore, ask unanimous consent that all other Members' opening statements be made part of the hearing record if they are submitted in accordance with Committee Rule 3(o).

Without objection, so ordered.

I will now recognize myself for an opening statement.

## **STATEMENT OF THE HON. TOM TIFFANY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. TIFFANY. First of all, it is a great privilege to be able to chair the Subcommittee on Federal Lands. I want to thank the Chairman of the Committee, Mr. Westerman, for having the confidence to allow me to do that.

And I look forward to working with the Ranking Member here, Mr. Neguse, to have a vibrant, good debate in what staff is telling me is one of the busiest Subcommittees in Natural Resources, and I really look forward to that.

I want to take this opportunity to welcome all of our Members returning anew, and I am excited to work with all of you this Congress as we address the many pressing issues affecting our Federal lands and forests.

The topic of today's hearing is "Promoting Conservation with a Purpose on America's Federal Lands and Forests." This is an

important subject, and I hope the discussion that ensues will help establish some guiding principles of Federal land management and conservation for this Subcommittee to follow.

It could also not be coming at a more critical moment. Our Federal land management agencies are facing a suite of unprecedented crises: bleak forest health conditions and catastrophic megafires, crumbling infrastructure and skyrocketing deferred maintenance, environmental degradation at our Southern border, disappearing access and recreation opportunities, overcrowding, and diminished economic opportunities for local communities.

As a nation, we are blessed with abundant natural resources on our Federal lands. There are roughly 640 million acres of Federal land across the country, which is 28 percent of the entire land base. I might be biased, but my district in Northern Wisconsin, which contains a million and a half of those acres, are some of the finest Federal lands in the country including the Chequamegon-Nicolet National Forest.

When done well, Federal lands are carefully managed to balance the multiple uses and needs of the American people in a way that ensures they will be protected and enjoyed by generations to come. This is what we mean when we say “conservation with a purpose.”

Sadly, true conservation of our Federal lands has been increasingly hamstrung by a preservationist agenda being pushed by extreme environmentalists, including those in the Biden administration. Under the guise of protecting the environment, these extremists have pushed for locking up vast swaths of land under restrictive land designations, shutting down active management and responsible resource development through burdensome regulations, and when all else fails, filing frivolous lawsuits.

Extreme environmentalists have also hijacked the word “conservation” to promote policies straight out of the preservationist playbook. Look no further than the Biden administration’s own 30x30 Initiative, an ill-defined, unscientific policy. Under the guise of conservation, 30x30 has supported nothing but preservationist land designations and a \$1 billion slush fund. Of course, this is hardly a surprise, given the fact that the nonpartisan Congressional Research Service has calculated 39 percent of lands are already considered protected in the United States of America.

Preservation has failed to yield promised environmental protection. Instead, preservation exacerbates the challenges facing Federal land managers by hindering their ability to use science-based, active management techniques. There is a better way to manage our lands. We owe it to the American people to support land management practices that lead to more resilient communities, better environmental outcomes, and greater access and opportunities for the American people.

That is part of our Commitment to America, which sets forth principles to achieve these results by pursuing innovative, pro-growth solutions that responsibly expedite regulatory processes, reduce frivolous litigation, restore scientifically sound management, and remove arbitrary barriers blocking access to our Federal lands and forests.

Achieving these outcomes will require empowering local communities and stakeholders to collaborate and coordinate on Federal

land management efforts. People that live closest to these lands are often the best stewards because they understand the unique challenges they face and have a vested interest in ensuring that they are left in a better condition for future generations. That is why today we will hear from state, tribal, and local witnesses about the importance of collaboration and what true conservation should look like on our Federal lands and forests. I look forward to hearing their unique perspectives.

I want to thank all the witnesses for being with us, and I look forward to today's discussion.

[The prepared statement of Mr. Tiffany follows:]

PREPARED STATEMENT OF THE HON. TOM TIFFANY, CHAIRMAN, SUBCOMMITTEE ON  
FEDERAL LANDS

Good morning. I want to thank you all for being here today as the Subcommittee on Federal Lands meets for the first time in the 118th Congress. I want to take this opportunity to welcome all of our Members, returning and new. I am honored by the opportunity to serve as Chairman of this Subcommittee, and I am excited to work with you all this Congress as we endeavor to address the many pressing issues impacting our Federal lands and forests.

I'd also like to welcome back our returning Ranking Member, Representative Joe Neguse of Colorado. Ranking Member Neguse, I look forward to working with you this Congress on our shared legislative and oversight priorities.

The topic of today's hearing is "Promoting Conservation with a Purpose on America's Federal Lands and Forests." This is an important subject, and I hope the discussion that ensues will help establish some guiding principles of Federal land management and conservation for this Subcommittee to follow.

It could also not be coming at a more critical moment. Our Federal land management agencies are facing a suite of unprecedented crises: bleak forest health conditions and catastrophic megafires, crumbling infrastructure and skyrocketing deferred maintenance, environmental degradation at our Southern border, disappearing access and recreation opportunities, overcrowding, and diminished economic opportunities for local communities.

As a nation we are blessed with abundant natural resources on our Federal lands. There are roughly 640 million acres of Federal land across the country, which is 28 percent of the entire land base. I might be biased, but my district in Northern Wisconsin contains just over 1.5 million acres of the finest Federal lands in the country, including the Chequamegon-Nicolet National Forest.

When done well, Federal lands are carefully managed to balance the multiple uses and needs of the American people in a way that ensures they will be protected and enjoyed by generations to come. This is what we mean when we say conservation with a purpose.

Sadly, true conservation of our Federal lands has been increasingly hamstrung by a preservationist agenda being pushed by extreme environmentalists, including those in the Biden administration. Under the guise of protecting the environment, these extremists have pushed for locking up vast swaths of land under restrictive land designations, shutting down active management and responsible resource development through burdensome regulations, and when all else fails, filing frivolous lawsuits.

Extreme environmentalists have also hijacked the word "conservation," to promote policies straight out of the preservationist playbook. Look no further than the Biden administration's own 30 by 30 Initiative, an ill-defined, unscientific policy. Under the guise of "conservation," 30 by 30 has supported nothing but preservationist land designations and a \$1 billion slush fund. Of course, this is hardly a surprise, given the fact that the non-partisan Congressional Research Service has calculated 39 percent of lands are already considered 'protected.'

Preservation has failed to yield promised environmental protection. Instead, preservation exacerbates the challenges facing Federal land managers by hindering their ability to use science-based active management techniques. There is a better way to manage our lands. We owe it to the American people to support land management practices that lead to more resilient communities, better environmental outcomes, and greater access and opportunities for the American people.

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I want to thank all the witnesses for being with us and I look forward to today's discussion.

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Mr. TIFFANY. With that, I will now recognize the Ranking Member, Mr. Neguse, for his opening statement.

**STATEMENT OF THE HON. JOE NEGUSE, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF COLORADO**

Mr. NEGUSE. Thank you, Mr. Chairman.

First and foremost, I want to say congratulations to you on your chairmanship and certainly looking forward to working with you. I have had the privilege of working with you previously on this Subcommittee and in the broader Committee, and I am certainly excited about the work ahead.

I am glad to join you today and our colleagues from both sides of the aisle for the inaugural meeting of the Federal Lands Subcommittee in the 118th Congress.

I also want to welcome, in particular, our newer Members. I know we have a number of freshman Members of Congress who are serving on this Subcommittee both from the Republican side and the Democratic side, and we are very, very grateful to have them participating.

I had the privilege, as you all will recall, of serving as Chairman of this Subcommittee in the last Congress, and my experience taught me during the course of the last 2 years that this Subcommittee is really a workhorse.

And I was very grateful to hear the Chairman talk a bit about that, and I think it is kind of helpful to do a bit of level-setting as we kick off the year.

In the 117th Congress, just by way of background, we processed and moved more stand-alone pieces of legislation in this Subcommittee than any other Natural Resources Subcommittee, and we did so in a bipartisan manner.

The Full Committee, the Natural Resources Committee under Chairman Grijalva, marked up 68 bills that were referred to this Subcommittee last Congress. Thirty-eight of those bills were sponsored by Democrats. Thirty were sponsored by Republicans.

And that was really important to me, as the Subcommittee Chair, to ensure that this Subcommittee operated in a bipartisan manner, and I believe this is the case—of course, we have a bevy of folks that can fact check it—that no other Subcommittee in the U.S. Congress in the last Congress functioned in that way as this



Subcommittee did in terms of the volume and the percentages between Republican bills and Democratic bills.

Forty-nine of those bills that I mentioned passed the House, and an impressive 74 were enacted into law either as stand-alones or as part of a larger package.

Again, most of that work was done on a very bipartisan basis, with one-third of those bills being sponsored by my Republican colleagues. It was a priority for our Subcommittee, and I think and I certainly hope that the former Ranking Member, my friend from Idaho, Mr. Fulcher, would concur with that.

But it was something we took very seriously, and I certainly hope, as Chairman, that you will take that same approach, and I have no doubt that that will be the case, and I appreciate the opportunity to be able to have the spirited and robust debate that I know we will have on issues over the course of the next 2 years.

Before I move on to the topic of today's hearing, because this is the first hearing of this particular Subcommittee, I would be remiss if I did not take a moment to discuss the crisis that really is engulfing the West right now, and that is the Western drought.

Whether you are in an Upper Basin state like myself or Mr. Curtis, or our new Member from the state of Wyoming, or one of the Lower Basin states, it is very clear that we have a crisis on our hands.

The drought conditions along the Colorado River year after year are something simply that we can't ignore. I represent a district in Northern Colorado that includes the headwaters of the Colorado River. So, for us, this is very real, and as we talk about conservation, I certainly hope, and understand that there is a separate Subcommittee on Water that many of us serve on, that nonetheless, we can talk a bit here about our work to protect watersheds and water sources.

And I certainly look forward to doing that work with Chairman Tiffany and my colleagues.

With respect to conservation, I think the record is clear that in the last Congress we made significant progress during our time in the Majority on that issue. Through President Biden's Infrastructure Law and the Inflation Reduction Act, as you all know, we passed historic levels of funding to promote resilience, restoration, and conservation across public lands.

A lot of that work was informed by the hearings that we held right here in this Subcommittee with witnesses like yourselves, hearings that provided opportunities for Federal land management agencies, scientists, local officials, community stakeholders, and a wide range of public land users to be able to come in and provide us with insight about conservation potential of our Federal lands and forests.

And now, the good news is that the generational investments that we enacted last Congress are financing projects literally across the Rocky Mountain West that were designed to mitigate the worst effects of the climate crisis, keeping communities safe, and restoring damaged ecosystems.

We are talking literally about hundreds of millions of dollars in investments to promote resiliency across public lands and mitiga-

tion. We see these investments having real world impacts with respect to wildfire, just by one example, a significant concern, of course, to my district and I know to many of my colleagues here who represent the West.

The Biden administration has been utilizing these resources to partner with states, with counties. I hope we will hear about some of that today, as well as key stakeholders to treat millions of acres within our national forests, particularly in the most at risk fire sheds.

That work is crucially important, and again, it is a generational investment whose time has certainly come.

But there is more to be done, and we will certainly be introducing legislation in the coming weeks and months with our colleagues to address some of those concerns.

Now, of course, I would be remiss if I did not talk a bit about public lands' preservation as we talk about conservation.

I, of course, have a bill that I am particularly supportive of which is the Colorado Outdoor Recreation and Economy Act, the CORE Act, community-driven legislation that would protect thousands of acres of land in Colorado.

But there are many other bills of a similar nature that have been introduced by colleagues of mine on my side of the aisle, and I certainly hope that we will have an opportunity to consider some of those bills as well over the coming 2 years.

So, I will simply close by saying I appreciate the opportunity to be able to serve as Ranking Member, to serve with you, Mr. Chairman, and I look forward to the work ahead.

Mr. TIFFANY. Thank you very much. Thank you, Ranking Member Neguse.

We will now move on to our witnesses.

Let me remind the witnesses that under Committee Rules, they must limit their oral statements to 5 minutes, but their entire statement will appear in the hearing record.

To begin your testimony, please press the on button on the microphone. We use timing lights. When you begin, the light will turn green. At the end of 5 minutes, the light will turn red and I will ask you to please complete your statement at that time if you are continuing.

I will also allow all witnesses to testify before Member questioning.

First of all, I will introduce Mr. Joel Ferry, the Executive Director of the Utah Department of Natural Resources. Mr. Ferry is a fifth-generation farmer who operates a ranch, farm, feedlot, and hunting properties in Corinne, Utah.

Corinne?

Mr. FERRY. Corinne. So close.

Mr. TIFFANY. Prior to his role with the Department of Natural Resources, Mr. Ferry served in the Utah House of Representatives.

Mr. Ferry, you are now recognized for 5 minutes.

**STATEMENT OF THE HON. JOEL FERRY, EXECUTIVE DIRECTOR, UTAH DEPARTMENT OF NATURAL RESOURCES, SALT LAKE CITY, UTAH**

Mr. FERRY. Thank you, Mr. Chairman and Committee. It is an honor being here with you today.

This is a subject and a topic that is very near and dear to my heart. And I want to talk about Federal interaction with the state of Utah on the lands that are in the state of Utah.

So, Federal landownership is significantly higher in the western United States than in other regions, and in Utah, in particular, the Federal Government owns over 60 percent of the land in our state. Only Nevada has more federally owned land in the Lower 48 than Utah does.

Utah is home to 13 national parks and millions of acres managed by Federal agencies including Forest Service, Bureau of Land Management, and the Fish and Wildlife Service.

The health and viability of our forests, our wildlands, and our watersheds have a direct impact on downstream natural resources like the Great Salt Lake, which is in peril.

As directed by the FLPMA and the National Forest Management Act, smart, collaborative conservation is most effective when Federal land use plans are consistent with plans and policies of the states and local governments, and this integration is critical as state and local plans and policies incorporate local scientific data and reflect the needs of the nearby communities.

Utah's natural resources are healthier, more resilient, more productive when actively managed across ownership boundaries and management, and management like this must occur regularly and at a watershed and local community scale, and this can only be accomplished by working together.

In Utah, we have implemented several different programs that are collaborative efforts between the Federal Government and the state. Those programs include the Watershed Restoration Initiative, which has invested over the past 17 years, and we have done over 2,500 projects and invested hundreds of millions of dollars and enhanced and improved over 2.4 million acres within our watershed and our forests.

Another program that we started 4 years ago is the Shared Stewardship Program. This is a collaborative effort between the Forest Service and the state of Utah. We have been able to invest over \$30 million and protected, enhanced, and removed old growth and regenerated our forests on over 80,000 acres.

These have both been very successful programs that I think are an example of how Utah is leading the nation in managing our Federal lands and coordinating with our Federal Government.

In addition, recently, in the last few years, we created the Office of Outdoor Recreation and Department of Outdoor Recreation within our state government that promotes outdoor recreation on our Federal lands, and this is a collaborative effort between the state and the Federal Government.

Now, despite these successes, we still face serious obstacles, and the most significant obstacle is the National Environmental Policy Act, NEPA, and the way it hamstring the effective land management by our Federal partners.

The Act was well intentioned but has become the hook for litigation by those who oppose any type of active management on Federal lands and forests.

NEPA is the kind of tool to prevent grazing, energy development, and mining of critical minerals that American industries, including the renewable industries, need. And perhaps most relevant for our discussion today is NEPA often prevents Federal agencies from thinning our forests to prevent catastrophic wildfires and by transforming dying forests into healthy forests.

And that was certainly not the intent of the Act, but that is what it does.

We are encouraged by the reforms of the Trump administration that they were undertaking, but very disappointed by the current Council on Environmental Quality and the rolling back of those reforms, endangering our conservation efforts and the Administration's own stated goals.

We would also encourage the Federal Government to reconsider the impact of President Biden's 30x30 Initiative, particularly on states like Utah where the Federal Government manages significant acres of public lands. Utah is not comfortable with an attempt by the Administration to place even more of these lands in Utah under restrictive designations.

Approximately 61 percent of Utah, 33 million acres of land is Federal land protected under different Federal laws, regulations like NEPA, and FLPMA.

So, working together in collaboration with our Federal and local partners is always better than working in isolated silos. We have proven this in Utah. Our natural resources are more resilient, more productive when actively managed across ownership boundaries.

We have healthier watersheds, cleaner water, greater yield of water, fire resistant landscapes, healthier wildlife populations and more abundant outdoor recreational opportunities when we work together.

As stewards of Utah's natural resources, we need your help in removing barriers that hinder our ability to actively manage the public lands. We need your continued support and investment at the individual watershed level and local level. Ongoing partnership and cooperation are necessary as we continue to work through these challenges and opportunities.

Thank you.

[The prepared statement of Mr. Ferry follows:]

PREPARED STATEMENT OF EXECUTIVE DIRECTOR, JOEL FERRY,  
UTAH DEPARTMENT OF NATURAL RESOURCES

- Federal landownership is significantly higher in the western United States than in other regions. In Utah, the federal government owns over 60 percent of the land. Only Nevada has more federally owned land.
- Utah is home to 13 national park units and millions of acres managed by federal agencies, including the U.S. Forest Service, Bureau of Land Management and the U.S. Fish and Wildlife Service.
- In states like Utah, where the federal government manages significant swaths of land, proactive, collaborative and smart conservation efforts are critical to maintaining healthy and thriving landscapes and watersheds. Success comes through cooperation.

- The health and viability of our forests, wildlands and watersheds have a direct impact on downstream natural resources like the Great Salt Lake and Utah Lake.
- As directed by the Federal Land Policy and Management Act and the National Forest Management Act, smart collaborative conservation is most effective when federal land use plans are consistent with the plans and policies of states and local governments. This integration is critical as state and local plans and policies incorporate local scientific data and reflect the needs of nearby communities.
- Natural resources that directly contribute to our quality of life don't respect ownership boundaries, like water, air, wildlife and even wildfires. This underscores the importance of cooperative working relationships.
- Close collaboration is essential as we continually work to anticipate challenges and changing conditions, like drought, wildfire and demand on outdoor recreation, and tackle them with the latest science, tools, innovation and collaboration.
- Utah's natural resources are healthier, more resilient and more productive when actively managed across ownership boundaries. Management like this must occur regularly and at a watershed and local community scale. This can only be accomplished by working together.
- In Utah, through smart and collaborative conservation practices, we've maximized investments in ways that increase healthy watersheds and benefit local communities directly.
- For example, Utah's Watershed Restoration Initiative (WRI) is a partnership-based program that improves high-priority watersheds statewide.
  - In its 17th year, this initiative focuses on three ecosystem values: 1) Watershed health and biological diversity 2) Water quality and yield 3) Opportunities for sustainable uses of natural resources.
  - WRI has completed over 2,500 projects in Utah, improving over 2.4 million acres and nearly 2,300 miles of streams and riparian corridors.
  - This state-led partnership includes over 700 partners, including federal and state land management agencies, local governments, private landowners, Non profits, environmental organizations and sportsman groups. We have leveraged nearly \$350 million for on-the-ground active management projects across ownership boundaries to improve Utah's watersheds.
- For four years, the state of Utah has been working with federal partners through our combined Shared Stewardship agreement to protect communities and watersheds from the threat of unwanted fire.
  - The agreement has allowed Utah to work with the U.S. Forest Service, Natural Resource Conservation Service, and dozens of additional local and private partners to implement fuel reduction work from a landscape scale, cross-boundary approach. In all, there are over 150 coordinating partners.
  - Over \$30 million has been invested in active forest management over the last four years, with \$5.5 million invested in 2022.
  - More than 45 jointly identified high-priority watersheds have been improved, and 80,000 acres treated.
  - Currently, projects that exemplify the success of this program include the Beaver River Watershed Improvement and the Parley's Canyon Watershed Restoration.
  - The Beaver River project in the Fishlake National Forest exemplifies a large-scale and collaborative project that included federal and state partnerships and local and county involvement. The project included strategic landscape-scale projects on State Institutional Trust Lands and Forest Service land. Fuels removed from the project were sold and processed by members of the private forest products industry to encourage economic growth and wood utilization.
  - Parley's Canyon, in Summit County, has been the site of two wildfires in the last two years, highlighting the immediate risk to people and homes in the canyon. Mechanical fuels treatments have been conducted along Parley's Creek in the Lambs Canyon area to protect water quality for Salt Lake City and ensure the safety of residential and commercial properties.

- Work continues to take place across the state as more areas are identified and funding is available through state and federal appropriations.
- The state, working with county governments and local stakeholders, recently completed an aspen regeneration project in partnership with the U.S. Forest Service on Fishlake National Forest.
  - The Monroe Mountain Aspen Regeneration Project included diverse community stakeholders working with the Forest Service on a comprehensive plan to restore declining aspen forests.
  - Prescribed fire, logging and other tools are being used to restore aspen habitat, benefiting wildlife, livestock and the watershed.
  - The project succeeded, in part, because the Forest Service supported the grassroots efforts of the community to improve forest health.
- Utah's newly created Division of Outdoor Recreation administers the federal government's Land and Water Conservation Fund (LWCF), which is designed to implement projects and improve outdoor recreation at the local level.
  - This federal reimbursement grant is for the acquisition and development of outdoor recreation areas and requires a 50 percent match from applicants.
  - Utah has implemented over 500 projects since the inception of LWCF with an investment of over \$50 million from the federal government.
- Investment in outdoor recreation goes beyond projects funded through the LWCF. Utah has expanded its efforts through the Outdoor Recreational Infrastructure Grant Program.
  - Transient room tax funds are used to build new, and maintain existing outdoor recreational infrastructure. These projects are on local, state and federal lands.
  - Nearly \$35 million in state funding has been invested since 2015. Funding has gone toward 399 different projects and created 735 miles of new trails throughout the state, and has resulted in a public/private match of over 7 to 1.
- Significant investment in Utah is also underway through the Great American Outdoors Act. The Legacy Restoration Fund of the Great American Outdoors Act is investing over \$121 million through 16 different projects in Utah.
  - One such project is an \$11 million rehabilitation project of the South Campground at Zion National Park, which has seen significant increases in visitation in the last several years and is now the third-most visited national park in the United States. Investments like this are critical as Utah public lands become more and more popular for visitors from around the world.
- The Utah Division of Wildlife Resources has worked collaboratively with several federal partners, including Fish and Wildlife Services, the Bureau of Reclamation, the Central Utah Project Completion Act Office, and the Department of the Interior to downlist the June sucker from endangered to threatened under the Endangered Species Act.
  - June suckers are a unique fish species only found in Utah Lake and its tributaries. It was downlisted in 2021 largely due to ongoing efforts by various partnering agencies, including state and federal, to help the species recover.
  - An example of some of these efforts is the Provo River Delta Restoration project, which broke ground in June 2020.
  - Just last week, the project reached another major milestone—the Provo River was diverted into the channels and ponds constructed over the past three years, connecting the river with a restored delta and with Utah Lake. The restored delta will provide habitat for adult June suckers to spawn and for young June suckers to find safety from predators, which will continue to help this species recover.
- Smart conservation and collaboration can also significantly benefit Sage-Grouse in Utah through the Utah Greater Sage-Grouse Management Plan.
  - Utah is home to a unique population of Greater Sage-Grouse that lives in a highly fragmented range. Utah's 2019 Greater Sage Grouse Management

Plan utilizes effective tools for the conservation of these unique birds that use scientific data and best management practices uniquely tailored to Utah.

- Federal plans for conserving Greater Sage-Grouse habitat will be most effective when they are fully consistent with provisions of Utah’s own management plan.
- Despite our successes, we still face serious obstacles. Perhaps the most significant is the National Environmental Policy Act, and the way it hamstring effective land management by our federal partners. The Act was well intentioned, but it has become the hook for litigation by those who oppose any type of active management of federal lands and forests.
- NEPA has become a tool to prevent grazing, energy development, and the mining of the critical minerals that American industries, including the renewable industry, needs. And perhaps most relevant for our discussion today, NEPA often prevents federal agencies from thinning our forests to prevent catastrophic wildfires by transforming dying forests into healthy forests. That was certainly not the intent of the Act, but that’s what it does.
- We were encouraged by the reforms the Trump Administration was undertaking, but we’re very disappointed to see the current Council on Environmental Quality rolling back those reforms and endangering our conservation efforts and the Administration’s own stated goals.
- We would also encourage the federal government to reconsider the impact of President Biden’s 30x30 initiative, particularly on states like Utah where the federal government manages significant acres of public lands. Utah is not comfortable with an attempt by the Administration to place even more land in Utah under restrictive designations.
- Approximately 61% of Utah (over 33 million acres of Utah’s land area) is federal land protected under many different federal laws and regulations, such as NEPA and FLPMA.
  - And approximately 23 percent of Utah (over 12.6 million acres) is protected under especially restrictive land designations such as national parks, national monuments, wilderness areas, roadless areas, etc.
- Working together, in collaboration with our federal and local partners, is always better than working in isolated silos. We’ve proven this in Utah. Our natural resources are more resilient and more productive when actively managed across ownership boundaries. We have healthier watersheds, cleaner water and greater yield, fire-resilient landscapes, healthier wildlife populations and more abundant outdoor recreational opportunities.
- As stewards of Utah’s natural resources, we need your help removing barriers that hinder our ability to actively manage public lands, and we need your continued support and investment at the individual watershed and local levels. Ongoing partnership and cooperation are necessary as we continue to work through challenges and opportunities.

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Mr. TIFFANY. Thank you, Mr. Ferry.

I now recognize Representative Hageman for 30 seconds to introduce our second witness.

Ms. HAGEMAN. Thank you, Mr. Chairman.

It is my pleasure to introduce the Carbon County Commissioner, John Espy, to the Committee today. Commissioner John Espy is a fifth-generation rancher from Rawlins, Wyoming. He is a member of the Carbon County Board of Commissioners, holding this position since 2012 and has served as its vice chair and chair.

He has served on various boards including the Animal Damage Management Board, the Wyoming County Commissioner Association Public Lands Committee, and the Sage-Grouse Implementation Team.

An experienced conservationist and local government official, we are lucky to have Commissioner Espy's testimony and knowledge before this Committee today.

John, it is a pleasure to see you again, and I look forward to hearing your testimony.

Thank you.

Mr. TIFFANY. I now recognize Commissioner Espy for 5 minutes.

**STATEMENT OF THE HON. JOHN ESPY, COMMISSIONER,  
BOARD OF CARBON COUNTY COMMISSIONERS, RAWLINS,  
WYOMING**

Mr. ESPY. Chairman Tiffany, Ranking Member Neguse, thank you for inviting me to testify today.

My name is John Espy. I am a fifth-generation rancher and a Carbon County, Wyoming Commissioner. I serve as the First-Vice President of the National Association of Counties' Western Interstate Region, and Chairman of the Wyoming County Commissioners Association Agriculture, Water, State and Public Lands Committee. Additionally, I serve on State and Local Task Force on Greater Sage-Grouse Conservation, and as Carbon County Co-Chair of the Wyoming Public Lands Initiative.

I am here today on behalf of the National Association of Counties.

Counties offer detailed expertise on resource management issues that help achieve our mutual goals.

Our environmental and socioeconomic values must be balanced through multiple use management, which is best achieved when Federal agencies treat counties as governing partners and co-regulators by coordinating their resource management plans to ensure the consistency of those impacted counties.

Counties have legal jurisdiction over certain areas and must be given the opportunity to participate as cooperating agencies from the beginning of the NEPA process to lend their expertise to better inform Federal decisions.

Carbon County has a population of approximately 15,000 and is home to part of the Medicine Bow-Routt National Forest. About 54 percent of Carbon County is federally owned.

Our economy is directly tied to public lands. Minerals and energy production, agriculture, and tourism are our top industries.

Counties work collaboratively with Federal agencies, states, tribes, and landowners on a range of natural resource issues to support our local economies, our cultural heritage.

Our Weed and Pest District, funded by county taxes, has treated over 50,000 acres of Federal, state, and private lands for invasive weeds and grasses.

Our conservation district worked with Federal agencies to remove sediment from the North Platte and Little Snake Rivers.

To incentivize the Forest Service and BLM to increase their use of the Good Neighbor Authority, the State Forestry Division spent \$400,000 to hire personnel for cooperative forest management projects on Federal lands.

After working at the local grass roots level with public land stakeholders, like conservationists, recreational groups, extractive industries, and agriculturists, we submitted management



recommendations on wilderness study areas that were addressed by the Wyoming Public Lands Initiative. Under the Act, certain WSAs stuck in limbo since 1991 would be designated as wilderness, special management areas, or released back into multiple use.

Carbon County's recommendations would designate the Encampment River Canyon and Prospect Mountain WSAs as wilderness, establish the Black Cat Special Management Area, and release the Bennett Mountain WSA to multiple use.

In addition to petroleum and mineral production, we lead the way in renewable energy development with the Chokecherry Sierra Madre Wind Project that will be housed on 1,400 acres of Federal, state, and private checkerboard land. This would be the largest wind farm in the United States, providing enough electricity for 1 million homes.

We have worked with all levels of government and private industry to ensure the project meets community needs with limited environmental impacts.

It has generated millions of dollars in tax revenue, creates good paying jobs, and helps meet the President's fossil fuel reduction goals.

We also boost Blue Ribbon Fishery on the North Platte River, which includes an area known as the Miracle Mile. Federal, state, and local partners ensure the North Platte remains some of the best trout habitat in the West.

Every resident and local fisherman in Carbon County recognizes how conservation of this river benefits our community.

We continue to update our land use and resource management plans to adapt to environmental, economic, and community concerns.

Our latest update identifies sensitive habitats that include consultation requirements with the state to mitigate migration corridor impacts.

Counties are heavily engaged in species management, too. We work with local, state, and Federal agencies, industry, and non-governmental organizations to protect the Greater sage-grouse. We give particular attention to locally driven solutions supported by science that result in sustainable outcomes.

Commissioners also volunteer their time and expertise across the state to participate in local working groups with Federal land agencies long after the Record of Decision is printed.

Counties remain committed to assisting our Federal partners on plan implementation.

Chairman Tiffany, Ranking Member Neguse, thank you for the invitation to testify today, and I look forward to your questions.

[The prepared statement of Mr. Espy follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN ESPY COMMISSIONER, CARBON COUNTY, WYOMING ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES

Chairman Tiffany and Ranking Member Neguse, thank you for holding this hearing on promoting conservation with a purpose on America's federal lands and forests.

My name is John Espy, and I am a fifth-generation rancher and a member of the Carbon County, Wyoming Board of County Commissioners. I also serve as First-Vice President of the National Association of Counties' Western Interstate Region, Chairman of the Wyoming County Commissioners Association Agriculture, Water, State and Public Lands Committee, county representative to the Wyoming Sage-

Grouse Implementation Team, rancher representative to the South-Central Wyoming Local Sage-Grouse Working Group, and Carbon County Co-Chair for the Wyoming Public Lands Initiative. I am here today on behalf of the National Association of Counties.

Gifford Pinchot, the first Chief of the U.S. Forest Service wrote in 1909, “Conservation means the wise use of the earth and its resources for the lasting good of men.” Counties encourage Congress to develop policies that reflect this ethic and to pass legislation focused on conserving our lands and resources, rather than preserving all of them in perpetuity. Purposeful conservation allows for sustainable timber harvests for economic benefit and also to improve forest health, reduce the threat of wildfire across our National Forest System, and to protect our gateway communities.

Public lands are a defining feature of the United States, particularly in the West. Counties serve as conveners and offer local, detailed expertise on resource management issues that is beneficial to all levels of government and helps to achieve mutual goals. Counties believe that environmental and socioeconomic values must be balanced through a philosophy of multiple use management that allows diverse activities on public lands to support local economies. This is best achieved when federal agencies treat counties as governing partners and co-regulators by coordinating their resource management plans to ensure they are consistent with those of impacted counties. Additionally, counties have specific legal jurisdiction and expertise in certain areas. We must be given the opportunity to meaningfully participate as cooperating agencies from the beginning of the National Environmental Policy Act (NEPA) process, so that we can lend our experience and expertise to better inform federal decisions.

#### **About Carbon County, Wyoming**

Carbon County is in south-central Wyoming, bordering Colorado. Carbon County is a rural county with a population of approximately 15,000. The county covers approximately 7,900 square miles and contains a large share of the Medicine Bow-Routt National Forest, which is home to pristine recreation sites including Sugarloaf Mountain, Medicine Bow Peak and Mirror Lake.

About 54 percent of Carbon County’s surface is federally owned, which is slightly higher than the state’s average of around 47 percent. My county’s economy is directly tied to public lands, with mineral and energy production, agriculture and tourism serving as our top-three industries. Consequently, the socioeconomic of my county is significantly impacted by how federal lands are managed. Carbon County is not alone, every county in Wyoming, and virtually all counties throughout the West, must work collaboratively with our federal partners to ensure our land and resources are managed properly and support our local economies and our cultural heritage.

We regularly partner with federal agencies, the state government, tribes and private landowners on a range of natural resource issues. For example, the Carbon County Weed and Pest District, funded by county taxes, has treated over 50,000 acres of federal, state and private lands to control invasive weeds and grasses that choke off native vegetation and elevate wildfire risks. Our conservation district also worked closely with federal agencies to remove sediment from the North Platte and Little Snake Rivers in recent years. To incentivize the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to increase their use of Good Neighbor Authority, the State of Wyoming appropriated \$400,000 to hire positions within the state forestry division to conduct cooperative forest management projects on federal lands.

We pride ourselves on providing opportunities for local voices to be heard on the federal land management stage. After years of working with public land stakeholders, including conservation organizations, outdoor recreation groups, extractive industries, agriculturalists, and wildlife associations, Wyoming counties submitted management recommendations on Wilderness Study Areas (WSAs) within their borders, that are addressed by the Wyoming Public Lands Initiative Act. Under the Act, certain Wyoming WSAs that have been stuck in limbo—waiting for Congress to act on the BLM’s recommendations from 1991—would be designated as wilderness, assigned a special management area, or released back to multiple-use management. Carbon County’s recommendations designated the Encampment River Canyon and Prospect Mountain WSAs as wilderness, established the Black Cat Special Management Area, and released Bennett Mountain multiple-use management. This legislation was developed at the grassroots level with local input and serves as a strong example of how true conservation objectives can be met through collaboration.

As energy demands grow and consumer appetites change, my county has proactively responded to the nation's energy needs. Carbon County is not only a proud petroleum producer, but we are also leading the way on renewable energy development with the Chokecherry and Sierra Madre Wind Energy Project, which is housed on 1,400 acres of federal, state and private checkerboard land. The project, once completed, will be the largest wind farm in the United States and one of the largest in the world providing enough electricity to power one million homes. We worked with the BLM, state government, private landowners, and the Power Company of Wyoming through each phase of the project to ensure it met the needs of our residents with limited impact on the environment. The project has generated millions of dollars in tax revenues for all levels of government, created good paying local jobs and serves to meet the president's goal of reducing our reliance on fossil fuels.

Beyond land and minerals, we also boast a blue-ribbon fishery—the North Platte River—designated by the Wyoming Game and Fish Department, which includes an area known as the Miracle Mile. Visitors from around the world come to Carbon County to fly fish and catch our amazing trout. We work with federal and state officials to ensure this wonderful stretch river remains some of the best trout habitat in the West. Every resident and government official in Carbon County recognizes how conservation of this vital resource benefits our community and everyone who lives downstream.

Counties are best suited to assist federal land managers navigate evolving management challenges. For its part, Carbon County continues to update its land use plans and federal natural resource plans and to adapt to environmental, economic, and community concerns. For example, our latest updates identify sensitive habitats and include consultation requirements with the Wyoming Game and Fish Department when siting new projects to mitigate impacts to migration corridors for big game animals.

Counties are heavily engaged in species management. As part of the Sage-grouse Implementation Team, made up of local, state and federal agencies, industry, and non-government organizations, we work to protect the Greater Sage-grouse in Wyoming. Far from a one-size fits all approach, we give particular attention to locally driven solutions, supported by science, that result in sustainable outcomes for Wyoming's wildlife, economy, and way of life. While Greater Sage-grouse efforts are more visible, commissioners volunteer their time and expertise across the state to participate in local working groups and advisory councils with federal lands agencies. Long after the Record of Decisions are printed, counties remain committed to assisting our federal partners on plan implementation to strengthen our mutual goals. Public lands are not just squares on a map, they are a source of tranquility, the foundation of our cultural identity, and the lifeblood of our economies.

### **Conclusion**

Chairman Tiffany and Ranking Member Neguse, thank you for the invitation to testify today. I urge Congress to work across the aisle and craft viable legislation to empower state, local and tribal partners to work with federal agencies to better manage our public lands and natural resources. The best resource management decisions are made when federal agencies and local government partners look at the same piece of ground at the same time and work collaboratively.

Thank you again for the opportunity to tell you the county story and to share some of our ideas for improving the health of our public lands and watersheds. I look forward to answering your questions.

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Mr. McCLINTOCK [presiding]. Thank you, Commissioner Espy.

I would now like to introduce Mr. John D. Leshy, who is the Emeritus Professor at the University of California, College of Law in San Francisco.

Mr. Leshy, you are recognized for 5 minutes.

**STATEMENT OF JOHN D. LESHY, DISTINGUISHED PROFESSOR  
EMERITUS, UNIVERSITY OF CALIFORNIA LAW, SAN  
FRANCISCO, CALIFORNIA**

Mr. LESHY. Thank you very much, Mr. Chairman, members, for the opportunity to testify here today.

I am going to give you a story based on a book I recently published which is a political history of how the Federal lands came about.

Slide, please.

And it tells the story of the political decisions. That is the cover of the book.

Now, the next slide, which is the lands. We have all seen these. I am going to talk mostly about the BLM and the Forest Service lands.

I think these public lands are a great American success story, a political success story, because the story I tell is how starting in the 1890s, the Congress and the executive branch have closely collaborated, almost always in a bipartisan way, to produce the result you see on that map, the acreage that Congress and the President have agreed should be held in national ownership and managed primarily for preservation, outdoor recreation, science, et cetera.

Next slide, please.

The story I tell in the book is really captured in this chart. The solid line is the decisions that were made by acreage, on the left-hand axis, to hold lands or acquire more lands into national ownership.

The dotted line are decisions made mostly by Congress, sometimes by the Executive, to protect mostly or fully protect those lands from intensive industrialization.

A couple of things to particularly note about this chart. One is the arc is always upward, more lands, more protection, and these are decisions that were made by the political system, as I said, in a mostly bipartisan fashion.

And if you put this against what political party is in charge of Congress or the presidency, it makes almost no difference in terms of the arc and the trajectory of this slide.

So, not only does the arc move upward not affected by the political party considerations. One other thing to note about the chart is that there is kind of a fiction here that this is mostly driven by executive decisions, and in fact, it is mostly been driven by congressional decisions, especially in the last 60 years or so.

Congress has really asserted its leadership role in deciding how much to protect public lands by zoning or determining what uses are permissible in particular areas.

A turning point in this congressional recapture of authority came in the middle 1960s when Congress passed the Wilderness Act.

Next slide please.

Here is a chart showing the growth in the acreage in the wilderness system, which is the most protective system because intensive industrial uses are simply not permitted in wilderness areas.

Congress did something very key in the Wilderness Act, which is when it said that not 1 acre gets added to the wilderness system unless it is done through an Act of Congress.

In other words, the only way you get land into the system is through a Congressional Act.

Now, a couple of things about this chart. One is there is a big upward trajectory. That reflects the immensity of Alaska because that all came about in the 1980 Alaska lands bill which tripled the size of the wilderness system in one act because Alaska is so vast.

But notice the arc is always upward, and it goes up continuously and goes up to this day. I mean Congress adds land to the wilderness system practically every Congress. And if you look again at who is in charge politically of the White House or the Congress when this is done, it makes no difference.

After the Alaska lands bill, the next sharp upward arc, that is the Reagan presidency when the Republicans were in charge of the Senate, and so forth.

This has been a bipartisan enterprise practically from the beginning, and that is really important to keep in mind, because Congress has vigorously moved, especially in the last few decades, to put labels like not only park but national conservation area, national recreation area, and other restrictive management prescriptions onto how particular acres of land are managed. And this has been popular, as I said.

Next slide. Only two more.

Congress has greened up the Bureau of Land Management. This used to be its logo on the left. Now look at the logo on the right, and this sort of captures what has happened through congressional decision making in terms of how our land is managed.

OK. I appreciate the opportunity to testify here today. I look forward to answering your questions.

Thank you very much.

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The slides provided during Mr. Leshy's testimony are part of the hearing record and are being retained in the Committee's official files:

The slides are available for viewing at:

<https://docs.house.gov/meetings/II/II10/20230308/115449/HHRG-118-II10-Wstate-LeshyJ-20230308.pdf>

[The prepared statement of Mr. Leshy follows:]

PREPARED STATEMENT OF JOHN LESHY, EMERITUS PROFESSOR AT THE UNIVERSITY OF CALIFORNIA COLLEGE OF THE LAW, SAN FRANCISCO, AND AUTHOR OF  
*Our Common Ground, A History of America's Public Lands*  
(YALE U. PRESS, 2022)

Mr. Chairman, Ranking Member, and members, thank you for the opportunity to testify here today.

My name is John Leshy. I have devoted most of my professional career, stretching over more than a half century as a public servant and law professor, to promote sound management of America's public lands. My recently published book, *Our Common Ground*, is the first comprehensive political history of these lands in a very long time.

The US government manages more than 600 million acres of public forests, plains, mountains, wetlands, deserts, and shorelines, holds them generally open to all, and manages them primarily for conservation, recreation, and education.

My book makes the case that the public lands<sup>1</sup> are one of America's outstanding political success stories. What I mean is that the Congress and the executive branch have, since the 1890s, collaborated to produce a result that today is widely supported by the vast majority of Americans everywhere, regardless of their political party.

My testimony focuses on policy issues involved in the management of BLM and USFS lands (244 and 193 million acres, respectively), which account for nearly 3/4s of all the public lands.<sup>2</sup>

First, I will discuss the terms "Conservation," "Preservation," and "Multiple Use" that are often used in describing public land policy. None has a fixed, well-defined meaning in the public land context. Each is sometimes used in ways that impede, rather than enlighten, discussions of public land policy.

### Conservation

This was the label often attached to the movement that began to flower in the 1890s to hold significant amounts of land in national ownership and manage them for broad public purposes. The conservation movement led to the creation of the national forest system.

Because minerals, timber and grasses on national forest lands could be, and sometimes were, extracted or exploited, the label "conservation" has sometimes been used to describe a policy that not merely allows, but prioritizes, mining, logging and similar intensive uses.

The events described in detail in my book make clear that this is not an accurate description. The overriding purpose of the "conservation movement" *was not to promote logging and mining*. Rather, it was to hold onto land the U.S. already owned—and to buy even more land—primarily to foster healthy watershed conditions, to safeguard water supplies for downstream uses. (That's why most of the national forests in the nation are found in the upper reaches of watersheds.)

The national forest system was established by a combination of congressional and executive action between 1891 and 1940. The vast majority of the lands included within this system were put there because people from the areas most affected sought that result.

My book illustrates this with many examples. Here is one. Congress gave the president authority to establish what came to be known as forest reserves in 1891. Around this time, a memorial from the Colorado State Forestry Association, endorsed by state officials, the chambers of commerce of Denver<sup>3</sup> and Colorado Springs, and 500 leading citizens, recommending reserving "all public lands" along six miles either side of the crests of mountain ranges across the entire state. Republican President Benjamin Harrison promptly used the authority Congress had given him to establish what is now called the White River National Forest on more than a million acres west of Denver. (Today it attracts more visitors than any other national forest in the nation.) In 1892, Harrison established three other reserves in Colorado, including one around Pikes Peak. Following a visit to that reserve the following year, Katharine Lee Bates was inspired to write of "purple mountain majesties" in her stirring composition "America the Beautiful."<sup>4</sup>

Because most of the land in the western states were then still owned by the U.S. government—even though some of it had already been logged or mined—the lands put in the national forests were "reserved"—that is, put off limits from laws like the Homestead Act, the railroad land grant acts, and other laws that aimed to transfer ownership out of federal hands.

In 1897, Congress enacted legislation that established the purposes of this young national forest system. It remained the basic governing authority for the next 80 years. It provided that national forests were established to "improve and protect" the forest, secure "favorable conditions of water flows," and "furnish a continuous supply of timber for the use and necessities of citizens of the United States." The legislation allowed mineral activity on these lands, but only a relatively small portion of national forest land has been subject to oil and gas development and other

<sup>1</sup> While the term "public lands" is sometimes used to refer only to lands managed by the Bureau of Land Management (BLM), I use it here to refer to lands managed by all of the four major agencies; besides the BLM, these are the U.S. Forest Service (USFS), the National Park Service (NPS), and the U.S. Fish & Wildlife Service (USFWS).

<sup>2</sup> Most of the remainder are managed by the USFWS and the NPS (89 and 80 million acres, respectively). <https://sgp.fas.org/crs/misc/R42346.pdf>.

<sup>3</sup> Denver's population had grown from 5000 in 1860 to more than 100,000 in 1890. Even back then, the arid West was the nation's most urban region.

<sup>4</sup> *Our Common Ground*, pp. 177–80.

mineral activity.<sup>5</sup> The 1897 legislation was silent on livestock grazing, even though it was then occurring on many of these lands.<sup>6</sup>

In 1911, with strong bipartisan support, Congress enacted the so-called Weeks Act. It launched a major program to buy back into national ownership, and manage as part of the national forest system, lands located mostly in the upper reaches of watersheds in the East, South and Midwest. Many of these lands had been severely logged over, exacerbating erosion and contributing to damaging floods. Restoring such lands to health was a primary purpose of the legislation, making it the first major environmental restoration program in the nation's history. These lands were acquired from willing-seller private owners, with the consent of the pertinent state.<sup>7</sup>

In the early decades, the amount of national forest land commercially logged remained low. At the beginning of World War II the logging rate increased substantially and remained high for a few decades. Starting in the 1980s it began to decline back to its pre-WWII level, where it has generally remained, as the wood products industry looked elsewhere for supplies, the technology of wood use changed substantially, and substitutes for wood grew more popular.

### Multiple Use

Although national forests (as well as lands now managed by the Bureau of Land Management) had long been subject to many different uses, including recreation, it was not until the 1930s that the term "multiple use" first began to be used informally in describing national forest lands. Congress did not put the idea into law until 1960, when it enacted the so-called Multiple-Use Sustained-Yield Act (MUSY).<sup>8</sup> It identified five "multiple uses"—"outdoor recreation, range, timber, watershed, and wildlife and fish purposes." (Minerals were not identified as one of the uses, but the Congress had previously specified that the mining and mineral leasing laws could apply on national forest land.)

In the MUSY Act, Congress directed the Forest Service to use the "various renewable surface resources of the national forests . . . in the combination that will best meet the needs of the American people," recognizing that "some land will be used for less than all of the resources." It also called for the agency to achieve "harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output."

### Preservation

This term is used in public land law primarily in the so-called Wilderness Act that Congress enacted in 1964.<sup>9</sup> It established the National Wilderness Preservation System (NWPS). Congress had deliberated over that legislation for eight years, and had anticipated its enactment in 1960 by providing in the MUSY Act that the "establishment and maintenance of areas of wilderness are consistent with" the multiple use idea.<sup>10</sup>

Congress also, at the insistence of Cong. Wayne Aspinall (D-CO), made itself the gatekeeper of the NWPS. That is, the only way lands can be put into the System is through an act of Congress. This enhanced the influence of the individual Senators and House members because a powerful, long-standing custom in the Congress gives members a power approaching a veto over legislation that applies particularly to their states or districts. It is, in other words, difficult to put public lands into the NWPS without the approval or at least acquiescence of the most directly affected members of Congress.

While the Wilderness Act contemplated that lands put in the system would generally remain free from roads, motorized vehicles, and extractive activities like logging and mining, the Act did not require "preservation" of wilderness lands in the strict sense of the word. Congress allowed mineral leasing and location of mining claims to continue in national forest Wilderness areas until 1984. It also

<sup>5</sup> *Our Common Ground*, at 241–42, 446–48, 503–08, 598–99.

<sup>6</sup> *Id.* at 192–99.

<sup>7</sup> *Id.* at 306–14; 342–43; 428–29.

<sup>8</sup> *Id.* at 346–47; 429–30, 446–49; 16 U.S.C. §§ 528–531.

<sup>9</sup> 16 U.S.C. §§ 1131–1134.

<sup>10</sup> *Our Common Ground*, pp. 461–76; 16 U.S.C. § 529.

allowed logging and authorized the president to approve the building of water projects in national forest Wilderness areas under certain conditions.<sup>11</sup>

Aspinall was not enthusiastic about limiting intensive industrial uses of public lands, and expected that making Congress the gatekeeper would sharply limit the size of this new NWPS. He was wrong. He seriously underestimated the support that would develop at the grassroots for limiting such intensive uses of public lands. In fact, since 1964, Congress has enacted many dozens of individual pieces of legislation cumulatively putting more than 100 million acres of public land in the NWPS.

The wilderness movement has had strong bipartisan support. For example, in the early 1980s, President Ronald Reagan's first Interior Secretary, James Watt, proposed to issue oil and gas leases on millions of acres of national forest land in the NWPS before the window Congress enacted in 1964 closed. A strong bipartisan coalition in the affected states and in Congress thwarted him. Reagan, an astute politician, then moved swiftly to the middle on public lands issues, working with Congress to follow the well-worn path to protect more public lands. In 1984, with the Senate in Republican control, Reagan signed legislation adding more than 8 million acres to the NWPS. It proved to be the largest addition in any single year since the Wilderness Act was enacted in 1964 (except for the special case of Alaska). Indeed, before he left office, Reagan signed legislation putting more acreage in the lower 48 states in the NWPS than any president before or since.<sup>12</sup>

### **The Modern Era of Congressional Zoning of Public Lands**

The Wilderness Act ushered in a new era of Congress spelling out in particular laws what uses can and cannot take place on particular areas of public lands. Since 1964, Congress has enacted many dozens of such laws giving areas managed by the Forest Service and the BLM labels like national recreation area, conservation area, scenic area, preserve and so forth. Each sets out management specifications that make conservation and recreation the primary objectives of management. Each limits agency discretion by ruling out or strongly discouraging roadbuilding, mining, timber harvesting and the like. Each label brings more visibility to areas' natural and cultural qualities, attracting more recreational uses and stimulating tourism and recreation-based economic activity.<sup>13</sup>

Congress established the first national recreation area in 1964. There are now more than three dozen across the country. Beginning in the 1960s Congress established nearly a dozen national seashores and lakeshores. In 1968 Congress enacted the Wild & Scenic Rivers Act, which operates much like Wilderness Act in establishing a national system of designated rivers. Congress established the first national conservation area in 1970; there are now seventeen. Congress established the first two national preserves in 1974; there are now nearly two dozen. Congress has established national scenic areas and sometimes fashioned unique labels.<sup>14</sup>

In doing all this, Congress has rarely discriminated among the four principal land management agencies. Thus, today, the BLM and the Forest Service (as well as the USFWS and the NPS) each looks after millions of acres in the NWPS, numerous wild and scenic river segments, national recreation areas and other similar areas.

Congress also asserted its authority in a more generic way, by enacting new management charters, or "organic acts," as they are known, for all four agencies—BLM and Forest Service in 1976, FWS in 1997, and NPS in 1998. In each Congress gave clear marching orders to pay close attention to science and the environment in all agency decisions.

### **The Bureau of Land Management "Organic Act"**

Enacted by Congress in 1976, BLM's managing charter is called the Federal Land Policy and Management Act (FLPMA, commonly if inelegantly pronounced "flip-ma"). It put into law nearly all of the recommendations of the Public Land Law Review Commission—a bipartisan body dominated by westerners—that Congress had established several years earlier. The congressional conference committee that crafted the bill was dominated by western members of the House and the Senate.

<sup>11</sup> 16 U.S.C. § 1133(d)(1), (3) and (4). Subsection (d)(1), for example, allows the Agriculture Secretary to take "such measures . . . as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable."

<sup>12</sup> *Our Common Ground*, pp. 470–72; 577–78.

<sup>13</sup> *Id.*, pp. 477–83; 509–12.

<sup>14</sup> *Id.*, pp. 353, 393, 434–35, 478–82, 489, 493, 501, 542, 580.



Republican President Gerald Ford signed it into law in October 1976, a few weeks before he was defeated by Jimmy Carter.<sup>15</sup>

FLPMA's broad thrust was a call for greener management of BLM-managed public lands. Congress declared that the BLM lands should be managed for "multiple use and sustained yield," in a manner that will, among other things, "protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use."<sup>16</sup> Congress defined "multiple use" in FLPMA similar to how it did in the 1960 MUSY Act, but even more expansively, adding "natural scenic, scientific and historical values" to the list of uses. 43 USC § 1702(c). "One of the most important developments in public land policy in the last half century," as my book puts it, is how the BLM, which was long derided as the "bureau of livestock and mining," has—with the strong, bipartisan encouragement of the U.S. Congress—made conservation, protection of cultural resources and recreation a major focus of its management. This had been neatly captured in the change in the BLM's logo—from depicting a miner, logger, rancher, engineer and surveyor looking out on an industrial landscape to a sketch of mountains, meadows, a river and a tree.

Congress and the executive took another step in this direction by establishing a category of what Congress in 2009 labeled "National Conservation Lands" when it gave this system a statutory underpinning. On these lands, most nonrecreational uses are either excluded or sharply limited, and the system includes tens of millions of acres across the eleven western states and Alaska.<sup>17</sup>

### **Summing Up Congressional Guidance to the Forest Service and the BLM**

As the BLM metamorphosis illustrates, over recent decades Congress has directed it and the Forest Service to emphasize conservation and recreation on the public lands they manage. Thus today, both agencies (as well as the USFWS and the NPS) look after many millions of acres that carry labels that emphasize protection and conservation. All this has substantially blurred distinctions among the four agencies. The net effect is that, regardless of which agency is in charge, America's public lands are generally managed more for open space conservation and recreation than anything else.<sup>18</sup>

This increased congressional activism in "zoning" public land areas has also enhanced the durability of these protections, because it is almost unheard of for Congress to reverse itself on these matters. In short, the arc of public lands management has consistently bent toward protecting more and more land.<sup>19</sup>

### **"Withdrawals" of Public Lands from Mining and Mineral Leasing**

A substantial amount of BLM and national forest public land has been formally "withdrawn," that is, put off limits from industrial uses, especially mineral development under the Mining Law of 1872 and the mineral leasing acts. Withdrawals can be made in three primary ways—by Congress by legislation, by the president using the authority Congress provided in various laws, primarily the Antiquities Act (discussed in the next section), and by the Interior Secretary.

Although a comprehensive compilation of withdrawals has not, to my knowledge, been done for many decades, I believe that Congress itself has been responsible for more withdrawn acreage than either the president or the Interior Department. Most of these have been done in laws that add land to the National Wilderness Preservation System, or that give particular areas labels like national recreation areas and the others discussed earlier. In almost every case each of these laws making withdrawals had support from the congressional delegation of the pertinent state. It seems highly unlikely, then, that there would be a groundswell of interest in undoing such withdrawals.

Some have suggested that too many of the public lands have been withdrawn from mineral development. Such complaints have had a long history. In 1976,

<sup>15</sup> *Our Common Ground*, pp. 449, 473–74, 490–98.

<sup>16</sup> 43 U.S.C. §§ 1701(a)(7) and (8).

<sup>17</sup> *Our Common Ground*, pp. 500–01, 580.

<sup>18</sup> *Id.*, pp. 585–95.

<sup>19</sup> *Id.*, 509–12.

Congress addressed the issue in FLPMA.<sup>20</sup> It directed that, before the end of 1991, the Interior Secretary review all existing withdrawals on BLM and national forest land in the eleven contiguous western states, other than lands in the NWPS or national recreation areas where Congress had made the withdrawals. The review was to determine whether each withdrawal was “consistent with the statutory objectives” governing the lands. The Secretary was to make recommendations to the president, and the president to the Congress, and the relevant congressional committees, as to whether to terminate withdrawals. To the best of my knowledge, that review did not result in many withdrawals being rescinded.

Also in FLPMA, Congress regularized the process for the Interior Secretary to make new withdrawals of public land from mining and mineral leasing laws. It also put a twenty-year time limit on such withdrawals, although they can be renewed.<sup>21</sup> Relatively few withdrawals have been made by the Interior Department since FLPMA was enacted.

While the president has withdrawn substantial amounts of public land using the Antiquities Act (as described in the next section), many tens of millions of acres of public land remain open to the mining and mineral leasing laws. Currently, oil and gas leases cover more than 26 million acres of BLM and national forest land, or about 6% of the total acres they manage. About half of that leased area is currently producing oil and gas. The BLM has issued several thousand (currently unused) permits to drill on leases that are not now in production.<sup>22</sup>

### **Presidential Use of the Antiquities Act Has Been an Effective and Popular Tool for Protecting Public Lands**<sup>23</sup>

Congress enacted the Antiquities Act in 1906. It authorizes the president to protect “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest” on the public lands. (The law dubbed these areas national “monuments” because Congress reserved for itself the right to label a protected area of public lands a national “park.”)

President Theodore Roosevelt, who signed the Act into law, wasted no time in vigorously using the authority. In early 1908, frustrated by Congress’s failure to protect the Grand Canyon as a national park, Roosevelt used the act to protect more than 800,000 acres as the Grand Canyon National Monument.

His example was followed by almost all of his successors, both Republican and Democrat. Altogether, presidents have collectively established well over 150 national monuments that have safeguarded more than 100 million acres of wild and historic places onshore, and many more offshore.

Almost without exception, Congress has endorsed or refused to disturb these presidential actions. Eleven years after Roosevelt used the Act at Grand Canyon, Congress enlarged that protected area and made it a National Park. In fact, nearly half of the 63 national parks established by Congress—including such other crown jewels as Arches, Bryce, Capitol Reef and Zion in Utah, Acadia in Maine, Olympic in Washington, and Death Valley in California—were first protected by presidents using the Antiquities Act.

Only twice in 116 years has Congress limited a president’s power under the Antiquities Act. The first time was in 1950, when Congress added Franklin Roosevelt’s Jackson Hole National Monument to the Grand Teton National Park it had earlier established, but at the same time forbade future use of the act in Wyoming. Congress did something similar in 1980. It curbed future presidential use of the Act in Alaska at the same time it was safeguarding 104 million acres of public land in that state, including 56 million acres in national monuments Jimmy Carter had established two years previously.

Both the U.S. Supreme Court and lower federal courts have consistently rejected claims that presidents abused their Antiquities Act authority. In 1920, for example, the Supreme Court unanimously upheld Roosevelt’s Grand Canyon National Monument. Similarly, a federal judge in Utah ruled that President Clinton’s decision to protect nearly two million acres of public land in southern Utah in the Grand Staircase-Escalante National Monument (GSENM) was within the “broad grant of discretion” Congress made in the Antiquities Act, leaving the courts “no authority to determine whether the President abused his discretion.” (The principal

<sup>20</sup> *Our Common Ground*, pp. 495–97.

<sup>21</sup> 43 U.S.C. § 1714.

<sup>22</sup> See generally <https://www.doi.gov/sites/doi.gov/files/report-on-the-federal-oil-and-gas-leasing-program-doi-eo-14008.pdf>.

<sup>23</sup> This section draws heavily on my guest opinion essay published in the March 5, 2023 New York Times. <https://www.nytimes.com/2023/03/05/opinion/national-parks-bears-ears-monuments.html>.

plaintiff in that case, an association of Utah counties, did not seek review in higher courts.)<sup>24</sup>

The GSENM, along with the nearby Bears Ears National Monument (which had been established, after a persuasive campaign by an inter-Tribal coalition, by President Barack Obama in 2016) protect magnificent Utah landscapes stretching across more than three million acres of public lands. Now these two have become legal battlegrounds.

In 2017, President Donald Trump reduced by more than half the size of the Grand Staircase-Escalante and Bears Ears. Four years later, President Biden restored them. Last August, the state of Utah filed a lawsuit in Federal District Court in Utah challenging Mr. Biden's action. Utah's complaint explicitly seeks to have the federal courts all but eviscerate the power Congress gave the president in the Antiquities Act.

There is irony here, because Utah's complaint also explicitly acknowledges how successful these two protected areas have been in attracting visitors. Utah argues this is a bad thing because visitors are damaging the resources and getting lost, taxing local search and rescue teams. But rather than working with Congress to provide more funds to manage visitors, Utah is asking unelected judges to intervene to strip protections from these areas—as if that would make them less attractive to visit.

In fact, Utah, like many western states, has benefited enormously from the long history of Congress and the executive branch working together to protect public lands. For years, its Office of Tourism has touted what it calls the state's "Mighty Five" national parks—four of which were first protected by presidents using the Antiquities Act.

Congress has also been responsive to some concerns Utah has raised. It has acceded to the state's request to make modest adjustments in the boundaries of Grand Staircase-Escalante. It has also enacted three laws that gave Utah hundreds of thousands of acres of federal lands with mineral and other development potential in exchange for hundreds of thousands of state lands scattered inside the Grand Staircase-Escalante and other protected areas. (A similar plan is being developed for state lands inside the Bears Ears National Monument.) And in 2019, President Trump signed into law a bill supported by the Utah congressional delegation that added protections to about a million acres of public lands not far from these two contested monuments.

### **Protecting More of our Public Lands Should Be a Key Element of National Climate Policy and of Meeting the Target—Embraced by Nearly All Nations—of Protecting 30% of the Planet's Land by 2030**

The Nation's public lands offer many opportunities for tackling the challenge of limiting carbon emissions. These lands can be managed to promote sequestration of carbon and mitigation of greenhouse gas emissions, at the same time they help protect biodiversity and serve other goals like stimulating the economy.

The Biden Administration's "America the Beautiful" initiative is a laudable effort in that direction. Recent congressional initiatives, especially the bipartisan Infrastructure Law and the Inflation Reduction Act, are also promoting powerful steps down that path.

### **Conclusion**

Practically every opinion poll taken for many years in the West, as well in the rest of the nation, shows large majorities of Americans from both political parties revere and want more and better protected public lands.<sup>25</sup> Because they show the political process working as it is supposed to work, where Congress and the executive branch respond to and accurately reflect public opinion, today's public lands should be celebrated. Bringing more attention to success stories is particularly important in our polarized era, where many are skeptical that anything good can come out of the Nation's capital. (It is a major reason I wrote *Our Common Ground*.)

As President Richard Nixon put it in 1971, the public lands give the nation "breathing space," a vast public asset that nurtures national pride, physical and

<sup>24</sup> *Cameron v. United States*, 252 U.S. 450 (1920); *Utah Association of Counties v. Bush*, 316 F. Supp. 2d 1172 (D. Utah 2004).

<sup>25</sup> See, e.g., the poll results recently released by Colorado College's State of the Rockies Project, which has for several years surveyed Republicans and Democrats in every state in the intermountain West on a range of public land issues. <https://www.coloradocollege.edu/other/stateoftherockies/conservationinthewest/2023.html>.

mental health, a spirit of community in an increasingly diverse nation, and offers countless millions of people life-changing encounters with nature, at the same time public-lands-related tourism has become the economic anchor of many communities.

That last point deserves emphasis. The story of America's public lands is not one of creeping socialism. All who live in areas with abundant public lands know that they provide many opportunities for private enterprise. The continuing emphasis on protecting public lands illustrates how tourism and recreation-dependent businesses have become a major economic driver in many smaller communities in the West as well as elsewhere, making the economic contributions of traditional activities like mining, logging, and livestock grazing pale by comparison.<sup>26</sup>

Public land policy has also begun, admittedly tardily, to better reflect societal diversity and to acknowledge past injustices. Although Native Americans, women, and people of color were largely excluded from participating in many key decisions of public land policy, that is happily no longer the case. Because these lands remain subject to the will of the electorate—a group defined more broadly than ever before—they can help redress past injustices and again demonstrate our ability as a people to work together and find common ground.

In his seminal work *The Wealth of Nations*, published the same year as the Declaration of Independence, the Scottish philosopher Adam Smith, the champion of free-market capitalism, made a strong case for private ownership of land, but for a single exception. A “great and civilized” nation, he wrote, ought to own and hold lands “for the purposes of pleasure and magnificence” for everyone’s benefit. All Americans should be thankful that our national government, responding to public opinion, has heeded Smith’s advice.

Thank you for the opportunity to testify here today.

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Mr. TIFFANY [presiding]. Thank you, Mr. Leshy.

Finally, I would like to introduce Mr. Phil Rigdon, the Vice President of the Inter-Tribal Timber Council. Mr. Rigdon is also the Natural Resource Superintendent for the Yakama Nation in Washington State.

Like our Committee Chairman, Mr. Westerman, Mr. Rigdon holds a Master of Forestry from the Yale School of Forestry.

Until I came to Congress, I did not realize Yale turned out so many fine foresters.

[Laughter.]

Mr. TIFFANY. Mr. Rigdon, you are now recognized for 5 minutes.

**STATEMENT OF PHIL RIGDON, SUPERINTENDENT, DEPARTMENT OF NATURAL RESOURCES, YAKAMA NATION, AND VICE PRESIDENT, INTER-TRIBAL TIMBER COUNCIL**

Mr. RIGDON. Thank you, Mr. Chairman and members of the Subcommittee.

[Speaking native language.] That is “good morning” in Ichishkiin.

I thank you on behalf of the Inter-Tribal and more than 60 member tribes. I appreciate the opportunity to share some of the lessons of forest conservation from a tribal perspective.

All of America’s forests were once managed and shaped and were lived upon by our ancestors and the people there. These lands were shaped by us and through directly today, 18 million acres of that has continued to be managed working with the Bureau of Indian Affairs.

I believe the tribal notion of conservation is different from that seen on other lands in Federal ownership. Pursuant to both tribal direction and Federal law, tribal forests must be managed sustainably.

<sup>26</sup> *Our Common Ground*, pp. 561–62; 598–601.

Indian tribes work with the Bureau of Indian Affairs and others to actively manage our forests and other resources with a holistic, integrated approach that strives to simultaneously sustain economic, ecological, and cultural values, or the so-called triple bottom line to us.

We operate modern, innovative, and comprehensive natural resource programs premised on connectiveness among the land, resources, and our people.

For example, when we look at or mention a piece of land, we are not just looking at one resource. We are thinking about the timber value, the habitat, resources for our deer, elk, impacts to water quality, and the impacts to salmon and those things that we value.

In the time not so long ago, this used to be called multiple use management and was practiced on Federal lands. Unfortunately, we have seen too often Federal land managers crippled by single use designations like wilderness area and those type of things.

They virtually eliminate the ability to respond to bugs, insect disease, and to look at the values of what those forests had previously prepared.

Very rarely will you find designations like wilderness within Indian Country. For example, our forest, we have an area called the primitive area, and it is an important part that we use for traditional purposes.

But just like while there is an emphasis to hold it into that manner, we function in the purpose. We are willing to go and address insect disease, fire outbreaks, and it is through our tribal leadership that takes the step.

No such action or flexibility is possible with some of these Federal laws, so I believe the forest tribal approach is better balanced. It looks at the need of the land and looking at conservation to solve those things.

We protect our resources, yet we understand that utilization is essential to sustain the health of our forests and meet the triple bottom line. We rely on our forests to provide employment and economic opportunities, to generate income needed to care for our land and provide services for our communities.

I have been given the honor and responsibility to manage our tribe's natural resources. I am accountable to my government as well as to our membership.

If we harvest too much, I get feedback from members that live in our part of the land. If we do not harvest enough, I also hear it from the Yakama Forest parks and the community members.

We deal with both feedbacks, and that feedback is personal, from the supermarkets to across the dinner table. We get feedback right away onto what we are doing, and I think that goes into the direct accountability, at least that balance that is necessary with competing needs.

I believe this ultimately leads to better conservation of all resources, whether it is wildlife habitat, traditional medicines, and foods, or timber itself.

It is important to recognize that the conservation is to prevent the loss of those values that we want to retain on the land, and you are seeing those types of events happen across the landscape, and it matters.

And it is the tribes using co-management and stewardship opportunities, working with communities and NGOs and taking the lead in those statuses to implement projects.

It is maintaining the forest infrastructure that is necessary to do the habitat work that is both for wildland fire and reducing those types of risks.

But it is also restoring salmon. It is restoring watersheds. It is making sure that we are doing the balanced approach that is necessary for us to be successful and to make sure that we leave something behind.

You are seeing these catastrophic fires throughout the West that are destroying hundreds of thousands of acres.

We believe there is a role that tribes and the communities play into making sure that those are protected and managed in better ways.

And with that I thank you for the opportunity to testify.

[The prepared statement of Mr. Rigdon follows:]

PREPARED STATEMENT OF PHIL RIGDON, SUPERINTENDENT, DEPARTMENT OF  
NATURAL RESOURCES, YAKAMA NATION & VICE-PRESIDENT,  
INTER-TRIBAL TIMBER COUNCIL

I am Phil Rigdon, Vice-President of the Intertribal Timber Council (ITC) and Natural Resource Superintendent for the Yakama Nation in south-central Washington State. On behalf of the ITC and its more than 60 member Tribes, I appreciate this opportunity to share some of the lessons of forest conservation from a tribal perspective.

All of America's forests were once inhabited, managed and used by Indian people. Today, only a small portion of those lands remain under direct Indian management. On a total of 334 reservations in 36 states, 18.6 million acres of forests and woodlands are held in trust by the United States and managed for the benefit of Indians.

I believe that the Indian notion of "conservation" is different from that seen on other lands in the federal estate. Pursuant to both tribal direction and federal law, tribal forests must be sustainably managed. Indian tribes work with the Bureau of Indian Affairs and others to actively manage our forests and other resources within a holistic, integrated approach that strives to simultaneously sustain economic, ecological, and cultural values, the so-called "triple bottom line."

We operate modern, innovative and comprehensive natural resource programs premised on connectedness among the land, resources, and people. For example, when we look at managing a piece of land, we're not just looking at one resource. We're thinking about the timber value, habitat resources for our deer and elk hunters, impacts to water quality where salmon live, and so forth.

In a time not so long ago, this used to be called "multiple use" management on federal lands! Unfortunately, we see too often federal land managers crippled by single-use designations, like wilderness areas, that by definition preclude management activities. This virtually eliminates the ability to respond to bugs and disease, over-stocking, climate-driven mortality . . . and of course wildfire.

Very rarely will you find designations like "wilderness" in Indian Country. For example, the Yakama Forest is managed under the following emphasis categories: primitive, general, recreation, traditional use, winter wildlife habitat and riparian areas. While of these designations is an emphasis, it is not an exclusive use.

Our Primitive areas generally function like wilderness areas on federal lands. However, in emergency circumstances like bug or disease outbreak, Tribal Council may approve management actions to address that crisis. No such action or flexibility is possible in federal wilderness areas.

I believe the Indian forest management approach is better balanced. It is more focused on conservation of a resource than prohibition of an activity. We protect our resources; yet we understand that utilization is essential to sustain the health of our forests and meet the "triple bottom line." We rely on our forests to provide employment and entrepreneurial opportunities and to generate income needed to care for the land and provide services for our communities.

I have been given the honor and responsibility to manage my tribe's natural resources. I am accountable to my tribal government as well as our membership. If we harvest too much timber, I get feedback from tribal members who are

responsible for gathering medicines and foods from the forest. If we don't harvest enough timber, I get feedback from our mill workers at Yakama Forest Products.

When I say "feedback"—I don't mean constituent letters like Members of Congress get. I mean very personal feedback. We're a small community and my friends, neighbors and family members all know how to find me—in the aisles of a supermarket or across the dinner table.

This direct accountability leads to the optimal balance of competing needs. I believe this ultimately leads to better conservation of all resources, whether it be wildlife habitat, traditional medicines and foods, or timber.

One element of "conservation" is to prevent wasteful use of a resource. Catastrophic wildfire is perhaps the greatest waste of our forest resources. Stand replacement fires, driven by dense forests and drier climate, kill millions of wildlife, pollute the air, sterilizes the soil and destroy timber resources. In many cases, these large, intense fires sacrifice the very values certain "protected" areas were set aside for.

Wildfire is challenging some of the old concepts and tools of conservation. In Indian Country, we are tackling that head-on. We respond quickly to forest health challenges. We fight fires aggressively when they threaten resources, but we also use prescribed fire aggressively when circumstances allow it. After fires, we prevent waste by utilizing dead trees and protecting the remaining resources from the risk of re-burn.

I am encouraged by the growing number of tribally driven forest health projects on federal lands. We are using tools like the Tribal Forest Protection Act, Good Neighbor Authority and Reserved Treaty Rights Lands funding to bring our traditional and modern knowledge to make federal lands more resilient to disturbance such as wildfire.

Many tribes continue to have treaty and other interests in the productivity of federal forest lands. My tribe, for example, exercises its right to harvest huckleberries, deer and elk on several National Forests. It is in our interest to conserve these resources and the healthy forests that produce them. In doing so, we are improving the forests for all Americans.

We invite the members of this Committee to visit Indian Country and see for yourselves what conservation looks like on our lands.

Thank you for the opportunity to testify today.

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Mr. TIFFANY. Thank you, Mr. Rigdon.

When you refer to across the dinner table, are you saying your wife gives you advice now and then?

Mr. RIGDON. I am not married, for one thing. But my family members will talk to me quite a bit about what we are doing. A lot of times it is at Safeway where you get caught by your auntie.

Mr. TIFFANY. Thank you very much for your testimony.

The Chair will now recognize Members for 5 minutes for questions.

First, the gentleman from California, Mr. McClintock.

Mr. MCCLINTOCK. Thank you, Mr. Chairman.

Mr. Ferry, you mentioned the Federal Government owns about 63 percent of the land area of the entire state of Utah, 80 percent of Nevada. It owns 47 percent of California, including 93 percent of Alpine County.

Now, just for fun, look at the state of the Federal Government here in Washington, DC. All of our Federal buildings, our memorials, our national parks, all of the Federal land in the Federal Capital, how much of that do you believe is federally owned?

Mr. FERRY. I wouldn't have an idea.

Mr. MCCLINTOCK. The answer is 25 percent. The Federal Government owns just 3 percent of Texas, less than 1 percent of the entire state of New York, and yet nearly two-thirds of your state, four-fifths of Nevada, nearly half of California.

What happens when the Federal Government owns so much of your local land?

Is that land on the local tax rolls?

Mr. FERRY. No, that land is not on the local tax rolls, and it has a significant impact on the local economy, on outcomes, especially when you have heavy-handed policies like NEPA that have been used as a tool to restrict our ability to manage those landscapes.

Decisions are made best when they are made by a local community and local involvement. We know what is going on within our areas.

Mr. MCCLINTOCK. It is just human nature that the most jealous guardians of a community are the members of the community, not some far off government in Washington.

Obviously, the federally owned land is highly restricted as far as any kind of productive use, correct?

Mr. FERRY. That is correct.

Mr. MCCLINTOCK. So, commerce slows, tax revenues disappear. Now, we are told this is to protect the land. How well would you say the Federal Government takes care of that land?

Mr. FERRY. It is essentially an absentee landowner.

Mr. MCCLINTOCK. So, basically abandoned.

Louie Gohmert once compared the Federal Government's land policies of recent years to the old town miser whose dilapidated and neglected mansion is overgrown with weeds. Its paint is flaking as he spends all of his time and money scheming up ways of buying his neighbor's property.

Should the Federal Government not take care of the land it already holds before acquiring still more lands?

Mr. FERRY. I believe so.

Mr. MCCLINTOCK. How would you compare the condition of the Federal lands in Utah with those of privately held or even state-managed forests in your region?

Mr. FERRY. We actively manage our forests as a state, and they are in good—the drought has had a significant impact on the state of Utah, but comparatively, our forests are well managed, as a state better managed than the Federal.

Mr. MCCLINTOCK. And how does that compare to the Federal Government lands?

Mr. FERRY. They are better managed. Certainly, I am a big believer in active landscape management.

Mr. MCCLINTOCK. In my state, you can actually tell the boundary lines between the Federal lands and the private lands simply by the condition of the forests on that side of the property line.

To those who say it is climate change, how clever the climate change is to know exactly where the boundaries are and to decimate the Federal lands.

Mr. Espy, what are your observations from Wyoming?

Mr. ESPY. Thank you.

Yes, my observations would be that the land that has been managed within our forest system, and I can personally attest to that. My family does own 400 acres inside the Medicine Bow-Routt National Forest in the Sierra Madre Range. In the 1990s, we went in and did a select cut within that property.



When you drive down the highway in the summer, you cannot notice that that select cut occurred, but now it stands out because that is where the healthy trees are.

When the beetle infestation came through our forest, it did not affect the trees on our private property up there, but it affected the trees——

Mr. MCCLINTOCK. And there is a reason for that, is there not?

Because you matched the density of the trees with the ability of the land to support it. So, those trees are healthy and strong, and when a bark beetle digs in, it immediately exudes sap, kills the beetle, and that is the end of it.

The highly stressed, morbidly overgrown Federal lands, all because of NEPA restrictions, have decimated those trees. They are weak, fighting for their lives, trying to claim the same soil as other trees, competing for the same.

This has been a story over and over again. They are stressed. They become diseased. They fall victim to disease, or pestilence, or drought, and ultimately catastrophic wildfire.

Mr. Rigdon, just in a brief moment, how would you compare your tribe's management of lands compared to the adjacent Federal lands?

Mr. RIGDON. I think it is very similar, and you can go across the country to our reservation in South Central Washington and see adjacent lands and how we approach management versus adjacent things better.

There have been tours out in Mescalero and you see the national forest right next——

Mr. MCCLINTOCK. So, excessive Federal landownership is not protecting our forests. It is destroying them.

Thank you. I yield back.

Mr. TIFFANY. The gentleman yields.

I would like to recognize Ms. Kamlager-Dove for 5 minutes.

Ms. KAMLAGER-DOVE. Thank you, Mr. Chair.

And thank you to all of the witnesses here today.

I, too, believe, to Mr. Rigdon's point, in tribal definitions of conservation being different from our current interpretation, but I think it is mostly because the lands that we are talking about it is the result of American colonization and a patriarchal view of how Indigenous people should live.

But I know that this hearing is not about that. Before I ask my question, I would also like to just invite all of us here to view an exhibition that is called "A Forest for the Trees," and it really visually reimagines our relationship to nature done through cultural mythology, not knowledge and wisdom of tribal lands and those sovereign bodies.

And it really does talk about fire. It talks about water. It talks about land, and it talks about wildlife, but once again, I know that this is not the Committee for that.

But I do want to share because I was thinking about that exhibition while I was listening to all of you and how we interpret preservation, conservation, multiple use, and exchange.

My question is for Mr. Leshy.

Today's hearing is focused on conservation of Federal lands and forests, and with that in mind, can you elaborate on the importance

of protecting national forests and safeguarding water supplies for downstream users?

Mr. LESHY. Thank you very much, Ms. Kamlager-Dove, and happy to elaborate.

As you know, in Southern California, California is actually kind of a premier example of how the Federal lands have been set aside and used to protect watersheds. That was the reason why the system was created back mostly in the last decade, the 19th century and first couple of decades of the 20th century.

The San Gabriel Mountains, the Sierra Nevada Mountains, mostly national forest land because those were the vital water supplies for people downstream, and that system came about because local people petitioned for it all over the West.

And in the East, we have a lot of Federal lands. They were all acquired from willing sellers into national ownership to protect the upper reaches of the watershed, for the same reasons.

So, the story of the national forest, in particular, is the story of local people organizing and advocating to protect those watersheds which are so vital to their way of life. And over the years, it has been a big success story, so we should celebrate it.

I know it is hard to celebrate things coming out of Washington as being good these days, but these public lands are a real political success story in that sense.

Ms. KAMLAGER-DOVE. Absolutely, and I think we should celebrate that. Lord knows I am looking for things to celebrate.

In your experience, are bedrock environmental protections included in laws like NEPA a barrier to achieving the most desired outcomes?

Mr. LESHY. I have dealt with NEPA actually on public lands issues for 50 years. I have seen it from all perspectives, inside government, outside government. It is not really a barrier.

And none of these other laws are really barriers, and studies have shown that over and over actually. That is not to say there can't be tweaks that could improve the process, but they are a way for ordinary citizens on the ground in these local areas to have their voices heard.

The NEPA process and processes like that, the Federal land management planning process, is a way for local people to make their voices heard, and I think it has been generally very successful. So, it is vital to protect that.

Again, not to say you can't tweak it and do a little improving here and there, but I think doing away with it would be a grave mistake.

Ms. KAMLAGER-DOVE. Thank you.

I have a criminal justice background. I like to think of it as somewhat similar to due process, making sure that folks have a say and that there are checks and balances.

With that, thank you for your answers to my questions.

And, Mr. Chair, I yield back.

Mr. TIFFANY. The gentlewoman yields.

I would like to recognize the gentleman from Colorado, Mr. Lamborn, for 5 minutes.

Mr. LAMBORN. Thank you, Mr. Chairman.

Professor Leshy, you said something that I really liked. You said that a lot of these public lands decisions went through Congress and they had bipartisan or at least congressional support. The executive branch signed off on it and signed it into law.

By contrast, we have the Antiquities Act, and we have Presidential proclamations, executive orders designated what started out as antiquities and has morphed into hundreds of thousands or millions of acres of designations by the Executive without congressional buy-in or signing off.

And an example of that was in Colorado recently. The Camp Hale designated area was done by President Biden about a year ago, and it was done without congressional support.

In fact, the Republicans whose area this encompassed were opposed to this. A lot of civic groups and citizens were opposed.

Sure, there were some people in favor of it. No doubt about that, and tribes were opposed.

And here is an example of a tribe. This is the Ute. The Ute Indian Tribe said in an article, dated October 13—and I would like unanimous consent to enter this into the record.

Mr. TIFFANY. Without objection.

[The information follows:]

**Ute Indian Tribe calls Biden's Colorado national monument designation 'an unlawful act of genocide'**

*Deseret News*, October 13, 2022 by Kyle Dunphey

The Ute Indian Tribe issued a scathing rebuke of President Joe Biden's designation of the Camp Hale-Continental Divide National Monument on Wednesday, calling it "an unlawful act of genocide."

The tribe issued a statement hours after Biden met with Colorado leaders to sign a proclamation creating the 53,000-acre monument, which encompasses a military base in the Rocky Mountains where the U.S. Army's 10th Mountain Division trained.

In the statement, Ute leaders accuse the administration of not consulting or listening to the tribe's concerns prior to Wednesday.

"They moved forward with a monument on our homelands without including us. They talk about tribal consultation, but their actions do not match their words," the Ute Business Committee said. "We cannot support a monument on our homelands that does not include the Tribe."

The Utes' government headquarters is stationed in Fort Duchesne, Utah. Its tribal lands—the second largest reservation in the U.S.—span much of the Uintah Basin.

However, the tribe's traditional land includes vast expanses of Utah and Colorado, and areas within the new Camp Hale-Continental Divide National Monument. In 1880, they were violently displaced from the land and forced to resettle on what is now the Uintah and Ouray Reservation in northeastern Utah.

"We are shocked that 200 years later, nothing has changed," the business committee said. "This unlawful action by the president today is a desecration of our ancestors that remain buried on our homelands. Many of these Ute ancestors passed on seeking to protect these lands from further encroachment and others left us as part of the forced death march at the hands of the United States as we were moved out of Colorado at gunpoint."

In the statement, the tribe said it had learned of Biden's plans to establish the monument just days earlier. Tribe leaders requested a call with the White House, although "there was little time for the Tribe to share its knowledge and history of the area," they said.

"Instead of fully engaging the Ute Indian Tribe and its Uncompahgre Band in designating the Monument, the White House rushed forward with its own priorities," the tribe said Wednesday.

“ . . . Every day, BLM and the state take more and more of our resources. Resources that we reserved to provide for future generations of our Tribe. The president must take action to restore and secure our Uncompahgre Reservation homelands,” the statement reads.

Meanwhile, the White House made repeated references to the Ute Tribe on Wednesday, including a promise in the proclamation to “meaningfully engage with Tribal Nations with cultural ties to the area, including the Ute Tribes, in the development of the management plan and to inform subsequent management of the monument.”

The issue at hand for the Ute Tribe is the White House didn’t seek coordination with the tribe before the proclamation. The tribe says it’s tried repeatedly to get the Biden administration to adopt a tribal consultation standard—the White House has refused, they say.

“Even on our traditional homelands, they refused to work closely with us. These new monuments are an abomination and demonstrate manifest disregard and disrespect of the Ute Indian Tribe’s treaty rights and sovereign status as a federally recognized Indian Tribe,” said Shaun Chapoose, chairman of the business committee and a member of the Uncompahgre Band. “If it’s a fight they want it’s a fight they will get.”

The Camp Hale region was previously managed by the Forest Service. A coalition of ranchers, conservation and outdoor recreation advocates, business owners and descendants of the 10th Mountain Division signed a letter written by Colorado Democratic Sen. Michael Bennet asking Biden to use the Antiquities Act and designate the national monument.

Colorado Sen. John Hickenlooper, Gov. Jared Polis and Rep. Joe Neguse also voiced their support for the monument.

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Mr. LAMBORN. And they are quoted as saying, “They moved forward at the monument on our homelands without including us. They talk about tribal consultation, but their actions do not match their word,” The Ute Business Committee said.

“We cannot support a monument on our homelands that does not include the tribe.”

They also said, “This unlawful action by the President today is a desecration of our ancestors that remain buried on our homelands. Many of these Ute ancestors passed on seeking to protect these lands from further encroachment, and others left us as part of the forced Death March at the hands of the United States as we were moved out of Colorado at gunpoint.”

In a statement the tribe said it had learned of Biden’s plans to establish the monument just days earlier. Tribal leaders requested a call with the White House, although there was, “little time for the tribe to share its knowledge and history of the area,” they said.

And in contrast the White House, I think, was not telling the truth when they said, “They made repeated references to the Ute Tribe on Wednesday, including a promise in the proclamation” to quote, “meaningfully engage with tribal nations with cultural ties to the area, including the Ute Tribes, in the development of the management plan and to inform subsequent management of the monument.”

So, what I see is an abuse of the process when the executive branch will go in and not work with Congress. They will take areas that Congress would not have passed on its own and designate to become a national monument, not a National Park Service national monument, which is a different category, but an executive branch created national monument under the Antiquities Act.

And I think that that is an abuse. Doing this for hundreds or millions of acres at a time I think is wrong, and not consulting with Congress or all of the people who are affected in the local decision making that should have been included. I think that that is an abuse.

What do you say to that, Professor Leshy?

Mr. LESHY. Thank you, Mr. Lamborn.

With all respect, I have a very different perspective. On Camp Hale, I think it had substantial support among the Congressional Delegation in Colorado and among the tribes.

Mr. LAMBORN. Not here, and it was my district.

Mr. LESHY. I think the Antiquities Act story is not one of executives seizing power, and it did not morph into something. The Antiquities Act passed in 1906. In 1908, Theodore Roosevelt set aside 800,000 acres under the Antiquities Act in the Grand Canyon.

He did that unilaterally, but 11 years later, Congress made it a national park. The year after that, the Supreme Court, in reviewing the lawfulness of what Roosevelt did, unanimously said it was lawful.

That set the pattern. What has happened since is, yes, the executives have used that power, but in almost every case Congress has ratified it, supported it, maybe tweaked the boundaries by legislation.

Mr. LAMBORN. Well, thank you. Let me interrupt for just a second.

The gentleman from Utah, what about the situation in Utah with the Bears Ears area?

Mr. FERRY. Thank you, Congressman.

Yes, that certainly is a different situation than Utah and one that we are grappling with. It has a significant impact and one that was addressed by the Trump administration and reversed by the current administration that has decimated portions of our state. It just has, and it is a real problem.

There was not broad congressional support. We did not have these types of actions. It is a recurring problem.

Mr. LAMBORN. Well, thank you both for your comments.

And I would just say we should have a process that has more consensus and buy-in from everyone affected.

With that, I yield back.

Mr. TIFFANY. The gentleman yields.

I would like to recognize the Ranking Member for 5 minutes.

Mr. NEGUSE. I thank the Chairman.

I was not planning on addressing this, but just at the top here I have nothing but great respect for my distinguished colleague from Colorado. I presume he misspoke with respect to Camp Hale and that perhaps he was referring to Browns Canyon in his district.

So, just to be clear, Camp Hale, so that we are all familiar with this, is in my district. I represent Eagle County. I represent Camp Hale.

Camp Hale was designated a national historic site by President Biden last year. The project had the support, the designation had the support of me, as both the Representative for that district, and

as Chairman of the Subcommittee on Public Lands; the support of both of our United States Senators; the support of our governor; the support of veterans both within Colorado and across the country who recognized the need to honor our nation's veterans, World War II heroes who trained in my district at Camp Hale before they defeated the Nazis in the Italian Alps. It was supported by the Ute and Ute Mountain Ute.

I understand there are criticisms from some about the designation, recognizing that, but I just want to make sure factually with respect to Camp Hale, and as you can probably sense some level of defensiveness on my part because I am very proud of that designation. I am proud of the steps that we took to honor our nation's veterans and veterans in my community.

Mr. LAMBORN. Would the gentleman yield for 1 second?

Mr. NEGUSE. Sure.

Mr. LAMBORN. You are right. I was confusing Hale and Browns Canyon. However, Hale used to be in my district, so I apologize for that overlap.

Mr. NEGUSE. No problem.

Mr. LAMBORN. And I agree with many of the things you have just said. It is just that this whole process I think needs to be reformed. And I yield back.

Mr. NEGUSE. I thank the gentleman.

A couple of questions for Mr. Ferry and Commissioner Espy.

First, I just want to talk a little bit about the Wilderness Act because I want to make sure that we are all operating under the same set of facts.

Executive Director Ferry, welcome to the Committee. I previously served in a similar capacity as the executive director of a different cabinet agency under then Governor Hickenlooper. So, deep appreciation for the job that you have under Governor Cox in Utah.

I guess I wonder. I presume you support the Wilderness Act. I understand you have some concerns about NEPA, which we can talk about, but more broadly Wilderness Act is not something that the Department opposes under Governor Cox.

Mr. FERRY. Yes, that is correct.

Mr. NEGUSE. And that makes sense, right? Because Republican Presidents and Democratic Presidents have signed into law a wide variety of wilderness designations since the enactment of the Wilderness Act over 60 years ago.

President Reagan famously had enacted bills or signed bills into law that designated over 8 million acres within the West as wilderness.

I am curious if you know, Director Ferry, or if you could tell us how many acres of wilderness have been designated and signed into law in your state by President Biden.

Mr. FERRY. Under the current Administration, I know they were working through a couple of designations now. I am not sure of the exact acreage, but—

Mr. NEGUSE. I can tell you. I can tell you the answer is zero. There are none in Utah.

Commissioner Espy, I presume you know as well, or you can answer this question. How many acres of wilderness have been

designated in the state of Wyoming under President Biden in terms of being signed into law?

Mr. ESPY. None.

Mr. NEGUSE. None.

Mr. ESPY. There is a bill in the previous Congress.

Mr. NEGUSE. I understand there are bills pending, but President Biden has been in office for over 2½ years now. None in Wyoming, none in Utah.

I also am sure you are familiar, Director Ferry, with this. How many acres of wilderness were designated under President Trump in your state?

Mr. FERRY. We did pass a Wilderness Act impacting Utah. That was a collaborative effort between the local that had broad support.

Mr. NEGUSE. And let me say I was not in Congress back then, but I marveled from afar. I was supportive of it because it was led by my good friend from Utah, my colleague, Mr. Curtis, and I thought, "Boy, if I get elected to Congress, I would love to be able to do something similar," the Emery County Public Land Act, right, which protected 660,000 acres in Utah, 660,000 acres, also 217,000 acres in San Rafael, which I am sure you are aware of, land that was pulled back in terms of withdrawing from mineral and mineral leasing, which I am sure Mr. Curtis can talk a bit more about, but you are familiar with that, Mr. Ferry?

Mr. FERRY. Yes.

Mr. NEGUSE. So, my broader point is, again, these are actions I support. I support the protection of public lands and conserving public lands, and I just hope that my colleagues will strike this balance as we are talking about this because there is a lot of talk about the Biden administration and 30x30 Initiative, so on and so forth.

And as I hear from the witnesses gathered today from states that are neighbors to my state, I don't hear much in terms of juxtaposed against what has happened in the past in the Trump administration, the kind of hyperbole that I have heard from my colleagues about public lands being taken off the table for any kind of use, and so on and so forth.

It is not matching up with the realities that I see on the ground, and I see my time has expired. I had some questions about shared stewardship, but I will save that for the future.

I thank the witnesses for being here.

Mr. TIFFANY. I take it the gentleman yields.

Mr. NEGUSE. The gentleman yields.

Mr. TIFFANY. OK. Thank you very much.

Next, I would like to recognize the gentleman from the aforementioned state of Utah, Mr. Curtis.

Mr. CURTIS. Thank you, Mr. Chairman, and my colleague, Mr. Neguse.

We do have so much to share in our districts that are similar, and I thank you for bringing up the Emery County public lands bill. I actually made a big note as you were speaking about that.

And I think something very, very unique about that bill is it was supported by the County Commissioners. It was supported by the Governor. It was supported by myself, the full Delegation from Utah, and we found agreement on over a million acres of public

land, on how that should be used, for recreation, for extraction, for preservation.

And we did it by consensus, and we did it by working with the local people and with their support. And in contrast, I think too many of our discussions here are this top-down Washington approach of mandating what will be done in somebody else's district.

There is a bill that gets introduced every Congress with dozens of Members from your party legislating public lands in my district that would overturn the Emery County public lands bill.

You can imagine how that makes my constituents feel, who worked so hard to find consensus on this, and one of the reasons they did it is they wanted to avoid the ambiguity moving forward that somebody would come into their town and legislate.

Mr. Ferry, how many Utahans have you ever come across that felt like it was a good idea to destroy the land and leave it worse than they found it?

Mr. FERRY. None.

Mr. CURTIS. None. I can't find a Utahan that thinks it is a good idea to destroy our land and not leave it better.

Yet, too often from Washington, DC, by people who have never been there, we tell them how this land should be managed.

Now, if you will indulge me for just a minute. I took a few tweets off the Internet from my colleagues across the aisle about DC and the recent bill dealing with the U.S. Congress messing in their ability to legislate crime.

"This isn't it. DC has a right to govern itself like any state or municipality."

Next one. "Supporting Home Rule by definition means allowing DC Government to make its own decisions."

Next one. "No one but the DC Government should be in charge of local policy decisions."

If that is true, where we constitutionally have a responsibility to legislate in DC, where we live here in the community, where we understand the nuances of crime, how is that not true thousands of miles away where we have never been there, many of us, and we are making decisions and legislating to them?

And I would just appeal to this group to understand this philosophy that those on the ground understand best and care the very most about preserving and protecting this land.

In my district, I have a unique characteristic. You have a little bit of it. I have a lot of it. About 80 percent of my district has 90 percent of its land public land.

Now think about that. If you are a local government and you are trying to raise property taxes to pay for schools, for roads, for police, and for fire, and 10 percent of your property produces property tax and you have colleagues here in Washington, DC, telling you they don't think you should be able to make any money on public lands or that you should have no ability to influence those decisions, you can see why we have conflict on these issues.

So, thank you for indulging me. I'll get off my soapbox.

Mr. Ferry, let me get to a little bit more specific and let's talk about permitting reform. Somehow in the state of Utah, we are permitting much quicker than they are here in Washington, DC,



when we involve the Federal Government, and yet nobody is complaining about violations of the environment and things like that.

Can you share some insight why Utah is so much better at this?

Mr. FERRY. Well, as a state, we have that ability to plan and prepare and to make decisions that can be impactful immediately.

When we look at the risk that exists to do something as simple as, say, a controlled burn to mitigate old growth forests and to try to regenerate that forest, it takes 5 years. We don't know what the weather is going to be like in 5 years. We know we can do it now.

And without that immediate ability to respond to current conditions, it is really hard to manage these landscapes.

Mr. CURTIS. I am going to interrupt you because I have 23 seconds left.

And Congressman Neguse and I co-chair the Wildfire Caucus, and I appreciate his leadership on that.

Can you give us in just a tiny, tiny nutshell what we are doing that is successful in Utah?

Mr. FERRY. So, the Shared Stewardship Program, fantastic program, partnership between the state and the Federal Government.

We are also managing WRIS specifically, private landscape, watershed management that we are doing that is really, really impactful. These are fantastic programs.

Mr. CURTIS. Thank you to you and to all of our witnesses.

Mr. Chair, I am out of time, unfortunately. I yield back.

Mr. TIFFANY. The gentleman yields.

Next, I would like to recognize the gentlewoman from—are you from Oregon?

Ms. HOYLE. Yes, sir, I am.

Mr. TIFFANY. Yes. Well, it is great to have you on this Subcommittee, and welcome, and you have 5 minutes.

Ms. HOYLE. Thank you.

I am not actually on the Subcommittee, but I am coming here because this is really important to me.

Mr. TIFFANY. Terrific.

Ms. HOYLE. But I would like to yield my time to Ranking Member Neguse.

And thank you.

Mr. NEGUSE. A couple of things I would say.

First, welcome to the Commissioner of Labor, for those of you who are not familiar with Ms. Hoyle, who was elected to Congress to replace the infamous and distinguished Chairman of the Transportation Committee, Mr. DeFazio, whom many of you worked with.

She is a former statewide Labor Commissioner and I know is going to serve well in the U.S. Congress and bring her wealth of experience in her particular district to public lands and forest and watershed protection to this esteemed body.

Just quickly, and then perhaps maybe I will yield a moment to Ms. Kamlager, we have a little time to talk about shared stewardship, and this builds off of a point that Mr. Curtis raised.

I know he has stepped out of the room, but he and I have very similar districts. My district is roughly 60 percent public land. Many of you are probably familiar with Rocky Mountain National

Park, White River National Forest, Arapaho Roosevelt National Forest, some of the most iconic places in the country, all of which I have the honor of representing.

So, I understand well the challenges and the obstacles that Mr. Curtis mentioned, and I am grateful for our partnership on some of these issues around wildfire mitigation.

And to that end, what I would like to talk about, and, Mr. Ferry, I am hoping you might be able to expound on this in greater detail, is wildfire management, mitigation, and resiliency.

I was a bit struck, I must say, by your response to Mr. McClintock's question in which you identified the Federal Government. I think the word you used, and I will give you a chance to clarify this if you would like, was "absentee landlord" with respect to the Federal lands that are in your district or, excuse me, your state.

And I guess I am happy to give you an opportunity to expound upon that if you would like or perhaps clarify that remark because as I look at the body of work that is being done under Governor Cox in partnership with the Federal Government, in partnership with the Forest Service Chief, implementing the infrastructure law, I know just 2 months ago the Forest Service announced a series of landscapes that will receive treatments.

Two of them are in Utah, the Pine Valley Landscape, 43,000 acres over the next 7 years. The Uinta National Forest, 105,000 acres. I saw from some of your own written testimony hundreds of millions of dollars that are being deployed, Federal dollars in partnership with the state in Utah to get a handle on the mitigation that needs to be done in our forests.

And I think that is really important work, and it is consistent with the shared stewardship model that the Utah Department of Natural Resources advertises on its own Website.

So, I was very struck when you said "absentee landlord." Maybe that has been your experience in the past, but my sense is the last couple of years we are seeing generational investments in terms of addressing some of the needs in the national forests that are in my district and it sounds like in Utah as well.

But happy to give you a chance to respond.

Mr. FERRY. No, thank you, and I appreciate that opportunity to clarify.

So, specifically referring to some of the designations on national monuments as well as wilderness areas where we can't go in and do some of these treatments that are necessary. On the national forest side, we have a fantastic forestry program and a partnership with the Federal Government, with USDA.

And that shared stewardship is part of that partnership where we are able to go in and work together. And that shared stewardship clears some of the boundaries out of the way, specifically when we talk about some of the permitting and some of the other things. It helps streamline that process.

And that is part of this collaborative effort, I think, that we need as we look across the aisle, as we look across agencies from states to Federal, and local agencies as well, to really incorporate and come up with positive outcomes that we really need.

The risk is so great. We look at the catastrophic wildfires throughout the West. Utah is no different. I mean, the WUI, the Wildland Urban Interface, it is so dramatic and we see people moving into these areas. The catastrophic risk is just through the roof.

We have a great partnership, and thank you for letting me clarify that.

Mr. NEGUSE. And that is very helpful, and that is exactly what I wanted. I just want to make sure we are giving the Biden administration credit where it is due. I mean, it is working in Utah. It is working in Colorado.

The shared stewardship model with the Forest Service implementing the laws that we passed last year, the Bipartisan Infrastructure Law, it is working, and we just have to do more of it over the course of the next several years.

I have 10 seconds that I could yield to my colleague from the great state of California if she has a word.

Ms. KAMLAGER-DOVE. No. I just wanted to add how heartened I was to hear some of my colleagues' statements around building more consensus and having more buy-in from everyone and making sure that people on the ground who understand best what is needed are involved.

I think we should be thinking about that as we are hoping to stall any kind of wildfire sale on NEPA and its guardrails.

Mr. NEGUSE. I yield.

Mr. TIFFANY. The gentleman yields.

I would like to recognize the gentleman from Minnesota, Mr. Stauber.

Mr. STAUBER. Thank you very much, Mr. Chair.

Mr. Neguse, congratulations as the Ranker. I really appreciate your comments.

I know you are busy, but before you leave, I want to thank you for co-sponsoring the Lake Winnie land exchange. It made all of the sense in the world, and I appreciate your leadership.

Mr. NEGUSE. Thank you.

Mr. STAUBER. Mr. Tiffany, congratulations on your chairmanship. Northwest Wisconsin and Northern Minnesota, our communities touch each other, our districts touch each other, and we have a huge Federal land footprint.

And we struggle with wildfires, lack of access, and general management issues just like western states do as well, and I think for the first time that I can tell, there have never been two Midwesterners cheering energy and mineral resources and the Federal lands. So, I am really excited for your leadership.

Commissioner Espy, thank you for joining us today. In my previous role, I served as a county commissioner in St. Louis County, Minnesota, where we also have a significant amount of Federal land.

Your testimony discussed the benefit of Wyoming investing in the Good Neighbor Authority for wildfire management along with other examples of agreements between Federal agencies and states, tribes, and private landowners.

What are the benefits to counties of these sorts of agreements?

And what else can we do in Congress to let you better manage your lands in your county?

Mr. ESPY. On the Good Neighbor Authority, one of the biggest advantages to the county is the jobs that kept our mill running while we were waiting for the NEPA to be done on some of the forest ground to help provide those timber products back into our mill, and with that Good Neighbor Authority where we could pull private, state, and Federal lands all into a large enough sale that it was worth the time for the mill to come in and actually go and do that.

Mr. STAUBER. You just mentioned the NEPA process on Federal lands. How long is the process? What is going on?

Mr. ESPY. It depends. And simple liaise can be done very quickly normally within the deal. When we get into the EISes, and I am going to use Chokecherry Sierra Madre Wind Project, that was supposed to be fast-tracked through the process, and it is over 10 years in the NEPA process.

Cumbersome, and like for the timber sales and some of this are forest rangers aren't there long enough to complete the NEPA process. So, when the line officers and those that weren't there when we started the project, they don't know what precipitated all this, so a lot gets lost.

Mr. STAUBER. I don't mean to cut you off here, but my time is limited.

However, we are going to have a markup on permitting reform this Thursday, and that is exactly what we are going to discuss, the length of time.

One mine in Northern Minnesota is on its 20th year of permitting in the biggest copper-nickel find in the world, called the Duluth Complex.

Mr. Ferry, thank you for mentioning 30x30 in your testimony. We recently had a 225,000-acre mineral withdrawal that includes a ban on taconite, copper, nickel, cobalt, and more other essentials in the Superior National Forest, which is a working national forest in my district.

The Administration press release proudly included the withdrawal as part of the 30x30 goal. So, in effect, the Administration was spiking the football and taking lands offline and into more restrictive management.

I would like to give you the opportunity as a land manager yourself to discuss how further restriction of lands in the form of national monuments, mineral withdrawals, or anything else that is actually detrimental to the lands and our local communities.

Mr. ESPY. Thank you, Congressman.

Ultimately, the ability to develop these lands that have precious minerals, other resources, is critical. We are not talking about developing everything everywhere, but there has to be a smart way of going about utilizing the natural resources that exist here in our country.

And clarification within the 30x30, in setting some parameters so that we have an understanding because these take significant investments. It is no different than investing in a new mill or something else. There is a payback that has to occur, and without that security on the backend, the investment does not get made.

Mr. STAUBER. You have to develop a certainty of the permitting process. That is a big part of it, too, as well.

I see my time is up. Thank you, Mr. Chair.

Mr. TIFFANY. The gentleman yields.

I would like to recognize the gentlewoman from California, Ms. Porter, for 5 minutes.

Ms. PORTER. Thank you, Mr. Chair.

Utah is home to exceptional national parks and wilderness and protected public lands. One of my best family memories was our recent trip to Dixie National Forest and to Zion National Park, and it is very clear having not been back in a couple decades and making a new trip how much those areas have supported the state's incredible outdoor recreation economy.

And the beauty and the benefit of having those protected public lands is not lost on the people who live there and are seeing those economic benefits.

Mr. FERRY, I studied your testimony, and you really hammered home the importance of collaborating with the Federal Government to promote conservation. On page 1, you state that when, "the Federal Government manages significant swaths of land, proactive collaborative and smart conservation efforts are critical to maintaining healthy and thriving landscapes and watersheds."

And you indicate the success of these collaborations again on pages 2 and 3 of your testimony.

The Merriam-Webster Dictionary defines "conservation." It says, "conservation—a careful preservation and protection of something, especially planned management of a natural resource to prevent exploitation, destruction, or neglect."

What do you think of that definition? Does that do a good job of defining "conservation"?

Mr. FERRY. Sounds like a straight out of the book definition.

Ms. PORTER. It is straight out of the book.

Republicans on this Committee define conservation differently. They say conservation is, "a purpose that ensures our public lands provide secure domestic sources of energy, food, fiber, minerals, jobs, and recreation under appropriate conservation standards."

Do you think that definition of "conservation" aligns with what the dictionary tells us?

Mr. FERRY. I think that they are different.

Ms. PORTER. They are different.

So, given that, I am curious how securing domestic sources of energy and minerals, which is the Republican Committee definition of "conservation," how that fits with "maintaining healthy and thriving landscapes and watersheds," that dictionary definition.

How do you reconcile those things?

Mr. FERRY. Well, I think ultimately, we have to look at that landscape scale and say in an appropriate manner can we extract minerals. Can we do proper grazing techniques? Can we manage those landscapes in a way that still protects those conservation values?

And I think that that can be accomplished because what we are talking about, in the state of Utah, we are talking about 33 million acres are owned by the Federal Government, and to think that

none of those acres are available for any sort of production, I think would be—it is not proper.

Ms. PORTER. So, you see an ability to, at the same time that one is drilling, be conserving?

Mr. FERRY. On areas, on landscapes, yes.

Ms. PORTER. OK. You said in your testimony that you were, “encouraged by reforms made in the Trump administration to weaken NEPA.”

Mr. Ferry, did you know that according to a recent poll from Colorado College, 64 percent of Utahans prefer that leaders place more emphasis on protecting water, air, wildlife, and recreation opportunities over maximizing the amount of land for drilling and mining?

Seventy-five percent support a national goal of conserving 30 percent of America’s lands and waters, and 78 percent support the creation of new national parks.

Are you familiar with those statistics?

Mr. FERRY. Yes, they sound accurate.

Ms. PORTER. They sound right to you.

Mr. FERRY. Yes.

Ms. PORTER. So, those numbers which are the majority of people supporting more of a dictionary definition of conservation, which is parkland, recreation, over-drilling and mining, conserving in the Webster dictionary sense of it; those numbers probably have something to do with the 80,000 jobs created from tourism to Utah’s national parks and the \$7 billion in annual direct visitor spending.

I am curious, Mr. Ferry. If Congress does what you are asking us to do in your testimony, which is to weaken NEPA and other Federal laws that protect and conserve, the dictionary “conserve,” Federal lands, what will happen to the 80,000 jobs that were created by outdoor recreational tourism?

How is Utah going to make up the \$7 billion in annual direct visitor spending?

Mr. FERRY. So, I think ultimately what we are asking for is clarity within NEPA, not to weaken it, but to clarify it so that we have certainty, so that those jobs will exist.

Ms. PORTER. Does shortening the time for review clarify or weaken?

Mr. FERRY. I think that that clarifies it. I think that it provides certainty to all citizens that rely on these——

Ms. PORTER. Are you finished? I just want to let you finish.

Mr. FERRY. Well, time is up.

Ms. PORTER. I yield back.

Mr. FERRY. I can elaborate, but——

Mr. TIFFANY. The gentlewoman yields.

Now I would like to recognize the gentlewoman from Wyoming, Ms. Hageman.

Ms. HAGEMAN. Thank you very much, Chairman Tiffany, for welcoming me to your Subcommittee for this hearing and for including Wyoming in this important discussion.

Commission Espy, thank you again for your testimony here and helping elevate the needs of Wyoming to the Federal level.

One issue I have realized as I have been here in DC is that few in DC actually truly understand the scope of the Federal estate in the West and what the implication of that burden is.

Behind me I have a map that just shows Carbon County, your county, Mr. Espy, and it shows the various landownerships, the brown being BLM, green being Forest Service, the interspersed white is private. You have local government, Department of Energy, et cetera, et cetera.

Commissioner, you touched very briefly in your testimony, but can you please repeat how much of your county is controlled by the Federal Government?

Mr. ESPY. Forty-three percent, I think, is Federal Government.

Ms. HAGEMAN. Forty-eight percent of the surface estate in Wyoming is owned by the Federal Government, and 65 percent of our mineral estate is owned by the Federal Government.

And you can see in this checkerboard pattern, how complicated it can be when you come from a state or a county where you have this variability of ownership, where you go from Federal to private, to Federal to private, to Federal to private, and the challenges that it can provide.

Could you please describe some of those challenges when you have to deal with this kind of a checkerboard pattern within your county?

Mr. ESPY. Even if an action is occurring on private land, and even if those are fee minerals underneath that private land, if the access to that private land does cross Federal land, then that tips NEPA.

Even to just drive across the public land, then the whole NEPA can come into and even to the point of on my private land, the whole Antiquities Act and where you go through, and it brings in tribal consultation on private lands.

It opens a whole door up, even though that is fee, surface fee minerals, but because you have to cross Federal land, that does open up the whole door onto the private property.

Ms. HAGEMAN. And it might just be a road that you have to use across Federal lands.

It has been interesting to me listening to the discussion today about the various programs that have been put in place to allegedly streamline and make it so that there can be these collaborative projects and these efforts to try to address some of the interface between the state, and the private lands, and the Federal lands.

But there are 192 million acres in our National Forest Service, and a portion of those are wilderness, and in 2001, under President Clinton, one of the very last things that happened in his administration was the adoption of the Roadless Rule.

And the Roadless Rule was a designation that denied access, management, and use to 58.5 million acres of National Forest Service lands in primarily the western United States.

So, really what it was was wilderness by fiat, by executive fiat. It was not done through Congress. Congress didn't designate the roadless areas. It was done by President Clinton without the kind of oversight that you would typically see in a NEPA analysis.

In fact, the Notice of Intent was issued in October 2019, and the final rule and Record of Decision was issued in January 2021. In other words, they did not follow NEPA.

They did violate the Wilderness Act because, as you have indicated, it is only through Congress that we can designate wilderness, but the reality is that these 58.5 million acres of roadless acres are, in fact, managed as wilderness, meaning they aren't part of any of these programs.

So, what have we seen over the last 20 years? Catastrophic forest fires, the incredible outbreak of the pine beetle throughout the interior West.

In fact, we know from the Forest Service's own documents that in 1997, there was a blowdown in Northern Colorado in the Routt National Forest that knocked down 13,000 acres of trees in one night. Because it was a wilderness area and a roadless area, they never were able to go in and treat that area.

Guess what that is. That is ground zero for the pine beetle outbreak.

So, we can talk about these various programs that might allow for treating in particular limited areas, but the reality is that it is the mismanagement of the National Forest Service lands in the western United States that has been absolutely destructive not only to our Federal lands, but to our private lands, and our state lands as well.

And I yield back.

Mr. TIFFANY. The gentlelady yields.

Now I would like to recognize the gentlewoman from Virginia.

Mrs. KIGGANS. Thank you, Mr. Chairman.

And thank you, witnesses, for being here today.

I represent Virginia's 2nd Congressional District in the Hampton Roads area. Most federally owned land may be out West, but Virginia is well known for its 2 million acres of beautiful national parks and wildlife management areas.

Roughly 10 percent of our state is considered Federal land, most of which is managed by the Forest Service. One-third of our nation's forests are located in the southeastern United States. Some are federally managed, but many are privately owned.

In my district, local private companies are making use of harvested wood products from working forests to produce sustainable alternatives to fossil fuels. These forests contribute greatly to removing carbon from the environment, and for every ton of wood products harvested, almost double that is grown in the same period.

That means our carbon sequestration ability is growing year over year, all thanks to sound forest management and biomass production.

While working forests in the southeast United States are largely privately owned, Federal lands across the country have similar potential to be productive and working forests, removing carbon from the atmosphere and producing sustainable and renewable energy in the form of biochar wood pellets.

To the panel, what progress, if any, are we seeing in federally owned forests being used for these purposes?



And can public-private partnerships be used to further enhance the productivity of Federal forests?

Mr. ESPY. Actually in Carbon County, we have what is called the Lava Project on the Medicine Bow-Routt National Forest. There is a pellet mill in Jackson County, Colorado that has been able to make use of the timber that can't be used for saw logs, that can't go into the stud mill in Saratoga. So, the by-product of the stud mill in Saratoga has been pellets.

Mr. RIGDON. Thank you.

I think it is important to recognize that across the country, tribes are out doing the work, our places in these communities, and we are actually on our own lands harvesting and doing things, but we are reaching out to the Tribal Force Protection Act and looking at shared stewardship in manners that are consistent with the goals of sound stewardship, retaining and making sure that the forest is able to be productive in the manner that you are talking about, but also having the infrastructure necessary to be able to do those things with milling and other energy opportunities that I think are necessary.

So, if it is in the Northwest with the Yakama, Carville, Warm Springs, to the Southwest with the Apache Mescalero and those tribes to the Midwest, with many of the tribes throughout there. We are out there actively working with Federal agencies and working to make sure the shared stewardship is a part of our place and that the tribes play a role into the history of what we believe is the important legacy that we leave.

Mr. LESHY. A couple of different points. One is on the collaborative working on the forest. I can tell you from personal knowledge that in Arizona, it is the largest Ponderosa pine forest in the country. Most of it is national forest land.

There has been an effort ongoing for years that has really taken off in the last couple of years to do forest-wide treatments, helped a lot by money from Congress, so that this project that has been talked about for 15 years, it is widely collaborative, local governments, timber industry, environmental groups. They are all behind this. It is called the Forthright, and well worth watching because it is kind of on the leading edge of what is happening around the country.

The other point is unconnected but I wanted to mention, which is paying more attention to tribal traditional knowledge in the management of forests. It is something that has really taken off in the last few years around the Federal system in particular.

Using fire as a management tool, in particular, is something that Indigenous people did for a long time, and Federal land managers and state land managers are kind of waking up to that fact.

In one of the chapters toward the end of my book, I talk a lot about the emergence in the modern era of tribal, Native Nation influence over how our Federal lands are managed, and the traditional knowledge is one aspect of that.

That really is gaining momentum, and it is really a pretty powerful, and progressive, important force. So, I just wanted to make that point.

Mrs. KIGGANS. Thank you.

I yield back the rest of my time.

Mr. TIFFANY. OK. The gentlelady yields from Virginia. Thank you very much.

Now I am going to yield myself 5 minutes of time here, and I will start with Mr. Rigdon.

In your testimony, you stated that catastrophic wildfire is perhaps the greatest waste of forest resources. You can see this chart behind me here. As we have seen this decrease in harvest on our national forests since the 1980s, and then you see the spike lines where we see these catastrophic wildfires that are out there.

Mr. Rigdon, if the Federal Government started harvesting timber like your tribe, how do you think the chart behind me would change in terms of acres lost annually to catastrophic wildfires?

Mr. RIGDON. Thank you, Mr. Chairman.

I think we would still have fires, but I think the catastrophic fires would be minimized, and fires actually could be used as a tool with respect to the land.

But because they are overstocked so much right now, because of insect disease, and because of those forest health issues, you are seeing the type of fires that become these megafires that are destroying everything and losing the values of protecting water, protecting the resources that we all want protected.

So, I could see that number coming down, but actually I think we need more prescribed burn or using fire in a better manner.

Mr. TIFFANY. But it will take some management to make that happen, right? To reduce this threat of these mega wildfires.

Mr. RIGDON. Yes, Mr. Chairman.

Mr. TIFFANY. How many mills have been lost in the West here since this started in the late 1980s to now?

Mr. RIGDON. On our reservation in the Yakama, we used to have about 300 mills locally that would go into the Northwest. Now, our mill is the only one in our area that is left with respect to that.

You are watching the interior West lose the ability and the infrastructure necessary to be able to do this type of forest health and this active management approach.

Mr. TIFFANY. Is that something we should really be concerned about, is losing those privately owned mills that used to consume that timber that is now being burned?

Mr. RIGDON. I think it goes both to the milling infrastructure, but also you look at there were some studies done with respect to the age of the log truck drivers, and they are in their 60s, and as you start doing that, the ability for someone, a young person, to go get a log truck and start an enterprise, that is a challenge that we are going to face.

The next generation of public people working in the infrastructure necessary to do that, we are seeing that on the reservation. We are seeing that throughout the West.

Mr. TIFFANY. You mentioned something, Mr. Rigdon, in regard to you have a designation known as "primitive," which I took as to be somewhat similar to the wilderness designation at the Federal level. Is that right?

Mr. RIGDON. Yes.

Mr. TIFFANY. But in wilderness, there is basically nothing happens there under the Federal designation. Do you do some management on your primitive lands?

Mr. RIGDON. In our primitive, we have an opportunity to deal with things. We do try to stay out of there, and we do value the values that it has with respect to doing that, but we will respond to insect disease and mainly fire to protect the spread of gas or fire by wind.

Mr. TIFFANY. So, if there was the potential for catastrophic wildfire, let's say there was a severe disease outbreak, something like that. Ms. Hageman mentioned 13,000 acres going down. You would go in and deal with that. Is that correct?

Mr. RIGDON. That is correct.

And I also want to make sure the Committee understands. Our land is held in trust by the Federal Government. So, we follow all NEPA within the reservation and we follow all other Federal laws that meet those objectives.

So, people need to understand that. Our land is considered Federal and is in an ownership on behalf of our community, so we do follow those.

Mr. TIFFANY. Would you have any objections to the Good Neighbor Authority being expanded in the upcoming farm bill?

Mr. RIGDON. No. I think it is an important tool for the ability for the state, tribes, and for the communities to work at doing the necessary work out there to reduce the risk that you see with fire and the buildup of accumulated fields.

Mr. TIFFANY. Thank you.

Mr. Espy, you mentioned—I don't have a question here—but we had this discussion just now in regard to tourism versus industry, and that is how it is always portrayed, as tourism versus industry. You can have one or you can have the other.

Let me tell you. I sit here as an owner of a business known as Wilderness Cruises that my wife and I owned for 20 years, and I can tell you when we saw a downturn in the economy, we saw a downturn in our business, which was a tourism-oriented business.

They are not mutually exclusive. In fact, they require each other. It is so important that we have a growing economy, including growing industry and a robust industry, in order for the tourism recreational businesses to be able to survive. It is a very important part of that.

And the other thing is that we saw the slide earlier in testimony about the amount of land continuing to go up, Republican and Democrat Presidents, and I have no reason to doubt that that chart is inaccurate.

But I would give you an analogy to another thing that is going up like this here in Washington, DC, and it is called the debt, where it is approaching \$32 trillion. So, why would we continue on this merry course of continuing to put more land into the Federal Treasury?

Just like the debt, maybe we need to rethink how much more land that we are going to purchase here in Washington, DC, especially when it is not being managed properly.

That concludes my questioning.

I would like to recognize the gentleman from Idaho for 5 minutes.

Mr. FULCHER. Thank you, Mr. Chairman.

And to our panelists, thank you for your testimony and your willingness to be here today.

And please understand that some of us who bounce in and out are not being rude. There is this thing called dueling Committees sometimes, but I have been privy to your written testimony on the front end of it.

A question for Mr. Rigdon.

Mr. Rigdon, I, too, am very interested in the Good Neighbor Authority and for some period of time attempting to expand that to tribes, to counties, and the participation there.

But you have a unique perspective on that with your background, and I heard just the exchange here with the Chairman on this topic, but I would like to hear your thoughts a little bit further.

If that is expanded, the Good Neighbor Authority, if that is expanded to where tribes have the access to that tool, to what extent do you think that would be embraced?

I know probably some would embrace it, some would not. But I would like to get your thoughts into the why and the wherefores there.

Mr. RIGDON. Thank you.

I want to make sure tribes are currently, Yakama Nation is currently doing a Tribal Force Protection Act 638 contract that was passed in the 2018 farm bill, and the thing is we have spent our effort working with the Good Neighbor Authority.

We signed on with Washington State DNR, so we are actively out there. And do know that—

Mr. FULCHER. But this would include a fiscal participation, which does not exist today.

Mr. RIGDON. And that is the part, is we are using the tools that we currently have. I think it would be really important for tribes to be included in that language, and also the ability, going into a stewardship contract within there, to be able to retain the receipts so that we could put the resources locally back into there, and that is an important part of what we are—

Mr. FULCHER. So, you think generally it would be embraced?

Mr. RIGDON. Embraced.

Mr. FULCHER. All right. Thank you for that.

Shifting gears a little bit, Mr. Ferry, I haven't had a chance to interact with you yet, but I did read your testimony, and NEPA, not surprisingly, comes up.

I am in your neighboring state, so we share a lot of common characteristics, I think, and I agree with what my understanding is of your position on the need for reform there.

This dates back to 1970-something, and here we are in 2023 with a whole different landscape and some need for reform.

But I would like to get your perspective. There is the do nothing route on reforming NEPA, and we get that a lot from some of our opposition here. What happens if we do nothing on NEPA?

Mr. FERRY. I think we see a continued pattern. I think that is a great example, that chart there. We see a continued pattern of increased catastrophic wildfires. We see a continued pattern of not being able to manage in an appropriate way these landscapes, these Federal landscapes.

We see continued increased expenses and costs, and really what we are looking for is that reform to help us manage in an appropriate way these large Federal holdings and the interaction that exists, because they do have an interaction. I mean, the chart that was demonstrated earlier. You have this checkerboard pattern of Federal to private lands. It has an impact across the board. It has an impact on private lands as well.

So, it is critical that we at least address these concerns and make it so that we have more surety and consistency in our process to be able to manage these landscapes.

Mr. FULCHER. We have just a little over a minute left. I would like to pulse you on one other thing related. Litigation, when you do get a project that is approved and you move forward with it, how much of a problem do you have with litigation?

Mr. FERRY. It is a huge problem. That is what the uncertainty is. That consistent or constant litigation that occurs that draws these projects out and makes them way more expensive than they need to be, it basically hamstring us in being able to manage these lands.

Mr. FULCHER. Thank you, Mr. Ferry.

Mr. Chairman, I just want to make a closing comment here with my last few seconds.

The Full Committee Chair, Chair Westerman, has had for some period of time that resilient forest legislation that he has on the table, and one of the provisions in that and one of the reasons I am a co-sponsor for that is a trial run at using arbitration as opposed to litigation in those cases, which I believe you would potentially agree that might be a very positive change.

So, we are certainly going to support that.

Mr. Ferry and Mr. Rigdon and the rest of the panelists, thank you again for your time.

I yield back. Thank you.

Mr. TIFFANY. The gentleman yields.

Thank you for your questions.

I would like to thank all of the witnesses for your testimony. It is greatly appreciated that you would take the time to come here to Washington, DC, and join us from the far western reaches of our country.

And I want to thank the Members for their questions.

Members of the Subcommittee may have some additional questions for the witnesses, and we will ask you to respond to those in writing if anyone provides those to you.

Under Committee Rule 3, members of the Subcommittee must submit questions to the Committee Clerk by 5 p.m., on Monday, March 13, 2023. The hearing record will be held open for 10 business days for these responses.

If there is no further business, without objection, the Subcommittee stands adjourned.

[Whereupon, at 11:56 a.m., the Subcommittee was adjourned.]