

**H.R. 5015, H.R. 5499, H.R. 6085,
H.R. 6209, H.R. 6547, AND H.R. 7006**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FEDERAL LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

—
Wednesday, March 20, 2024

—
Serial No. 118-105

—
Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.govinfo.gov>

or

Committee address: <http://naturalresources.house.gov>

—
U.S. GOVERNMENT PUBLISHING OFFICE

55-272 PDF

WASHINGTON : 2024

COMMITTEE ON NATURAL RESOURCES

BRUCE WESTERMAN, AR, *Chairman*
DOUG LAMBORN, CO, *Vice Chairman*
RAÚL M. GRIJALVA, AZ, *Ranking Member*

Doug Lamborn, CO	Grace F. Napolitano, CA
Robert J. Wittman, VA	Gregorio Kilili Camacho Sablan, CNMI
Tom McClintock, CA	Jared Huffman, CA
Paul Gosar, AZ	Ruben Gallego, AZ
Garret Graves, LA	Joe Neguse, CO
Aumua Amata C. Radewagen, AS	Mike Levin, CA
Doug LaMalfa, CA	Katie Porter, CA
Daniel Webster, FL	Teresa Leger Fernández, NM
Jennifer González-Colón, PR	Melanie A. Stansbury, NM
Russ Fulcher, ID	Mary Sattler Peltola, AK
Pete Stauber, MN	Alexandria Ocasio-Cortez, NY
John R. Curtis, UT	Kevin Mullin, CA
Tom Tiffany, WI	Val T. Hoyle, OR
Jerry Carl, AL	Sydney Kamlager-Dove, CA
Matt Rosendale, MT	Seth Magaziner, RI
Lauren Boebert, CO	Nydia M. Velázquez, NY
Cliff Bentz, OR	Ed Case, HI
Jen Kiggans, VA	Debbie Dingell, MI
Jim Moylan, GU	Susie Lee, NV
Wesley P. Hunt, TX	
Mike Collins, GA	
Anna Paulina Luna, FL	
John Duarte, CA	
Harriet M. Hageman, WY	

Vivian Moeglein, *Staff Director*
Tom Connally, *Chief Counsel*
Lora Snyder, *Democratic Staff Director*
<http://naturalresources.house.gov>

SUBCOMMITTEE ON FEDERAL LANDS

TOM TIFFANY, WI, *Chairman*
JOHN R. CURTIS, UT, *Vice Chair*
JOE NEGUSE, CO, *Ranking Member*

Doug Lamborn, CO	Katie Porter, CA
Tom McClintock, CA	Sydney Kamlager-Dove, CA
Russ Fulcher, ID	Gregorio Kilili Camacho Sablan, CNMI
Pete Stauber, MN	Mike Levin, CA
John R. Curtis, UT	Teresa Leger Fernández, NM
Cliff Bentz, OR	Mary Sattler Peltola, AK
Jen Kiggans, VA	Raúl M. Grijalva, AZ, <i>ex officio</i>
Jim Moylan, GU	
Bruce Westerman, AR, <i>ex officio</i>	

CONTENTS

	Page
Hearing held on Wednesday, March 20, 2024	1
Statement of Members:	
Tiffany, Hon. Tom, a Representative in Congress from the State of Wisconsin	2
Neguse, Hon. Joe, a Representative in Congress from the State of Colorado	4
Panel I:	
Leger Fernández, Hon. Teresa, a Representative in Congress from the State of New Mexico	8
Boebert, Hon. Lauren, a Representative in Congress from the State of Colorado	9
Hageman, Hon. Harriet M., a Representative in Congress from the State of Wyoming	11
Titus, Hon. Dina, a Representative in Congress from the State of Nevada	13
Prepared statement of	16
Miller-Meeks, Hon. Mariannette, a Representative in Congress from the State of Iowa	17
Statement of Witnesses:	
Panel II:	
Wolff, Culver Nada, Principal Deputy Director, Bureau of Land Management, Washington, DC	18
Prepared statement of	19
Questions submitted for the record	25
French, Chris, Deputy Chief for the National Forest System, U.S. Forest Service, Washington, DC	28
Prepared statement of	29
Questions submitted for the record	31
Panel III:	
Poschman, Hon. Greg, Commissioner, Board of County Commissioners, Pitkin County, Aspen, Colorado	41
Prepared statement of	43
Sgamma, Kathleen, President, Western Energy Alliance, Denver, Colorado	46
Prepared statement of	48
McConkie, Michelle, Director, State of Utah School and Institutional Trust Lands Administration, Salt Lake City, Utah	51
Prepared statement of	52
Bingham, Eric, Land Use Director, Sweetwater County, Green River, Wyoming	54
Prepared statement of	56
Lillywhite, Jay M., Assistant Dean for Economic and Rural Development, New Mexico State University, Las Cruces, New Mexico	58
Prepared statement of	59
Garrett, Wade, Vice President for Advocacy and Strategic Relations, Utah Farm Bureau Federation, Sandy, Utah	63
Prepared statement of	64
Additional Materials Submitted for the Record:	
Submissions for the Record by Representative Tiffany	
Recreational vehicle associations, Letter to the Committee in support of H.R. 5499	34

IV

	Page
Additional Materials Submitted for the Record—Continued	
Submissions for the Record by Representative Tiffany—Continued	
Recreational vehicle associations, Letter to the Committee in support of H.R. 6085	71
Hayden Ballard, Utah Public Lands Policy Coordinating Office, Statement in support of H.R. 7006	36
National Parks Conservation Association, Letter to the Committee in opposition of H.R. 5499	79
Submissions for the Record by Representative Neguse	
Various organizations, Letter to the Committee in opposition of H.R. 6547	6
Backcountry Hunters & Anglers, Letter to the Committee in opposition of H.R. 5499	80
Conservation Lands Foundation, Letter to the Committee in support of H.R. 6209	82
Environment America, Letter to the Committee in opposition of H.R. 5499, H.R. 6085 and H.R. 6547	84
Friends of Nevada Wilderness, Letter to the Committee in support of H.R. 6209	85
Muley Fanatic Foundation, Letter to the Committee in opposition of H.R. 6085	86
The Wilderness Society, Letter to the Committee in opposition of H.R. 5499, H.R. 6085, H.R. 6547 and H.R. 7006	87
Various conservation organizations, Letter to the Committee in opposition of H.R. 5499	90
Multiple Letters in support of Alternative F Draft SEIS	92
Submissions for the Record by Representative Titus	
Clark County, Nevada, Letter to the Committee in support of H.R. 6209	14
Southern Nevada Water Authority, Letter to the Committee in support of H.R. 6209	15

LEGISLATIVE HEARING ON H.R. 5015, TO AMEND THE INFRASTRUCTURE INVESTMENT AND JOBS ACT TO AUTHORIZE THE SECRETARY OF AGRICULTURE, ACTING THROUGH THE CHIEF OF THE FOREST SERVICE, TO ENTER INTO CONTRACTS, GRANTS, AND AGREEMENTS TO CARRY OUT CERTAIN ECOSYSTEM RESTORATION ACTIVITIES, AND FOR OTHER PURPOSES, "SEEDLINGS FOR SUSTAINABLE HABITAT RESTORATION ACT OF 2023"; H.R. 5499, TO AMEND THE ANTIQUITIES ACT TO INCREASE CONGRESSIONAL OVERSIGHT WITH RESPECT TO THE DESIGNATION OF NATIONAL MONUMENTS, AND FOR OTHER PURPOSES, "CONGRESSIONAL OVERSIGHT OF THE ANTIQUITIES ACT"; H.R. 6085, TO PROHIBIT THE IMPLEMENTATION OF THE DRAFT RESOURCE MANAGEMENT PLAN AND ENVIRONMENTAL IMPACT STATEMENT FOR THE ROCK SPRINGS RMP REVISION, WYOMING, AND FOR OTHER PURPOSES; H.R. 6209, TO AMEND THE SLOAN CANYON NATIONAL CONSERVATION AREA ACT TO ADJUST THE BOUNDARY OF THE SLOAN CANYON NATIONAL CONSERVATION AREA, AND FOR OTHER PURPOSES, "SLOAN CANYON CONSERVATION AND LATERAL PIPELINE ACT"; H.R. 6547, TO PROHIBIT THE SECRETARY OF THE INTERIOR FROM IMPLEMENTING THE DRAFT RESOURCE MANAGEMENT PLAN AND DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE COLORADO RIVER VALLEY FIELD OFFICE AND GRAND JUNCTION FIELD OFFICE RESOURCE MANAGEMENT PLANS, "COLORADO ENERGY PROSPERITY ACT"; AND H.R. 7006, TO PROHIBIT NATURAL ASSET COMPANIES FROM ENTERING INTO ANY AGREEMENT WITH RESPECT TO LAND IN THE STATE OF UTAH OR NATURAL ASSETS ON OR IN SUCH LAND

**Wednesday, March 20, 2024
U.S. House of Representatives
Subcommittee on Federal Lands
Committee on Natural Resources
Washington, DC**

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, Bentz, Curtis; Neguse, Porter, and Leger Fernández.

Also present: Representatives Boebert, Hageman, Miller-Meeks; and Titus.

Mr. TIFFANY. The Subcommittee on Federal Lands will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at any time.

The Subcommittee is meeting today to consider six bills: H.R. 5015, by Representative Leger Fernández, the Seedlings for

Sustainable Habitat Restoration; H.R. 5499, Representative Miller-Meeks' Congressional Oversight of the Antiquities Act; H.R. 6085, Representative Hageman, to prohibit the implementation of the Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revision in Wyoming; H.R. 6209, Representative Titus, the Sloan Canyon Conservation and Lateral Pipeline Act; H.R. 6547, by Representative Boebert, the Colorado Energy Prosperity Act; and H.R. 7006, by Representative Curtis, to prohibit Natural Asset Companies from entering into any agreement with respect to land in the state of Utah or natural assets on or in such land.

I ask unanimous consent that the following Members be allowed to participate in today's hearing from the dais: the gentlewoman from Nevada, Ms. Titus; the gentlewoman from Wyoming, Ms. Hageman; the gentlewoman from Colorado, Ms. Boebert, and the gentlewoman from Iowa, Mrs. Miller-Meeks.

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. This week, in this Subcommittee and on the House Floor, House Republicans will continue our fight against the Biden administration's disastrous policies that harm our nation's economy, national security, and energy dominance.

The legislation under consideration today will put an end to the egregious and out-of-touch policies coming out of the White House that are hurting rural economies and ignoring the very people who live, work, and recreate on public land. Ultimately, we will hold this Administration accountable and stand firm against their attempts to remove the public from public lands.

There is an orchestrated attack on public lands by this Administration. We and our constituents see the tools the Administration is using or, better put, mis-using to carry out a misguided preservationist policy that is hurting Americans in forms of higher energy costs, less access to lands, and fewer jobs.

The list of anti-energy policies advanced under this Administration is simply staggering. Added to this is an attempted ban on oil and gas leasing; 3.5 million acres in new national monument designations; proposed conservation leases that would allow anyone, including hostile foreign nations, to lock up energy and mineral resources; and the recently-proposed sage-grouse management plans.

Of course, these all point back to President Biden's flawed and unscientific 30x30 agenda. This is bureaucracy doing what bureaucracy does: a small group of people in DC making decisions that affect places and people they refuse to visit and hear from. Today, we are addressing this mismanagement of Federal lands

and aiming to restore a balanced, thoughtful approach to land management through common-sense legislation offered by four of my Republican colleagues.

The first bill is H.R. 5499, Congressional Oversight of the Antiquities Act. The Antiquities Act is an outdated and obsolete law that allows presidents of both parties to ignore local communities and create confusion, uncertainty, and frustration around land use planning.

Look at the case of the Grand Staircase-Escalante National Monument in Utah. Nearly 30 years ago, President Clinton designated this national monument during a ceremony he held out of state in Arizona, and without consulting anyone in Utah. This national monument shut off mineral resources worth an estimated \$330 billion, including 62 billion tons of coal and 270 million barrels of oil. Instead of becoming a booming hub for energy production, the state lost over 1,100 jobs.

Decades later, county commissioners declared a state of emergency for public schools in the area due to low enrollment. The monument itself has fared no better, receiving limited Federal funding and being subject to increased vandalism and resource destruction.

Since taking office only 3 years ago, President Biden has already designated 3.5 million acres of land as national monuments, including enlarging the footprint of Grand Staircase. Without further checks and balances such as those offered by H.R. 5499, current and future presidents could lock up millions of additional acres with a stroke of a pen behind closed doors.

Next, we will consider H.R. 7006, legislation from Representative Curtis that would prohibit Natural Asset Companies from operating on Utah's public lands. After oversight and strong opposition spearheaded by this Committee, the SEC withdrew the proposed Natural Asset Companies Rule earlier this year. However, given the obvious linkage between this rule and the BLM's so-called Landscape Health and Conservation Rule, there are still outstanding concerns that Natural Asset Companies could re-emerge, perhaps under a different name.

Allowing Natural Asset Companies to operate on public lands would prevent the land from being used to produce natural resources, including fossil fuels, mining, timber harvesting, and grazing. This could also open the door for a company controlled by a foreign adversary like China to hold rights to U.S. land and resources. This is also incompatible with statutory mandates for these lands, which direct them to be managed for multiple use and sustained yield for the benefit of the American people.

Finally, we will consider two bills from Representatives Hageman and Boebert: H.R. 6085 and H.R. 6547, that would nullify preservationists and resource management plans in their states that would restrict oil and gas development on a collective 3.4 million acres.

A resource management plan should offer a balanced management plan for all multiple uses and interested stakeholders. However, these plans have been weaponized as a partisan tool to remove industries and uses that the Administration does not like, in complete disregard of the facts, data, and science. I am deeply

concerned that the written testimony we received in advance of today's hearing also shows the BLM is flagrantly disregarding their statutory mandate to coordinate with local government in developing these plans.

For my constituents back home in Wisconsin who may be watching this, or any other member of the public who doesn't live out West, make no mistake, the legislation we are discussing today has a direct effect on you. If we end multiple use out West, that will disrupt our energy, food, and mineral supplies, which will drive up prices for everybody. One only needs to look at our allies in Europe to see what happens when we allow ourselves to become dependent on hostile foreign nations.

American energy is inexpensive, reliable, clean, and abundant. That is why one year ago, House Republicans passed H.R. 1, the Lower Energy Costs Act, on the House Floor. When we go back to the Floor this week for Energy Week, we will once again be fighting for policies that lower prices at the pump and keep American energy dominant.

With that, I would like to thank the witnesses for joining us today, and I look forward to hearing your testimony.

I now recognize Ranking Member 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. As always, I am pleased to be back in front of the Federal Lands Subcommittee. I am certainly looking forward to hearing from my Democratic colleagues about their bills on our agenda today.

I was encouraged by what we heard from my colleagues in the last hearing that we held in this Subcommittee, emphasizing the importance of local support for public lands and conservation legislation. However, I would be remiss to say that I am not deeply disappointed that today we are considering legislation that would do the opposite, and that would take us backwards in our efforts to protect and preserve our nation's public lands, efforts that are overwhelmingly supported by local communities.

And to the Chairman I would just simply say I happen to be from the West. I am a Westerner. I represent a congressional district that is larger than nine states on the eastern seaboard, a district that includes three national forests, incredible public lands. And I can tell you firmly that my constituents oppose the efforts that, unfortunately, this Subcommittee is considering today. My counterparts continue to insist on discussing legislative measures that, first and foremost, conflict with congressional intent and, in my view, contravene public opinion.

On today's agenda is another bill that attacks the Antiquities Act. Now, it is labeled as "congressional oversight," but what this bill essentially does is strip the President of the executive authority to declare national monuments on existing Federal land. Further, it denies any chance of the proposed monument being considered under the Antiquities Act for the next 25 years.

Monuments designated through the Antiquities Act prioritize the protection of naturally, culturally, and historically significant

places. H.R. 5499 would roll back over 100 years, think about that, a century, of precedent and congressional intent, threatening our ability to protect these lands and recognize the cultural value that they often hold for Indigenous communities, in particular.

The Antiquities Act was passed in 1906 to permit exactly what this bill is trying to undermine, allowing for presidents to bypass congressional gridlock and protect critical Federal lands and resources. And here is the most salient fact to me in this entire debate: Since 1906, all but three presidents have utilized the Antiquities Act to declare at least one national monument. All but three presidents in 100 years: Republican presidents, Democratic presidents. Apparently, the only people who believe that we shouldn't be designating national monuments are House Republicans.

And even if the Grand Canyon was initially designated administratively, it wasn't until 11 years later that Congress designated it as a national park. So, despite the contentious arguments and the Republican efforts to block public land conservation legislation, national monuments continue to be deeply popular.

In fact, annual polls conducted by Colorado College just last year have consistently found that an overwhelming majority of voters, of constituents, of citizens in the West in particular, support monument designations. Last year's poll, just by way of example, found that 84 percent of Western citizens, including more than 70 percent of Republicans, 70 percent, are supportive of using administrative action to create new monuments.

An example of one of these monuments is in my district. In 2022, President Biden designated the Camp Hale Continental Divide National Monument. Protections for this site have been overwhelmingly supported by the local community for over a decade: county commissioners, city council, every local stakeholder that you could conceive of petitioning the Congress for decades to get this done. We passed the bill five times. I was here all five times in the House when we passed it. But congressional gridlock prevented it.

The new monument that the President designated celebrates Camp Hale as a vital part of our nation's history, and recognizes the contributions of the 10th Mountain Division, who trained there during World War II, ensuring that their stories, their service, their heroic sacrifice to the United States will never be forgotten. And I have had the privilege of meeting and spending time with some of those veterans and their descendants who have been some of the most influential advocates for our public lands. This bill would preclude, prevent, and eliminate the ability of the President of the United States, Republican or Democrat, from taking the step that he did 2 years ago.

We are also considering a bill regarding modifications to draft Resource Management Plans in both Colorado and Wyoming. The existing management plans are decades old. They are no longer adequate to address modern conditions. The resource management plans that these bills are attempting to stall are still only in the draft phase, so they are in an early stage of their process. And by limiting the Department of the Interior's ability to carry out their planning processes, the bills would be detrimental to continued

resilience, in my view and in the view of many others of our public lands.

Again, I think it is disappointing that my colleagues on the other side of the aisle are trying to hold up necessary agency action intended to ensure that our lands are being managed appropriately, with balance between all potential uses.

And I want to ask unanimous consent to enter letters of opposition to H.R. 6547 into the record.

Mr. TIFFANY. Without objection.

[The information follows:]

March 19, 2024

Hon. Tom Tiffany, Chairman
 Hon. Joe Neguse, Ranking Member
 House Natural Resources Committee
 Subcommittee on Federal Lands
 1324 Longworth House Office Building
 Washington, DC 20515

Dear Chairman Tiffany and Ranking Member Neguse:

On behalf of the 20 undersigned organizations, and our 86,500 members and supporters across Colorado, we write to urge you to oppose H.R. 6547 offered by Rep. Boebert, which would circumvent a court ordered public process that would chart management for public lands in western Colorado for decades to come.

Our organizations are deeply invested in western Colorado's public lands, and we represent members and supporters who live near, recreate on, and otherwise enjoy and benefit from the public lands in the Bureau of Land Management (BLM) Colorado River Valley and Grand Junction Field Offices. This landscape contains wilderness-quality lands, important wildlife habitat, cultural resources, recreation opportunities, and other natural resources that community members and staff from our organizations have spent decades developing field knowledge about, engaging stakeholders around, and working to protect and restore. We are grateful for the work by the planning team at the BLM to improve management prescriptions throughout the field offices.

The BLM is conducting a public process for this planning effort as the result of a U.S. District Court for Colorado ruling and subsequent settlement agreement. The Court found that the BLM violated the law with respect to their environmental analysis during the previous planning process for the Colorado River Valley Field Office, and ordered the BLM to revisit that plan by broadening the range of alternatives with respect to what lands are available for oil and gas leasing and conducting a more robust analysis of air quality impacts. The new plan also considers areas of tribal significance for increased protection. The Grand Junction plan suffered from the same legal deficiencies, and a challenge to that plan was settled between the parties and included with the Colorado River Valley plan for additional analysis. The Court ordered no additional oil and gas leasing until the supplemental planning process is complete.

This landscape also accounts for much of the production of fossil gas from BLM-managed lands and minerals in Colorado. Of the 8.3 million acres of surface lands and 27 million acres of minerals the BLM oversees in Colorado, the BLM currently manages 4,712 leases totaling 3.7 million acres.¹ Valid existing leases and producing wells in the western Colorado planning area would not be affected by this planning process, and would continue regardless of the outcome.

We are deeply troubled by Rep. Boebert's attempt to circumvent a Court order and dismiss the public input from western Colorado residents the BLM continues to consider as it completes its work on this planning effort. Further, this legislation would have the unintended consequence of prohibiting the BLM from issuing any new oil and gas leases in these field offices because the Court-mandated supplemental process would never be completed. Should this legislation pass, the BLM would be forced to disregard our comments on the draft plan, as well as comments from municipalities, counties, and the State of Colorado, and feedback received through formal tribal consultation. We urge the committee to reject this ill-conceived

¹ BLM Colorado Oil & Gas. <https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/about/colorado> Last visited March 8, 2024.

legislation and allow the BLM to complete their public process and finalize new management plans for western Colorado.

Sincerely,

Daly Edmunds
Director of Policy and Outreach
Audubon Rockies

Tracy Coppola
Colorado Senior Program Manager
National Parks Conservation Assoc.

Scott Braden
Director
Colorado Wildlands Project

Alison Gallensky
Conservation Geographer
Rocky Mountain Wild

Brien Webster
Public Lands Campaign Manager
Conservation Colorado

Mark Pearson
Executive Director
San Juan Citizens Alliance

Kara Matsumoto
Public Lands Policy Director
Conservation Lands Foundation

Mason Osgood
Executive Director
Sheep Mountain Alliance

Michael Browning
Advocacy Committee Co-Chair
Eagle Summit Wilderness Alliance

Jim Ramey
Colorado State Director
The Wilderness Society

Ellen Montgomery
Public Lands Campaign Director
Environment Colorado

Emily Hornback
Executive Director
Western Colorado Alliance

Sherry Schenk
Leadership Team-Grand Junction
Great Old Broads for Wilderness

Kyle Tisdell
Climate & Energy Program Director
Western Environmental Law Center

Sallie Thoreson
Leadership Team-North San Juan
Great Old Broads for Wilderness

Hannah Stevens
Executive Director
Western Slope Conservation Center

Louise van Vonno
Broadband Leader-South San Juan
Great Old Broads for Wilderness

Delaney Rudy
Colorado Director
Western Watersheds Project

Jennifer Thurston
Director
Information Network for Responsible
Mining

Will Roush
Executive Director
Wilderness Workshop

Mr. NEGUSE. Thank you, Mr. Chairman.

Before I close, I do want to take a moment to highlight my fellow Democratic colleagues' bills for today's Subcommittee hearing.

H.R. 5015, the Seedlings for Sustainable Habitat Restoration Act of 2023, from my dear friend and a leader here in the House from New Mexico, a Subcommittee member, Congresswoman Leger Fernández, would amend the Bipartisan Infrastructure Law and the Omnibus Public Land Management Act of 2009 to support the development of native seed repositories and nurseries. The bill represents a proactive example of multiple use policy that would benefit the health of our forests and protect native seeds to promote re-vegetation, and I am so grateful to Congresswoman Leger Fernández for her leadership in bringing this bill forward.

Secondly, H.R. 6209, the Sloan Canyon Conservation and Lateral Pipeline Act, from my dear friend, Congresswoman Titus of Nevada, who has been fighting the good fight for years. And this bill would expand the Sloan Canyon National Conservation Area. It would authorize the Horizon Lateral Water Pipeline. Having access to clean water is vital for our communities, and Congresswoman Titus has been a leader on that front as part of the Colorado River Caucus, in particular, and I am looking forward to hearing from her about the importance of the Sloan Canyon National Conservation Area and the value that this project would bring to her community.

Again, I want to thank all the witnesses for traveling to Washington, DC. We appreciate you being here.

With that, I yield back.

Mr. TIFFANY. Thank you to the Ranking Member. I will now recognize Representative Leger Fernández for 5 minutes on H.R. 5015.

STATEMENT OF THE HON. TERESA LEGER FERNÁNDEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Ms. LEGER FERNÁNDEZ. Thank you, Mr. Chair, and thank you, Ranking Member, for pointing out this bill and the importance that this bill places.

Sadly, this bill comes out of a very tragic event in New Mexico, as we know. But the tragic event that befell New Mexico with regards to its horrific wildfires affects our states across our Western landscape and, as we are going to be seeing, across our entire country. And as every member of this community knows, following devastating wildfires we have a desperate need for reforestation.

The Hermits Peak/Calf Canyon Fire burned 341,471 acres, but it was not the only fire in New Mexico. That year, New Mexico saw numerous wildfires. And we will hear later today how that one fire, though, focusing on the Hermits Peak, we need 12 million seedlings, 12 million seedlings to reforest the burn scar.

The Bipartisan Infrastructure Bill passed by the 117th Congress included billions of dollars for reforestation and re-vegetation. The BIL called on the Department of the Interior and the U.S. Forest Service to procure and plant millions of seedlings, but unfortunately did not support the facilities nor the research needed to produce this amount of seedlings to make sure they survived.

Currently, there is an inadequate supply of native seedlings, and non-native seedlings procured from nurseries outside of the Southwest have only a 25 percent rate of survival. In comparison, when a locality grows their own seedlings, survival rate might be as high as 80 percent. So, my legislation strengthens the Bipartisan Infrastructure Law by providing the Forest Service the authority to enter into contracts, grants, and agreements with state forestry agencies, local private or non-profit entities, institutions of higher education, and multi-state coalitions.

My bill would also make clear that institutions of higher education are eligible recipients for reforestation grants. Thankfully, when we first introduced this bill, we were having a hard time.

There was some confusion about the authorities that the Forest Service had regarding this. Since its introduction, we have identified ways in which the Forest Service can actually find the authority and can grant reforestation funds to institutions of higher education. Because of this, higher institutions like New Mexico State University, go Aggies, are able to continue their incredibly important and exciting work on seedling production at the John T. Harrington Forestry Research Center in Mora, New Mexico.

I am grateful to have doctor Jay Lillywhite here, who will testify to the Committee on the groundbreaking research and results that have been seen at the research center.

Since introducing the Seedlings for Sustainable Habitat Restoration, I have also worked with Senator Lujan and the New Mexico State University to identify further opportunities with the Bipartisan Infrastructure Law to allow for that seedling production. In light of this, I have a discussion draft here which I have shared with the Committee and the Forest Service. This draft includes additions to make clear that seedling production is considered a component of ecosystem restoration.

The urgency of reforestation and native seedling production cannot be overstated. Our landscapes, communities, and wildlife habitats continue to bear the scars of devastating wildfires. I know that the Ranking Member has suffered this within his own district, and you look around this Committee and we know we have all experienced that and we need swift and effective action.

I love the story when is the best time to plant a tree, 30 years ago, but if you can't, let's do it today, and that is what we want to make sure we have, is the seedlings to do that today.

So, the seedlings for Sustainable Habitat Restoration Act is sensible and a crucial step forward in strengthening reforestation efforts that are already contained in the Bipartisan Infrastructure Law, a law that I need to say I am so glad when I go out in my rural areas and talk about it, because it is one of the biggest investments in rural America we have seen in generations. And I just love that law for its emphasis on rural areas.

I am looking forward to the stories that will emerge today, and I welcome the opportunity to work with my colleagues on both sides of the aisle and the Administration to make the necessary adjustments to the bill as we move forward in this process.

Thank you very much, Mr. Chair, for being open to that and supportive of these kinds of efforts.

And with that, I yield back because I think we are going to together sow the seeds of renewal.

Mr. TIFFANY. Thank you, Representative Leger Fernández, and I now recognize Representative Boebert for 5 minutes on H.R. 6547.

STATEMENT OF THE HON. LAUREN BOEBERT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Ms. BOEBERT. Thank you, Mr. Chairman, and thank you to our witnesses for being here today. In particular, Kathleen Sgamma from Western Energy Alliance.

Ms. Sgamma, thank you so much for everything that you do on behalf of America's hard-working energy producers.

Colorado's Western Slope used to have a booming energy economy. Unfortunately, we have been regulated into poverty by bad Democrat policies. I remember our booming economy because roughnecks used to come into my restaurant, and I knew I was having a good day when I would find mud on the floor from their boots. They were coming and patronizing my business and spending money there, but they were all forced out of our areas and onto other parts of America. There used to be 112 rigs on the Western Slope, but now we only have 4 drilling rigs. Now, not-in-my-backyard extremists and job-killing Federal policies have driven away those good-paying jobs.

The Bureau of Land Management's draft Resource Management Plan for the Colorado River Valley Office and Grand Junction Field Office is the latest fossil fuels attack. This proposed land grab could remove over 1.6 million acres of public lands in Colorado from future oil and gas leasing, and establish nine different areas of critical environmental concern on over 100,000 acres of BLM land. If this proposal is finalized, the United States will lose access to vital energy resources, many more than the 600 fewer wells projected by the agency to be lost by 2043. The consequences will be felt far beyond the state of Colorado, where residents will lose their livelihoods and see increased gas and energy prices.

BLM is proposing to close all areas with no known low and moderate oil and gas development potential, and is basing its analysis of the oil and gas potential on out-of-date information that does not take into consideration modern technology. The Permian Basin was once thought to be low to medium, and now it is the highest producing oil field in the world. As a result, the Permian Basin would be closed if this proposal had been in place in New Mexico and Texas prior to the significant amount of production that is now occurring. This proposed land grab is nothing short of partisan politics meant to further restrict access to the oil and natural gas development that could reinvigorate the economy of Colorado and help ensure energy security for all Americans.

There are already stringent standards and requirements in place for oil and gas producers that aim at reducing environmental and cultural impacts. And guess what? No one does it better than American oil and gas workers. We produce the world's cleanest, safest, most efficient energy in the world.

This proposed rule is yet another blatant land grab designed to dismantle the fossil fuel industry and force a Green New Deal transition funded by you, the taxpayers, by the way. Closing the door on over 1.6 million acres of vital public lands for energy development is not just an issue of economics, it is a threat to our nation's energy independence and security. And we should be pursuing energy dominance. We have the capability to export freedom around the globe.

This proposed RMP goes beyond necessary environmental considerations, and instead seeks to restrict access to promising resources, hindering the potential for economic growth and prosperity, particularly in the Western Slope of Colorado. Rogue bureaucrats at the BLM shouldn't be unilaterally locking up more land in Colorado. It is urgent that we block this overreach and prioritize responsible energy production to lower gas prices, utility

bills, and protect good-paying jobs in Colorado and throughout America.

In this Committee, we hear a lot of extremists pushing the Green New Deal agenda, and I believe that it is very disingenuous because they don't want to pursue nuclear, which is the greenest and cleanest of them all. They don't want to address the carbon emissions that are produced by wildfires, and allowing us to be good stewards of our land and managing our forests, and instead would rather have 40,000 children mining with their bare hands for cobalt in the Congo and China-owned mines rather than producing the world's best, cleanest energy right here in America.

Mr. Chairman, thank you, and I yield.

Mr. TIFFANY. Thank you, Representative Boebert. I now recognize Representative Hageman for 5 minutes on H.R. 6085.

STATEMENT OF THE HON. HARRIET M. HAGEMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING

Ms. HAGEMAN. Thank you, Mr. Chairman. I am proud to testify on my bill to prohibit the finalization of the draft Resource Management Plan, or RMP revision, and its associated Draft Environmental Impact Statement from the Bureau of Land Management that would severely restrict grazing, mining, oil and gas development, recreation, and other activities on 3.6 million acres in Wyoming.

As everyone in this Committee is aware, BLM field districts are required to update their resource management plans in accordance with the Federal Land Policy and Management Act, or FLPMA. In 2011, the Rock Springs Field Office began the process of updating its own plan. Prior to release of the new draft plan, the Rock Springs Field office had used and implemented the existing RMP since 1997. The new draft, however, that was released for public comment in 2023 is gaining national attention for its unprecedented attack on land access and use.

The RMP contains four alternatives for the planning area, including Alternative A, which is the no action alternative; BLM's preferred Alternative B, which would have tremendous negative consequences for the state of Wyoming, our nation, energy independence, access to millions of acres of land, and national security; Alternative C, which severely restricts recreational activities; and Alternative D, which attempts to balance various uses with the development and conservation, but also significantly hinders existing projects on Federal lands.

To say that the draft plan is bad is an understatement, and Alternatives B and C are especially bad for Wyoming, which was why there was so much opposition from my constituents. In typical fashion, the Federal Government has chosen the very alternative that has the most community opposition and would do the most damage.

In total, under the preferred alternative, about 2.5 million acres of land would not be available for new rights-of-way. This would be an increase of more than 480 percent placed off limits for such things as power lines, pipelines, and maintaining roads. The RMP severely restricts vehicle access, including upwards of 4,500 miles of existing roads and trails of all uses, and would remove about

10,000 miles of routes from the transportation network. The plan even calls for limiting vehicles to designated roads across the landscape, but it doesn't clarify what roads it will designate for travel.

The draft RMP designates 1.8 million acres of the planning area as Areas of Critical Environmental Concern, or ACECs, which undermine all opportunities for economic development, particularly as it relates to energy production, grazing, and mineral extraction. This is an increase of 1.3 million acres compared to what is currently in the plan.

The preferred alternatives significantly impact Wyoming energy production, which is essential to the state and local economy, as well as to national energy independence and security. According to the Department of the Interior, in calendar year 2022, leasable minerals in Sweetwater County alone netted over \$32 million in revenue for the Federal Government and \$433 million in total for the state of Wyoming.

This is not just about mining or energy and mineral extraction, however. This is one of the largest land grabs we have ever seen, and an all-out assault on every vital Wyoming industry and the rule of law. Wyoming ranchers are facing a ban on livestock grazing in big game habitat during the birthing season, prohibiting range improvement projects such as troughs, reservoirs, and fences, and suspending AUMs that are currently authorized within the planning area. The Wyoming Stock Growers Association highlighted many of the specific impacts this proposed alternative would have on grazing, including the ability to control noxious weeds and other invasive plant species.

Most disheartening about this RMP is the fact that it ignored stakeholder input over the past 12 years. The Administration continues to insert itself into every community in America under the guise of claiming to do good, only to outright ignore the community's needs and to pursue bad policies in the pursuit of political goals for this Administration, goals that are not shared by Wyoming, and goals that are not in the best interests of our country.

In a letter to the Rock Springs Field Office, Wyoming Sweetwater County Commissioners highlighted the fact that "behind closed doors, and without any coordination with the county or other cooperating agencies, the BLM has taken a completely politically-driven reversal from its original direction, and released a proposed RMP and DEIS that eliminates multiple use within the Rock Springs Field office and, in turn, Sweetwater County."

Mr. Chairman, we have seen this kind of thing happen in other areas, including within the Bears Ears Monument designation in Utah and others in Colorado and Arizona. We need to put a stop to these illegal land grabs, administrative overreach, and outright violation of our Federal land management laws. We need to protect our communities. The alternatives laid out in the Rock Springs RMP, particularly Alternative B, will destroy Wyoming's local economy.

We cannot go on like this. I urge my colleagues to support my bill, which would nullify the implementation of this monstrosity of a plan.

Thank you, Mr. Chairman, and with that I yield back.

Mr. TIFFANY. Thank you, Representative Hageman. I now recognize Representative Titus for 5 minutes on H.R. 6209. Welcome to the Committee.

STATEMENT OF THE HON. DINA TITUS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

Ms. TITUS. Thank you, Mr. Chairman. Thank you for allowing me to sit in, and also Ranking Member Neguse, for the opportunity to testify today on H.R. 6209. It is the Sloan Canyon Conservation and Lateral Project Pipeline Act.

This bill would allow a portion of the Southern Nevada Water Authority's horizontal lateral water pipeline project to tunnel underneath Sloan Canyon National Conservation Area. The project will increase water reliability for over a million southern Nevadans. It will fortify the region's water infrastructure against potential outages, and it will minimize disruptions and impacts to communities in my district in southern Nevada, all while enhancing the preservation of the surrounding desert landscape and unique habitat.

Currently, 40 percent of southern Nevada's drinking water is provided by the South Valley Lateral, a 27-mile pipeline that has been in service since the 1990s. Unfortunately, the line doesn't have the redundancy that is needed to ensure continued water services during a disruption or system emergency. This vulnerability became apparent in 2017, when the SVL, Southern Valley Lateral, underwent emergency repairs and was subsequently shut down, forcing local agencies to temporarily adjust water delivery operations.

In recent years, public planning engagements with all the stakeholders at the table have resulted in two options for an additional pipeline. The first is known as the Northern Alignment, and it would involve years of construction through neighborhoods in Henderson, Nevada, causing significant traffic congestion and disrupting multiple neighborhoods and businesses.

The second option, known as the South Alignment, would be constructed on undeveloped land, including a nearly 7-mile stretch beneath the Sloan Canyon NCA. Not only would this preferred option minimize disruptions in surrounding communities, but it would also be better positioned to meet a targeted completion date of 2030, and it would save ratepayers at least \$200 million compared to the Northern Alignment.

In order for this project to move forward in a permanently protected area, congressional authorization is required. That is why I introduced H.R. 6209. It is the House companion of Senator Cortez Masto's legislation, which the Senate Committee on Energy and Natural Resources passed unanimously last year.

In addition to granting a right-of-way to the Southern Nevada Water Authority for constructing this pipeline, the bill ensures additional habitat protections by expanding the current NCA by 9,290 acres. This would ensure connectivity for bighorn sheep between the protected areas, including the recently designated Avi Kwa Ame National Monument.

The language also includes insurances that the right-of-way will minimize ecosystem disruptions by ensuring that the Horizon

Lateral cannot have a permanent adverse effect on resources, and that the pipeline cannot go underneath the wilderness area within the Sloan Canyon.

I am proud to say that this legislation has secured wide support from Clark County and the City of Henderson, as well as local conservation organizations, labor unions, and business associations. Letters of support from these groups have been submitted to the Committee, and I would ask unanimous consent that they be made part of the record.

Mr. TIFFANY. Without objection.

[The information follows:]

CLARK COUNTY, NEVADA

March 18, 2024

Hon. Tom Tiffany, Chairman
Hon. Joe Neguse, Ranking Member
House Natural Resources Committee
Subcommittee on Federal Lands
1324 Longworth House Office Building
Washington, DC 20515

Re: Support for the Sloan Canyon Conservation and Lateral Pipeline Act (H.R. 6209/S. 2042)

Dear Chair Tiffany and Ranking Member Neguse:

On behalf of the Clark County Board of County Commissioners, I express support for the Sloan Canyon Conservation and Lateral Pipeline Act (H.R. 6209/S. 2042). The legislation expands the Sloan Canyon National Conservation Area (SCNCA) by 9,290 acres. This expansion will elevate the conservation, wildlife and outdoor recreation values the SCNCA brings to our community. In addition, this legislation would enhance the redundancy of southern Nevada's water system by granting important rights-of-way to the Southern Nevada Water Authority (SNWA) for the Horizon Lateral water infrastructure project.

This timely passage of this bill is important. Clark County is home to over 2 million people hosting millions of visitors each year. In southern Nevada, part of our region relies upon a single water transmission line known as the South Valley Lateral (SVL). The SVL delivers 40 percent of our region's drinking water, but it lacks redundancy to provide continual water service in case there are system emergencies or outages. After years of studies, discussion, and engagement with SNWA, the community and its leaders have expressed strong support for the South Alignment of the Horizon Lateral project.

The South Alignment of the Horizon Lateral project avoids urban areas by tunneling under the SCNCA, reducing major public impacts. Alternatively, the Northern Alignment would cause significant disruptions to due to the density of existing development, including businesses, apartments, homes, medical facilities, childcare and educational facilities, roads, utilities—all at great cost of \$200 million. We have seen SNWA produce successful outcomes with tunneling under federal land during development of the Third Intake for Lake Mead and Low Lake Levels Pumping Station. We know the same care would be taken underneath the SCNCA to ensure there were no discernable surface disturbances during the development of the Horizon Lateral Project.

H.R. 6209 will augment the conservation efforts of our community and facilitate important infrastructure needs that will enhance water system redundancy, reliability and improve public safety. We appreciate Congresswoman Dina Titus for her leadership on this bill and the Nevada congressional delegation for their support. Thank you for your consideration of this important legislation.

Sincerely,

KEVIN SCHILLER,
County Manager

SOUTHERN NEVADA WATER AUTHORITY

March 20, 2024

Hon. Tom Tiffany, Chairman
 Hon. Joe Neguse, Ranking Member
 House Natural Resources Committee
 Subcommittee on Federal Lands
 1324 Longworth House Office Building
 Washington, DC 20515

Dear Chairman Tiffany and Ranking Member Neguse:

Thank you for agreeing to hold a legislative hearing on H.R. 6209, the Sloan Canyon Conservation and Lateral Pipeline Act. As detailed below, the legislation will help remedy a substantial vulnerability within our existing water transmission system, ensuring the reliability of water service for Southern Nevada residents, and expanding the Sloan Canyon National Conservation Area.

The Southern Nevada Water Authority (SNWA) is responsible for acquiring and managing the community's regional water supplies, developing, and administering regional water conservation programs, maintaining and protecting water quality, building and operating major facilities and protecting environmental resources. SNWA maintains a vast network of transmission facilities that provides reliable water service to Southern Nevada's 2.3 million residents and more than 40 million annual visitors. In general, this system includes redundancies that enable us to isolate pipeline segments to make repairs and move water from other parts of our system, allowing for uninterrupted service to our customers.

However, at present, a significant portion of residents and businesses in Southern Nevada receive water exclusively from the South Valley Lateral, a lone transmission line constructed 25 years ago. The South Valley Lateral, unlike other major system components, lacks interconnections with the rest of our regional infrastructure and it is imperative that we secure the ability to shut the lateral down for maintenance or emergency situations. To be clear, a failure or disruption within this part of the system could have severe consequences for our community and pose risks to public health and economic stability. In fact, the South Valley Lateral serves approximately 1,000,000 people and 40 percent of the businesses in the Las Vegas Valley, including the City of Henderson.

To help solve for this problem, H.R. 6209 would require the Bureau of Land Management to grant the Southern Nevada Water Authority a right-of-way across a portion of the Sloan Canyon National Conservation Area to install the Horizon Lateral Water Pipeline. Critically, the construction of the Horizon Lateral would occur underneath the NCA (50 to 2,000 feet below), will not be seen or heard, and will not compromise in any way the natural values that the NCA was specifically designated to protect. The extremely minimal surface disturbance that would occur would be temporary access to drill seventeen, 6" diameter geotechnical boreholes to ensure the sound operation of the tunnel boring machine. The drilling will occur on 50' x 140' temporary pads and the equipment necessary to carry out that work will be air-lifted; those areas will be returned to their pre-drilling conditions upon completion.

The legislation would also expand the Sloan Canyon National Conservation Area by 9,290 acres, increasing its total acreage to 57,728 acres. The legislation also maintains the existing management plan for the Sloan Canyon National Conservation Area as established in § 16 U.S.C. 460qqq. Finally, H.R. 6209 also ensures that Federal Land Policy and Management Act requirements for environmentally protective terms and conditions in right-of-way grants and BLM's right-of-way regulations are followed, as previously provided by Congress.

The construction of the Horizon Lateral is endorsed by the City of Henderson, Clark County Board of Commissioners, Clark County Department of Aviation, Dignity Health—St. Rose Dominican Hospitals, Henderson Chamber of Commerce, International Union of Operating Engineers Local 12, Las Vegas Asian Chamber of Commerce, Las Vegas Global Economic Alliance, Latin Chamber of Commerce—Nevada, LiUna! Laborers' Local No. 872, Nevada Governor's Office of Economic Development, Nevada Resort Association, Nevada State AFL—CIO, Regional Transportation Commission of Southern Nevada, Retail Association of Nevada, Southern Nevada Home Builders Association, Teamsters Local 631 and Vegas Chamber.

H.R. 6209 not only reflects the strong support from the above-listed organizations in Southern Nevada, but it also reflects input from the Senate Committee on Energy and Natural Resources. As you know, the Senate companion legislation, S. 2042,

was reported favorably to the Senate by majority voice vote during an open business session in September 2023.

SNWA appreciates the leadership from Congresswoman Dina Titus in authoring H.R. 6209 and the leadership from its Senate delegation in helping to advance this measure. As appropriate, SNWA would be happy to answer any questions on this measure from the House Committee on Natural Resources.

Sincerely,

JOHN ENTSMINGER,
General Manager

Ms. TITUS. Thank you, Mr. Chairman, and I would urge my colleagues on the Committee to support this legislation, doing well by doing good.

I yield back.

[The prepared statement of Ms. Titus follows:]

PREPARED STATEMENT OF THE HON. DINA TITUS, A REPRESENTATIVE IN CONGRESS
FROM THE STATE OF NEVADA

Chairman Tiffany and Ranking Member Neguse, thank you for the opportunity to testify today on H.R. 6209, the Sloan Canyon Conservation and Lateral Pipeline Act. My bill would allow a portion of the Southern Nevada Water Authority's (SNWA) Horizon Lateral water pipeline project to tunnel underneath Sloan Canyon National Conservation Area (NCA), while expanding the NCA by 9,290 acres. This project will increase water reliability for over a million Southern Nevadans, fortify the region's water infrastructure against potential outages, and minimize disruptions and impacts to communities in my District, all while enhancing the preservation of the surrounding desert landscapes and unique habitat.

Currently, 40 percent of Southern Nevada's drinking water is provided by the South Valley Lateral (SVL), a 27-mile pipeline which has been in service since the 1990s. Unfortunately, the line does not have the redundancy needed to ensure continued water services during a disruption or system emergency. This vulnerability became apparent in 2017 when the SVL underwent emergency repairs and was subsequently shut down, forcing local agencies to temporarily adjust water delivery operations.

In recent years, public planning engagements have resulted in two options for an additional pipeline:

The first, also known as the "Northern Alignment", would involve years of construction through neighborhoods in Henderson, Nevada, causing significant traffic congestion and disrupting multiple neighborhoods and businesses.

The second option, known as the "South Alignment", would be constructed on undeveloped land, including a nearly seven mile stretch beneath the Sloan Canyon NCA. Not only would this preferred option minimize disruptions in surrounding communities, but it would also be better positioned to meet a targeted completion date of 2030 and would save ratepayers at least \$200 million compared to the Northern Alignment.

In order for this project to move forward in a permanently protected area, Congressional authorization is required. This is why I introduced H.R. 6209, the House companion to Senator Cortez Masto's legislation which the Senate Committee on Energy & Natural Resources passed unanimously last year. In addition to granting a right-of-way to the Southern Nevada Water Authority for constructing the pipeline, the bill ensures additional habitat protections by expanding the current NCA by 9,290 acres to ensure connectivity for bighorn sheep between protected areas—including the recently designated Avi Kwa Ame National Monument. The language also includes assurances that the right-of-way will minimize ecosystem disruptions by ensuring the Horizon Lateral cannot have a permanent adverse effect on resources, and that the pipeline cannot go underneath the wilderness area within Sloan Canyon.

I am proud to say this legislation has secured wide support from Clark County and the City of Henderson, as well as local conservation organizations, labor unions, and business associations. Accordingly, I urge my colleagues on this committee to support this legislation.

Mr. TIFFANY. Thank you, Representative Titus. I now recognize Representative Miller-Meeks for 5 minutes on H.R. 5499.

Welcome to the Committee.

STATEMENT OF THE HON. MARIANNETTE MILLER-MEEKS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Mrs. MILLER-MEEKS. Thank you so much, Mr. Chair, and I want to thank you for allowing me to waive on to this important hearing today. I would like to speak in support of my legislation, H.R. 5499, the Congressional Oversight of the Antiquities Act, which I am grateful is under consideration in this legislative hearing.

The Antiquities Act was enacted in 1906 to authorize the President to protect antiquities or objects of historic interest under imminent threat. The plain language of the law requires that all designations be confined to the smallest area compatible with proper care and management of the objects to be protected.

The Minority party would like you to believe that the country hasn't changed in over 100 years. This Act has never been updated since 1906, and I think that we can all agree that the United States has drastically changed and progressed since Teddy Roosevelt was president. Compare the language of the law and the historically obvious intent of the Congress that passed it. At the time, it was even debated whether the law should limit designations to 320 or 640 acres.

With its abuse over the last half century, presidents, regardless of what party, have repeatedly flouted the rule of law and usurped the powers of Congress to arbitrarily block off millions of acres of land. President Theodore Roosevelt was the first president to use the Act. He used it 18 times to reserve a total of 1.5 million acres of land. President Barack Obama used it 37 times to designate 553.6 million acres of land.

Make no mistake, this Act does not prevent a president of either party from declaring a national monument or setting land aside. In August 2023, President Biden unilaterally restricted access to almost 1 million acres of land surrounding the Grand Canyon. Actions such as these are not the rule of law. It is an arbitrary rule by one person.

To vest one person with the unfettered power, regardless of what political party, to make these decisions with no congressional check or local input, should be offensive to each and every Member of Congress who has taken an oath to support and defend the Constitution and the impartial rule of law.

H.R. 5499 is simple. It requires congressional approval of presidential monument or reservation declarations within 6 months, or before the end of the last session of Congress it was introduced, whichever comes first. If not approved by Congress, the monument cannot be designated again by the president for 25 years.

I thank Chairman Tiffany for including this legislation in the hearing today. I encourage my colleagues to support this important update to the Antiquities Act of 1906, and I yield the balance of my time.

Mr. TIFFANY. Thank you very much, Representative Miller-Meeks. We are now going to move on to our second panel.

Let me remind the witnesses that under Committee Rules, you must limit your oral statements to 5 minutes, but your 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.

First, I would like to introduce Ms. Nada Wolff Culver, Principal Deputy Director for the Bureau of Land Management.

Principal Deputy Director Culver, you are recognized for 5 minutes. Welcome to the Committee.

STATEMENT OF NADA WOLFF CULVER, PRINCIPAL DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, WASHINGTON, DC

Ms. CULVER. Thank you, Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. I appreciate the opportunity to provide testimony for today’s hearing. Again, I am Nada Wolff Culver, Principal Deputy Director at the Bureau of Land Management.

The BLM manages approximately 245 million surface acres, located primarily in 12 western states, as well as 700 million acres of subsurface mineral estate under the Federal Land Policy and Management Act, or FLPMA. The BLM is committed to its core multiple use and sustained yield mandate, which provides for a careful balancing of many uses and resources for the benefit of all people.

First, the Biden-Harris administration strongly opposes H.R. 5499, which would require congressional approval of presidential proclamations of national monuments within a very short time frame, and otherwise preclude protection of those same lands for 25 years.

Enacted over 100 years ago, the Antiquities Act is a key tool used by 18 presidents of both political parties to preserve and protect critical natural, cultural, historical, and scientific resources on Federal lands for future generations. Designations under the Antiquities Act apply only to lands owned or controlled by the Federal Government, subject to valid existing rights. They place no restrictions on private property or lands owned by state or local governments.

While national monuments can be established legislatively, Congress has frequently chosen to enhance or expand protections initially established through a presidential proclamation under the Antiquities Act. Congressional action, however, often occurs many years, even decades after presidents first took action.

The BLM currently manages 30 national monuments designated by presidential proclamation. The most recently designated BLM national monument, co-managed with the Forest Service, is the Baaj Nwaavjo Itah Kukveni Ancestral Footprints of the Grand Canyon National Monument in Arizona. This incredible monument protects approximately 900,000 acres of plateaus, canyons, and tributaries, supporting a remarkable diversity of wildlife and

plants, and preserves the area's spiritual, cultural, prehistoric, and historic legacy.

As Congress intended, the Antiquities Act provides the necessary flexibility for Presidents to respond expeditiously to impending threats to resources, while striking an appropriate balance between legislative and executive decision-making. Maintaining this established balance is critical to protecting our shared national resources now and for future generations.

The BLM also strongly opposes H.R. 6085 and H.R. 6547, which would halt ongoing land use planning efforts in Wyoming and Colorado, respectively, where draft plans have been issued for public input. These bills contravene FLPMA, and would prevent the BLM from managing public land resources on millions of acres.

The Colorado planning effort, in particular, is in response to litigation. FLPMA requires the BLM to "develop, maintain, and, when appropriate, revise Resource Management Plans to manage a wide range of public land resources under the principles of multiple use and sustained yield." These plans serve as blueprints for keeping public landscapes healthy and productive. The BLM balances and ensures opportunities for commercial, recreation, and conservation activities on public lands.

To prepare plans, the BLM invites local voices and diverse views, works closely with state and local governments, respects the ties that Native and traditional communities have to the land, and develops partnerships that lead to successful resource stewardship. All of these efforts are already underway in Wyoming and Colorado, reflecting thousands of hours of engagement by many people who care about their public lands.

If enacted, H.R. 6085 and H.R. 6547 would undermine the public's right to provide input on management of public lands, as well as the BLM's ability to steward them.

Regarding H.R. 6209, the BLM supports the expansion of the Sloan Canyon National Conservation Area in Nevada. However, we are concerned that the bill's mandate of a permanent, free right-of-way to construct and maintain an underground water pipeline across the NCA and direction to permit additional activity within existing transmission and utility corridors could compromise the natural values of this area. We would like to work with the sponsor on changes to the bill and associated legislative map to address those concerns.

Finally, the Department defers to the Securities and Exchange Commission on the potential impacts associated with H.R. 7006.

Thank you again for the opportunity to testify on these bills. I look forward to your questions.

[The prepared statement of Ms. Culver follows:]

PREPARED STATEMENT OF NADA WOLFF CULVER, PRINCIPAL DEPUTY DIRECTOR,
BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR
ON H.R. 5499, H.R. 6085, H.R. 6209, H.R. 6547, AND H.R. 7006

Introduction

Thank you for the opportunity to provide testimony on the bills on the hearing agenda related to the Bureau of Land Management (BLM).

The BLM manages approximately 245 million surface acres, located primarily in 12 western states, and approximately 700 million acres of subsurface mineral estate.

The Federal Land Policy and Management Act (FLPMA) sets forth the BLM's multiple-use mission, directing that public lands generally be managed for a broad range of uses, such as renewable and conventional energy development, livestock grazing, timber production, hunting and fishing, recreation, wilderness, and conservation—including protecting cultural and historic resources. FLPMA also requires the BLM to manage public land resources on a sustained-yield basis for the benefit of current and future generations.

This multiple-use, sustained yield mission enables the BLM to make tremendous contributions to economic growth, job creation, and domestic energy production, while generating revenues for Federal and State treasuries and local economies and allowing for a thoughtful, science-based approach to management of our public lands and waters. Lands managed by the BLM also provide vital habitat for more than 3,000 species of wildlife and support fisheries of exceptional regional and national value. In addition, as recognized by the Biden-Harris Administration's America the Beautiful initiative, many uses of our lands and waters, including working lands, are consistent with the conservation of the nation's natural resources, contributing to the long-term health and sustainability of natural systems.

H.R. 5499, Congressional Oversight of the Antiquities Act

H.R. 5499 would require congressional approval of presidential proclamations of national monuments, and reservations of parcels of land as a part of national monuments, within six months of a monument's establishment or before the end of the current session of Congress, whichever is earlier. Under the bill, if the designation or reservation is not extended or modified by statute during this limited time frame, or the designation or reservation is otherwise rejected by statute, the lands in question cannot be designated as or added to an existing monument by a President for a period of 25 years. The Administration strongly opposes H.R. 5499.

Analysis

Enacted over 100 years ago, the Antiquities Act has repeatedly been used by 18 presidents of both political parties as an instrument to preserve and protect critical cultural, historical, and scientific resources on Federal lands for future generations. The Antiquities Act authorizes presidents to establish national monuments on Federal lands to protect historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest on those lands and to reserve lands as part of such monuments to ensure the proper care and management of the objects to be protected. Designations under the Act apply only to lands owned or controlled by the Federal government; they place no restrictions on private property or lands owned by State or local governments. Designations are also subject to valid existing rights. Several of the nation's most treasured national parks, including Grand Canyon, Joshua Tree, and Death Valley, were first protected as national monuments through presidential action under the Antiquities Act.

Congress already has effective tools to modify or even eliminate a national monument it deems inappropriate. For example, in 1926 Congress enacted legislation removing certain lands from the Casa Grande National Monument. Congress has also eliminated national monuments when it determines that they are no longer necessary, as it did when it eliminated the Old Kasaan National Monument in Alaska. These actions demonstrated the efficacy of this approach. Under well-established principles of law, a national monument proclamation is effective unless and until Congress modifies or revokes a monument proclamation. H.R. 5499 would turn this approach on its head—instead of allowing the president to act quickly in order to allow Congress the opportunity to deliberate and refine a monument, it would make new monument proclamations contingent on congressional ratification in six months or less.

Within the Department of the Interior, the BLM currently manages 30 national monuments designated by presidential proclamation, three of which are co-managed with the National Park Service (NPS) and six of which are co-managed with the U.S. Department of Agriculture Forest Service (USFS). The most recently designated national monument, Baaj Nwaavjo I'tah Kukveni-Ancestral Footprints of the Grand Canyon National Monument in Arizona, protects approximately 900,000 acres of plateaus, canyons, and tributaries supporting a remarkable diversity of wildlife and plants, and preserves the area's spiritual, cultural, prehistoric, and historic legacy. The NPS currently manages 55 national monuments established by presidential proclamation, including the iconic Devils Tower, Muir Woods, and the Statue of Liberty. Finally, the U.S. Fish and Wildlife Service administers eight presidentially proclaimed national monuments, two of which are co-managed with the NPS. Though some national monuments may have been established amidst con-

troversy, they are now recognized as renowned symbols of America's beauty and legacy, exemplifying the wisdom of retaining the Antiquities Act in its current form.

The designation of national monuments regularly builds upon decades of efforts from Tribal Nations; State and local officials; conservation, civil rights, and outdoor recreation advocates; local business owners; and Members of Congress to recognize and conserve objects of historic or scientific interest in perpetuity. Historical data demonstrates an increase in economic growth in communities near national monuments.

Without the President's authority under the Antiquities Act, it is unlikely that places like Petrified Forest National Monument or Navajo National Monument, both of which faced imminent threat of destruction, would have been protected. The Antiquities Act provides the necessary flexibility to respond expeditiously to impending threats to historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest, while striking an appropriate balance between legislative and executive decision making. Maintaining the established balance is critical to protecting our shared national resources for future generations.

H.R. 6209, Sloan Canyon Conservation & Lateral Pipeline Act

H.R. 6209 would amend the Clark County Conservation of Public Land and Natural Resources Act of 2002 by expanding the Sloan Canyon National Conservation Area (NCA) in Clark County, Nevada, to include approximately 9,000 additional acres of public land managed by the BLM. The bill would also require the Secretary of the Interior (Secretary) to grant a free, permanent right-of-way (ROW) to the Southern Nevada Water Authority (SNWA) for a water pipeline through the Sloan Canyon NCA within one year of enactment. The bill would also allow SNWA to use any displaced sand and gravel resources generated by the installation of an underground water pipeline within the ROW without cost. Finally, the bill would permit additional activity within existing transmission and utility corridors or transmission ROWs, including authorizing new utility facility ROWs.

Analysis

Clark County, located in southern Nevada, is home to over 2.2 million people, as well as significant historic, cultural, and paleontological treasures. The BLM manages approximately 2.6 million acres of public lands within Clark County for a wide range of uses. These include various recreational activities, such as hiking, camping, horseback riding, and off-highway vehicle (OHV) riding, renewable energy projects, rights-of-ways for utilities, and mineral development. Notably, Clark County contains iconic BLM-managed national conservation lands, including the Red Rock Canyon NCA, Sloan Canyon NCA, Gold Butte National Monument, and Avi Kwa Ame National Monument.

Sloan Canyon National Conservation Area

In 2002, Congress designated 48,438 acres of BLM-managed lands in southern Nevada as the Sloan Canyon NCA to preserve and protect the natural and cultural resources located in the southern Mojave Desert. The Sloan Canyon NCA provides outstanding opportunities for visitors who wish to experience the unique scenic and geologic features, remarkable cultural resources, and diverse recreation possibilities within the area.

In addition, the Sloan Canyon NCA includes the Sloan Canyon Petroglyph Site and the North McCullough Wilderness. The Sloan Canyon Petroglyph site is one of the most significant, scenic, and important cultural resources in southern Nevada, containing more than 300 rock art panels and nearly 1,700 designs representing native cultures dating from the Archaic period to the modern era. The 14,763-acre North McCullough Wilderness lies entirely within the Sloan Canyon NCA and contains unique and spectacular natural resources, including thousands of acres of land that remain in a natural condition. The wilderness is located only a few miles from Las Vegas and the City of Henderson, Nevada, and provides opportunities for solitude and a primitive and unconfined type of recreation in close proximity to two of the busiest and most densely populated cities in the state.

H.R. 6209 would expand the existing NCA by adding over 9,000 acres of BLM-managed public lands. The BLM notes that the majority of the lands identified for inclusion in the NCA are currently being used for dispersed recreation, OHV use, and recreational shooting. The BLM generally supports expanding this NCA but would like to work with the sponsor to ensure use of any lands included would be consistent with the stated purpose of the NCA.

Rights-of-Way

Under FLPMA, the BLM issues ROWs for a variety of uses that are in the public interest. A ROW grant authorizes certain uses of public lands for a specified period appropriate for the life of the project. FLPMA also generally requires the BLM to charge rental fees that reflect the value of the uses authorized by the ROW. Pursuant to the Southern Nevada Public Land Management Act of 1998, upon application, SNWA, defined as a regional governmental entity in that Act, shall be issued a ROW on Federal lands in Clark County, Nevada, that is valid in perpetuity and shall not require the payment of rental or cost recovery fees.

H.R. 6209 would grant a permanent, free ROW to SNWA to construct and maintain an underground water pipeline. The bill would further authorize the Secretary to include reasonable terms and conditions as necessary to protect the resources in the NCA, prohibits construction activities that would permanently adversely affect surface resources, and prohibits locating the ROW in or under any area designated as wilderness. In 2021, BLM rejected a similar ROW request from SNWA for the construction of an underground water pipeline in the Sloan Canyon NCA as inconsistent with the purposes of the NCA as designated by Congress.

The Department appreciates the inclusion of language in the bill that could help reduce impacts from the construction of the water pipeline but is still concerned that the bill's mandate for a permanent ROW could compromise the natural values that the NCA was specifically designated to protect, despite what we understand to be the Sponsor's intent. The permanent ROW granted by the bill is for the underground water pipeline and associated infrastructure, which would involve surface-disturbing activities. In addition, the BLM is concerned that the language in section 3(c) of the bill could be interpreted as allowing for significant expansion and authorization of surface-disturbing activities within the NCA, and notes that this section does not include some of the protective language provided with the authorization of the ROW in section 3(b). The Department would like to work with the Sponsor to clarify their intent as to the provisions in section 3(c) and to ensure that the bill as written does not inadvertently allow for activities beyond the envisioned scope, as the Department remains committed to ensuring the core values and resources identified for protection by the creation of the Sloan Canyon NCA remain protected.

If the bill moves forward, the Department would like to work with the Sponsor to ensure that any ROW issued by the BLM follows the established requirements for ROWs, and that the legislative map referred to in the bill is updated to reflect current utility corridors and related authorizations in the area and to clarify where the proposed access road ROW will be located. The Department also notes that the one-year time frame to issue the ROW provided by the bill is insufficient to complete adequate Tribal consultation and environmental analysis.

Federal Minerals

The Materials Act of 1947 authorized the disposal of certain widespread minerals of common occurrence, such as sand and gravel, and made them subject to disposal through sale or permit. The Materials Act established a process to provide the taxpayer with a fair return for those minerals that are disposed of through sale. The BLM shares a portion of the revenues from the sale of mineral materials with the state where the minerals are produced.

H.R. 6209 would allow SNWA to use any displaced sand and gravel resources generated by the tunneling of the water pipeline in the ROW created by the bill without cost. The Department would like to work with the Sponsor on modifications to ensure that taxpayers receive a fair return for the use of mineral materials by the SNWA.

H.R. 6085, Prohibiting Implementation of the Rock Springs RMP Revision

H.R. 6085 would prohibit the Secretary from finalizing, implementing, administering, or enforcing the Draft Rock Springs Resource Management Plan (RMP) Revision and associated Draft Environmental Impact Statement (EIS). The BLM strongly opposes H.R. 6085.

Rock Springs Planning Area & RMP Revision

The BLM manages approximately 3.6 million acres of surface land and 3.7 million acres of mineral estate in the Rock Springs Field Office (RSFO) planning area, which encompasses portions of Lincoln, Sweetwater, Uinta, Sublette, and Fremont counties in southwestern Wyoming. The agency administers various programs within the planning area, including mineral exploration and development, renewable energy, wildlife habitat, outdoor recreation, wild horses, livestock grazing, and historic trails. Resources on lands within the RSFO are currently managed under

the 1997 Green River RMP, as amended. In the 26 years since the completion of that plan, new laws have been enacted and there have been considerable changes to development patterns and technology used for the development of oil and gas, renewable energy, coal, and trona resources, which have led to conflicts with other multiple uses. These changes, along with emerging issues and management concerns (e.g., renewable energy and transmission corridors, impacts of other activities on wildlife migration, and increased interest in recreation), have culminated in a years-long effort to revise the outdated existing plan, informed by public input and extensive work with cooperating agencies, including the State of Wyoming and affected counties.

When completed, the Rock Springs RMP Revision will provide an updated, comprehensive, and environmentally sound framework for managing and allocating uses of public lands and resources administered by the RSFO. The revised plan will address the changing needs of the planning area by updating information and revising management goals, objectives, and decisions while ensuring that public lands are managed according to the principles of multiple use and sustained yield. Further, the revised plan will account for valid existing rights and other obligations already established in the area. The revised RMP will address issues that have been identified through extensive input from other Federal agencies; State, local, and Tribal governments; and members of the public.

The BLM released the Draft RMP Revision and associated Draft EIS (Draft RMP/EIS) for a 90-day public comment period on August 18, 2023, and extended the comment period for an additional 60 days to ensure that the public had ample time for review. The BLM received valuable and specific feedback during the extended comment period and through a series of public meetings. Additionally, on January 10, 2024, the Governor of Wyoming's *Task Force on the Rock Springs RMP* (Task Force) provided a detailed set of recommendations regarding the draft revision. The BLM is carefully reviewing the Task Force's recommendations, as well as other comments received during the public comment period. Once all the comments received are considered, the BLM will prepare the Final EIS and Proposed RMP.

Finally, it is important to note that in developing a proposed land use plan, the BLM may modify the alternatives presented—or may develop a new alternative from within the range of alternatives considered—in the draft plan. In preparing a proposed RMP, the BLM considers public comments on the draft plan and feedback from cooperating agencies. The identification of a preferred alternative in a draft RMP does not constitute a commitment or a decision in principle. It is required in BLM's planning regulations and serves as the most useful starting point from which the BLM could construct the proposed plan. As a result, proposed RMPs may differ significantly from the preferred alternative identified in the draft.

Analysis

H.R. 6085 is contrary to FLPMA, which requires the BLM to “develop, maintain, and, when appropriate, revise” RMPs to manage a wide range of public land resources under the principles of multiple use and sustained yield. RMPs serve as blueprints for keeping public landscapes healthy and productive for current and future generations, and along with planning decisions, they are the basis for every on-the-ground action that the BLM takes. The BLM's RMPs allocate resources and determine appropriate multiple uses for the public lands; provide a strategy to manage and protect resources; and establish systems to monitor and evaluate the health of resources and effectiveness of management practices over time.

As plans are prepared, the BLM invites and values local voices and diverse views; respects the ties that native and traditional communities have to the land; and develops partnerships that lead to successful resource stewardship. As a result, we have a strong history of ensuring opportunities for and the balance of commercial, recreational, and conservation activities on public lands, including in the RSFO. The BLM is committed to achieving the balance between its multiple use and sustained yield mandate and addressing local conditions and concerns through continued collaboration with the public and our many partners. We appreciate the Task Force's recommendations on the Draft RMP Revision and are incorporating them into the plan, where appropriate. If enacted, H.R. 6085 would preclude these efforts and undermine the public's right to provide input on management of public lands.

H.R. 6547, Colorado Energy Prosperity Act

H.R. 6547 would prohibit the Secretary from finalizing, implementing, administering, or enforcing the Draft RMPs and associated Supplemental EIS for the Colorado River Valley Field (CRVFO) Office and the Grand Junction Field Office (GJFO) in Colorado or any substantially similar documents. The BLM strongly opposes H.R. 6547.

Background

The BLM manages approximately 494,200 surface acres and approximately 695,200 acres of Federal mineral estate in the CRVFO planning area, which includes portions of Eagle, Garfield, Mesa, Pitkin, and Routt Counties. In the GJFO planning area, which includes portions of Garfield, Mesa, Montrose, and Rio Blanco Counties, the BLM manages approximately 1.06 million acres of surface lands and approximately 1.23 million acres of Federal mineral estate. Combined, these planning areas total approximately 1.56 million acres of BLM-managed public lands and approximately 1.92 million acres of Federal mineral estate. Both field offices currently manage resources on lands within their respective planning areas under RMPs approved in 2015.

The BLM is currently preparing a Supplemental EIS to comply with an adverse 2018 Federal District Court ruling and subsequent settlement agreement for litigation of the CRVFO RMP and with a settlement agreement for litigation of subsequent oil and gas leasing in both the CRVFO and GJFO. The BLM is also developing the Supplemental EIS to respond to a court-approved voluntary remand of the GJFO RMP to address the same deficiencies identified by the Court in the 2018 court ruling. The Supplemental EIS, developed with input from the public and cooperating agencies (including the State of Colorado and affected counties), considers an expanded range of alternatives for oil and gas leasing throughout the two field offices and provides additional air quality analysis for the fluid mineral management alternatives considered in the original plans. Decisions in both RMPs unrelated to fluid mineral leasing remain in effect as the BLM prepares the Supplemental EIS. The BLM released the Draft Supplemental EIS for a 90-day public comment period on August 4, 2023. The BLM is currently considering comments received during the public comment period. Once all the comments received are considered, the BLM will prepare the Final Supplemental EIS.

Analysis

As directed by the 2018 Federal court ruling and the court-approved voluntary remand, the BLM must complete the Supplemental EIS to rectify issues with the environmental analysis associated with the 2015 RMPs. Additionally, the BLM committed as part of the settlement agreements to resolve the litigation involving the 2015 RMPs and subsequent oil and gas lease sales to consider new information. The bill, as currently drafted, would not obviate the BLM's need to comply with issues identified in the Federal court ruling, nor would it relieve the BLM from its obligation to meet the commitments outlined in the settlement agreements to resolve that and other litigation. Rather, it would undermine the efforts of the BLM and cooperating agencies, along with the right of the public to provide input on the management of public lands.

H.R. 6547 is also contrary to FLPMA, which requires the BLM to “develop, maintain, and, when appropriate, revise” RMPs to manage public lands under the principles of multiple use and sustained yield. The BLM opposes efforts to limit the agency's ability to allocate resources and determine appropriate multiple uses for public land resources so that they remain available to present and future generations.

Finally, the BLM notes the Records of Decision for the CRVFO and GJFO RMPs were signed in June 2015. All the management decisions and actions outlined in the 2015 RMPs—with the exception of their oil and gas leasing decisions—are currently in effect. The bill's language appears to prevent the implementation of any new decisions that would be informed by the Supplemental EIS or substantially similar documents. If enacted, H.R. 6547 would prevent State and local governments and members of the public from providing any input on the management of resources within the CRVFO or GJFO for both current and future planning efforts. The bill would also result in the BLM being unable to implement any oil and gas leasing within either field office going forward.

H.R. 7006, Prohibiting Natural Asset Companies in Utah

H.R. 7006 would prohibit “natural asset companies,” as defined in the Security and Exchange Commission's (SEC) withdrawn proposed rule regarding the New York Stock Exchange, or substantially similar companies, from entering into any agreement with respect to land in the State of Utah or natural assets on or in such land. The Department was not involved in the withdrawn SEC proposal and defers to the SEC on the potential impacts associated with H.R. 7006.

H.R. 5015, Seedlings for Sustainable Habitat Restoration Act

H.R. 5015 would support USFS ecosystem restoration activities and modify the U.S. Department of Agriculture's (USDA) Collaborative Forest Landscape Restoration Program to expand opportunities for the collection and maintenance of native seeds. The Department defers to the USDA regarding the potential impacts associated with H.R. 5015.

Conclusion

Thank you again for the opportunity to provide testimony on these bills.

QUESTIONS SUBMITTED FOR THE RECORD TO MS. NADA WOLFF CULVER, PRINCIPAL
DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT

Ms. Wolff Culver did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. When does the Bureau of Land Management plan to publish the so-called "Conservation and Landscape Health Rule"?

Question 2. Are you aware of any national monuments the President is planning to designate before the end of his term? If so, can you please list what monuments are under consideration, and in which states?

Question 3. Has the BLM been asked to provide any technical assistance, including creating maps or to hold public listening sessions, on any potential national monument designations by the White House?

Question 4. When a new monument is designated and BLM is directed to manage it, what funding is provided by the President to carry out the management?

Question 5. What is the last Resource Management Plan finalized by the Bureau of Land Management that created a net increase in land available for oil and gas production?

Question 6. How is the BLM abiding by its statutory multiple use mandate when the agency is consistently restricting energy development across millions of acres of land without opening up any new acres to oil and gas leasing?

Question 7. The Committee received testimony that the BLM is using decades-old data to justify restrictive land designations. In the case of the Wyoming RMP, the BLM has overestimated potential oil and natural gas development by a staggering 1,867 percent to justify locking up more than 2 million acres of land in one of the top energy-producing states in the nation.

Can you please explain how the BLM came to the assumption that 336 wells would be drilled per year in the case of the Rock Springs RMP?

Question 8. The Committee has heard concerns from several stakeholders and constituents that significant decisions are being made at the agency via internal memos to staff, bypassing publication in the Federal Register and avoiding opportunity for public comment or notification to Congress.

8a) Has the Bureau of Land Management distributed internal memos or internal direction to staff regarding Natural Asset Companies or conservation leases?

8a) Can you please discuss BLM's policy regarding what is sent via internal memorandum to staff, versus what the agency seeks public comment on?

Question 9. When the President designated the Grand Staircase-Escalante National Monument in Utah and directed the BLM to manage it, were any additional funds provided to BLM to carry out this responsibility?

Question 10. When the President designated the Bears Ears National Monument in Utah and directed the BLM to manage it, were any additional funds provided to BLM to carry out this responsibility?

Question 11. When the President designated the Avi Kwa Ame National Monument in Nevada and directed the BLM to manage it, were any funds provided to BLM to carry out this responsibility?

Question 12. Please provide the number of incidents of vandalism and/or resource destruction at Bears Ears National Monument from 2013 (prior to the designation) to 2023.

Question 13. Please provide the number of incidents of vandalism and/or resource destruction at Grand Staircase-Escalante National Monument from 2013 to 2023.

Question 14. When the President designated the Baaj Nwaavjo Utah Kukveni-Ancestral Footprints of the Grand Canyon National Monument in Arizona and directed the BLM to manage it, were any funds provided to BLM to carry out this responsibility?

Question 15. Please provide the annual funding allocated to manage Bears Ears National Monument from 2013 (prior to the designation) to 2023.

Question 16. Please provide the annual funding allocated to manage Grand Staircase-Escalante National Monument from 2013 to 2023.

Question 17. In reference to national monument designations under the Antiquities Act, BLM's testimony states: "They place no restrictions on private property or lands owned by State or local governments."

17a) How many acres of private land are included in the designations made by President Biden of each of the following monuments:

- i. Grand Staircase-Escalante National Monument*
- ii. Bears Ears National Monument*
- iii. Avi Kwa Ame National Monument*
- iv. Baaj Nwaavjo Utah Kukveni-Ancestral Footprints of the Grand Canyon National Monument*

17b) How many acres of state or locally owned land are included in the designations made by President Biden of each of the following monuments:

- i. Grand Staircase-Escalante National Monument*
- ii. Bears Ears National Monument*
- iii. Avi Kwa Ame National Monument*
- iv. Baaj Nwaavjo Utah Kukveni-Ancestral Footprints of the Grand Canyon National Monument*

Question 18. Does the BLM use the most accurate and recently available data when developing Resource Management Plans?

Question 19. Why are the two Draft RMPs impacting the Western Slope in Colorado using a 2002 U.S. Geological Survey Resource Assessment instead of a more recent assessment done in 2016?

Question 20. Does the BLM conduct an economic analysis when developing and updating RMPs?

Question 21. Regarding the formulation of RMPs and the energy sector:

21a) Does the BLM consider technological advances in oil and gas production with the same due diligence that it affords to updated ecological studies?

21b) Do the BLM's decisions adequately reflect how these technologies have made oil and gas extraction feasible in new areas?

21c) Does the agency recognize the potential such developments have to create new jobs and support local economies?

Question 22. Is the BLM aware their draft RMP for Rock Springs, Wyoming will cut \$5.6 million of revenue to local schools?

Question 23. Is the BLM aware their draft RMP for Rock Springs, Wyoming will cause 2,900 people to lose their jobs?

Question 24. The RMPs proposed a combined 25 new Areas of Critical Environmental Concern (ACECs). These are open to public comment. Is the public comment period for ACECs important to BLM?

Question 25. On June 22, 2023, BLM appeared before this Committee and testified, in the context of H.R. 3049, that you appreciated "the good work and good faith" of Utah state officials, especially those working for SITLA. It only seems fair, then, that stakeholders should expect the same from the BLM. Does the BLM's conduct in

formulating the Rock Springs RMP reflect “good work and good faith?” I am specifically referring to the BLM’s abrupt and unusual decision to pursue the most preservation-heavy plan, or Alternative B, despite spending years telling local stakeholders that the agency would likely proceed with the more balanced approach described in Alternative D.

Question 26. According to the testimony of another witness familiar with the Rock Springs RMP, the BLM abruptly selected Alternative Bas the agency’s preferred alternative, despite representing Alternative Das the preliminary preferred alternative for many years prior. While the BLM retains exclusive authority to select a preferred alternative, is so abrupt a change consistent with the principles of collaboration, as described in BLM Handbook H-1601-1?

Question 27. In your testimony, you state that the BLM extended the comment period for the Rock Springs RMP “to ensure that the public had ample time for review.” Why should stakeholders believe that the BLM values their comments, when the agency has proved so willing to disregard past comments, as indicated by switching abruptly from Alternative D to Alternative B?

Question 28. In your responses to questions at the hearing, you stated that the BLM would fully vet applications for conservation leases issued under the proposed Conservation and Landscape Health Rule to ensure that nefarious parties, including companies controlled by America’s foreign adversaries, do not acquire such leases.

28a) Does the BLM currently have the capability and expertise to vet corporate applicants, including for any potential national security concerns they may pose?

28b) If so, please describe the departments or teams that are tasked with such work.

28c) If not, please describe, in detail, the BLM’s plans to acquire this capability by the time the Conservation and Landscape Health Rule is finalized.

Question 29. In your responses to Member questions, you stated that the BLM had no contact with the U.S. Securities and Exchange Commission (SEC) in connection with the SEC’s proposal to allow natural asset companies (NACs) to be listed on the New York Stock Exchange.

Given the complementary nature of, and probable interactions between, NACs and BLM conservation leases, was this lack of coordination with the SEC appropriate?

Question 30. What resources are available to the public that allow them to communicate to the BLM that they are interested in pursuing a land exchange?

Question 31. If a party contacts the agency about acquiring a parcel of BLM land, how long does it take on average for the BLM to determine whether the parcel is suitable for disposal?

Question 32. When considering the suitability of a parcel’s disposal, how does the BLM weigh public benefits such as economic growth and job creation?

Question 33. How many firefighters does the BLM have employed as of March 25, 2024?

Question 34. How many firefighters does the BLM plan to hire ahead of the 2024 fire season?

Question 35. Does the BLM anticipate the National Guard or other military assets will be needed to augment federal firefighting resources this fire year?

Mr. TIFFANY. Thank you, Director Culver. I would like to now introduce Mr. Chris French, Deputy Chief of the National Forest System for the U.S. Forest Service.

Deputy Chief French, you have 5 minutes. Welcome back to the Committee.

**STATEMENT OF CHRIS FRENCH, DEPUTY CHIEF FOR THE
NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE,
WASHINGTON, DC**

Mr. FRENCH. Thank you. Good morning, Chairman Tiffany and Ranking Member Neguse. I am Chris French, the Deputy Chief for the National Forest System at the U.S. Forest Service. I have been with the agency for more than 30 years, and I am here to discuss USDA's views on the Congressional Oversight and Antiquities Act, the Seedlings for Sustainable Habitat Restoration Act, and prohibiting Natural Asset Companies in Utah.

H.R. 5015, Seedlings for Sustainable Habitat Restoration Act, really focuses on a large issue that we have across this country on our National Forest System lands, which is essentially our ability to reforest lands that are impacted by wildfire. I want to show my sincere appreciation to Congress for the reforestation provisions that are under IIJA, in particular the REPLANT Act, which focuses on post-disturbance reforestation needs, and sets a mandate for us to address the backlog of reforestation needs across the National Forest System over the next 10 years.

The provisions in IIJA have enabled the Forest Service to increase the pace and scale of restoration to address existing needs and anticipate future events. H.R. 5015 amends this in the ecosystem restoration section of IIJA to allow the Forest Service to enter into contracts, grants, or agreements with state forestry agencies, local, private, or non-profit entities, institutions of higher education, or multi-state coalitions for the collection and maintenance of native seeds, and for the production of seedlings for revegetation.

For some of these ecosystem restoration activities in this section of IIJA, particularly those that are funding work on the National Forest System, we have some of these authorities to enter into contracts and agreements with these entities. However, for activities on non-Federal lands under IIJA's ecosystem restoration section, it expands the range of projects and partners potentially requesting funding under this section.

It would also modify the funding requirements for Forest Service landscape restoration proposals under the Collaborative Forest Landscape Restoration Program. Though H.R. 5015 does not seem to expand or change those authorities, it would broaden the framing around the program to explicitly include academic institutions and seed collection and seedling production activities as part of potential projects. This is in line with existing agency program guidance and is helpful.

USDA recognizes the importance of native seed collection, the maintenance and seedling production to support the goals that are within this bill, and we would like to work with the Committee to provide some technical assistance.

With regards to H.R. 5499, Congressional Oversight of the Antiquities Act, it would amend the Antiquities Act such that the presidential establishment or modification of a national monument would only be temporary unless the action is ratified by Congress through statute. If Congress does not act quickly to ratify the action by statute, the action would be void. A failure to ratify also

bars the acreage from future consideration under the Antiquities Act for the next 25 years.

The National Forest System administers 15 national monuments in eight states. Some of these were designated by the President through proclamation under the Antiquities Act, while others were established by an Act of Congress. We co-manage several of these monuments with the BLM. Roughly 5 million acres of National Forest System lands within these monuments represent a very small fraction of the 193 million acres of all the National Forest System lands. These national monuments protect historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest on Federal lands for future generations.

The Administration strongly opposes H.R. 5499 because of the restrictions it places on the establishment or modification of national monuments. Regardless, USDA will continue to administer lands as national monuments, whether designated by the president or by Congress, or them working in concert.

Finally, regarding H.R. 7006, prohibiting Natural Asset Companies in Utah, USDA was not involved with the withdrawn SEC rule to adopt listing standards for Natural Asset Companies, and we defer to the SEC on the potential impacts associated with H.R. 7006.

Again, thank you, Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee. That concludes my remarks, and I am ready to take any questions. Thanks.

[The prepared statement of Mr. French follows:]

PREPARED STATEMENT OF CHRIS FRENCH, DEPUTY CHIEF, NATIONAL FOREST SYSTEM,
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE

ON H.R. 5015, H.R. 5499, AND H.R. 7006

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to present the Administration's views on H.R. 5499, the "Congressional Oversight of the Antiquities Act," H.R. 5015, "Seedlings for Sustainable Habitat Restoration Act of 2023," and H.R. 7006, "Prohibiting Natural Asset Companies in Utah".

H.R. 5015, "Seedlings for Sustainable Habitat Restoration Act of 2023"

H.R. 5015 amends the Infrastructure Investment and Job's Act's (IIJA) ecosystem restoration section (16 U.S.C. 6592a) to allow the USDA Forest Service to enter into contracts, grants, or agreements with State forestry agencies, local private or non-profit entities, institutions of higher education or multistate coalitions for the collection and maintenance of native seeds and for the production of seedlings for revegetation to carry out the ecosystem restoration activities under section 16 U.S.C. 6592a(b).

For some of the ecosystem restoration activities described in subsection (b), particularly those funding work on the National Forest System, the agency already has the authority to enter into contracts and agreements with these entities for collection and maintenance of native seeds and the production of seedlings for revegetation. For this set of activities, this legislation would not augment our authorities for these existing programs. Using IIJA funds, the Forest Service has engaged with partners on availability of native seed for restoration through partnership agreements and contracts, and we have broad authority to do so with a range of partners. The list of agency partners is broad and includes Tribes who are not specifically mentioned in H.R. 5015.

For activities on non-federal lands under subsection (b)(9) of IIJA's ecosystem restoration section (16 U.S.C. 6592a), however, this bill would expand authorities. Currently the *Rural Forestry Assistance* section (16 U.S.C. 2102) of the *Cooperative Forestry Assistance Act* gives the agency authority to award financial assistance via grants and cooperative agreements to state foresters or equivalent state officials for

the production of tree seed and seedlings to benefit non-federal lands. H.R. 5015 appears to expand this authority to include native plants and would expand eligible entities beyond state foresters and equivalent state officials. H.R. 5015 may therefore significantly expand the range of projects and partners potentially requesting funding under subsection (b)(9), which will require the Forest Service to prioritize and manage expectations of eligible partners.

H.R. 5015 would also modify requirements for forest landscape restoration proposals for funding under the Collaborative Forest Landscape Restoration Program (CFLRP) (16 U.S.C. 7303(b)(7)). Though it does not seem to expand or change authorities, it would broaden the framing around the program to make explicit that seed collection and seedling production activities could be part of what projects are proposed to benefit local economies. This is in line with existing agency program guidance. In addition, the bill adds institutions of higher education to the list of entities that may provide employment or training opportunities under a proposal. Although academic institutions are already among the entities that provide local employment and training in collaboration with the Forest Service at CFLRP landscapes, this bill explicitly includes them.

USDA recognizes the importance of native seed collection and maintenance and for seedling production for revegetation. We support the goals of this bill and would like to work with the Committee to better understand its intent and to provide technical assistance.

H.R. 5499, “Congressional Oversight of the Antiquities Act”

Presidents of both parties have used 54 U.S.C. 320301 (commonly known as the “Antiquities Act”) for over 100 years to protect historic landmarks, historic and pre-historic structures, and other objects of historic or scientific interest on Federal lands for future generations. National monument designations under the Antiquities Act place no restrictions on non-federal property and are subject to valid existing rights.

The National Forest System administers 15 national monuments (including two national volcanic monuments) in eight states (Alaska, Arizona, California, Colorado, Oregon, South Dakota, Utah, and Washington) comprising 5,150,746 acres. Some of these were designated by the President through proclamation under the Antiquities Act while others were established by an act of Congress. Some are co-managed with the Bureau of Land Management.

H.R. 5499 would amend the Antiquities Act such that the establishment of a national monument, or reservation of a parcel of land as part of a national monument, would only be a temporary designation unless it is subsequently enacted through legislative action within the earlier of six months or the last day when Congress is in session for the Congressional term. Moreover, if a statute to extend or modify the designation is not enacted within this time, the acreage would be prohibited from establishment or inclusion in a national monument designated by the President under the Antiquities Act for the next 25 years.

The Administration strongly opposes H.R. 5499. Congress already has the ability to enact legislation revising or even eliminating a national monument that was created improvidently or that is no longer needed. Legislation modifying national monuments has been used sparingly but effectively for over a century, and the Administration believes this time-tested approach remains the appropriate tool for evaluating monuments.

The Administration believes that, as has been the case since enactment of the Antiquities Act in 1906, national monuments should be treated as valid unless a court of competent jurisdiction determines otherwise, or Congress, acting with deliberative care, concludes that a monument is unnecessary. H.R. 5499 reverses 118 years of practice to make national monument proclamations presumptively invalid unless proclamations are ratified by Congress. This change is counter to the core purpose for enacting the Act. The Antiquities Act recognized that threats to objects of historic and scientific interest that are found on lands that are owned or controlled by the Federal government may arise quickly. The Act also recognized that swift action may be needed to protect objects of historic or scientific interest, and that the President, acting under delegated authority and with the advantage of both administrative agency expertise and procedural efficiencies, is best positioned to address these threats. And as already noted, Congress can already modify any national monument proclamation as necessary and appropriate. The Administration believes this time-tested approach strikes an appropriate balance, allowing for prompt action to protect irreplaceable objects of historic or scientific interest while retaining multiple avenues to deliberately evaluate, and if necessary, revise national monument proclamations.

Furthermore, section 2(c)(2) would prohibit a President from protecting as a national monument the land or property included within the boundaries of a monument that is not ratified by Congress. This prohibition would extend for a period of 25 years and raises at least two significant concerns. First, section 2(c)(1) may not provide Congress with adequate time to carefully consider and vote on a legislation ratifying a national monument proclamation. A needed monument may therefore fail to secure ratification for reasons having nothing to do with the worthiness of resource protection. Second, prohibiting a President from proclaiming a national monument on covered lands for the next quarter-century leaves future Presidents powerless to respond to new information or changed conditions, including both the discovery of new objects of historic or scientific interest, or recognition of emergent threats to irreplaceable objects of historic or scientific interest on public lands. Under either scenario, the outcome is difficult to square with the overall purpose of the Antiquities Act. For these reasons, the Administration strongly opposes H.R. 5499.

H.R. 7006, “Prohibiting Natural Asset Companies in Utah”

H.R. 7006 would prohibit “natural asset companies,” as defined in the Security and Exchange Commission’s (SEC) withdrawn proposed rule regarding the New York Stock Exchange, or substantially similar companies from entering into any agreement with respect to land in the State of Utah or natural assets on or in such land. USDA was not involved in the withdrawn SEC proposal and defers to the SEC on the potential impacts associated with H.R. 7006.

Thank you for the opportunity to present the views of the Administration.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. CHRIS FRENCH, DEPUTY CHIEF FOR THE NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE

Mr. French did not submit responses to the Committee by the appropriate deadline for inclusion in the printed record.

Questions Submitted by Representative Westerman

Question 1. Are you aware of any national monuments the President is planning to designate before the end of his term? If so, can you please list what monuments are under consideration, and in which states?

Question 2. Has USFS been asked to provide any technical assistance, including creating maps or to hold public listening sessions, on any potential national monument designations by the White House?

Question 3. When a new monument is designated and USFS is directed to manage it, what funding is provided to carry out the management?

Question 4. When the President designated the Camp Hale-Continental Divide National Monument in Colorado and directed the USFS to manage it, were any funds provided to USFS to carry out this responsibility?

Question 5. In your responses to Member questions, you stated that, to your knowledge, USFS had no contact with the U.S. Securities and Exchange Commission (SEC) in connection with the SEC’s proposal to allow natural asset companies (NACs) to be listed on the New York Stock Exchange. Given the substantial effects that NACs could have on USFS land, was this lack of coordination with the SEC appropriate?

Question 6. As we are approaching the upcoming wildfire season, we are hearing reports that USFS is having challenges filling seasonal vacancies for wildland firefighters in California.

6a) Please provide an update on the current staffing levels for the 2024 wildfire season in California and other states.

6b) What are the total number of available wildland firefighter positions in each USFS region, both permanent and seasonal?

6c) How many of these positions have been filled, and how many remain to be filled?

6d) What is the agency’s plan to fill these positions by July 1, 2024?

6e) *What is the agency's plan if remaining vacancies are not filled by July 1, 2024?*

6f) *Will National Guard or other military resources be needed to augment USFS resources?*

Question 7. Last year, a federal judge in Montana directed USPS to obtain a Clean Water Act permit for the discharge of fire retardant from aerial assets. Please provide an update on the status of this Clean Water Act permit process, the current schedule for publication of any relevant NEPA documents, and the plan to engage affected States and other stakeholders on the development of this Clean Water Act permit.

Mr. TIFFANY. Thank you, Deputy French. I now recognize Members for 5 minutes for questions. First, we will turn to Representative Leger Fernández for 5 minutes.

Ms. LEGER FERNÁNDEZ. Thank you so very much for your testimony, and thank you, Mr. Chairman.

I am struck reading the testimonies about the amount of acreage and what we actually need to reforest what has been burned. Could you elaborate a little bit more on that, Mr. French, how much acreage we are seeing as lost, and what we would require to grow our forest back with these seedlings?

Mr. FRENCH. You bet.

Ms. LEGER FERNÁNDEZ. And how long would it take us if we didn't actually invest more in this effort?

Mr. FRENCH. Yes, I appreciate the question, Congresswoman.

I think it is important to look historically at the agency and how our reforestation programs were established. They were really set up to mimic the consequence of forest management. As that has changed over time, and whereas we see the largest disturbance that is occurring across our national forests is really being driven by wildfire, we have had a major backlog of reforestation needs across the country.

One thing to remember is about a third of all acres that experience wildfire usually have burned at such intensities, given conditions that we have right now, that they don't naturally regenerate. So, if we don't go back in and plant seedlings, we will lose that forest, this is a much higher number in places like California than that one-third.

We estimate over the next 10 years that we will need around 60 million seedlings a year to keep up with the reforestation efforts that we see right now. Current nursery production within the Forest Service is around 28 million seedlings per year. And then we really rely on other institutions and private nurseries to help us overcome those gaps. We continue to make those investments in our nursery system, it is one of the big pieces of the REPLANT Act, as well as working with states and partners in investments in non-Federal nursery systems.

Ms. LEGER FERNÁNDEZ. One of the things that I like about what we did in the Bipartisan Infrastructure Law and what we are trying to build on with regards to our legislation is the importance of, actually, those kinds of partnerships that you raised, right, that in order to really get this done, we need to both expand partnerships that actually create jobs in rural communities with people who actually know how to work the land. This is something that they are intimately familiar with.

We are going to have our New Mexico State University speak later, but can you add your perspective to the importance of these partnerships with educational institutions, and then other private organizations, people who actually know the land, foresters, local foresters?

Mr. FRENCH. You bet. Your points earlier were very accurate. Collecting native seeds from the area in which trees are going to grow is really a key piece of long-term success that those trees will continue.

I think we are also recognizing right now that some of the trees that have species that have been in certain areas are going to change over time as we are seeing temperature regimes change under climate change.

So, working with universities and working with other partners in order to identify what are the right seedlings, what is the right genetic stock, what is the right composition of species that you want to bring into these areas so they have the longest chance for persistence is super critical and helpful.

We know, working with the private sector, a nursery system, that there are a number of species that just aren't economical for them to produce. So, it really comes down to university systems, our own Federal nurseries to produce things like whitebark pine, as an example, that we need to reforest in areas because it is not available commercially.

Ms. LEGER FERNÁNDEZ. Thank you so very much.

Mr. Chair, with that I will yield back. I could talk all day about forest and trees, but I know we have lots of bills before us.

Mr. TIFFANY. The gentlewoman yields.

I ask unanimous consent the following letters supporting H.R. 5499, the Congressional Oversight of the Antiquities Act, be added to the record for today's hearing.

The letter from three different organizations representing stakeholders involved in the power sports industry notes recreationists are left out of the process when massive national monument designations are carried out under questionable interpretations of the Antiquities Act.

Specifically, these groups include the Motorcycle Industry Council, Specialty Vehicle Institute of America, and the Recreational Off-Highway Vehicle Association.

Without objection, so ordered.

[The information follows:]



March 18, 2024

The Honorable Mariannette Miller-Meeks
 U.S. House of Representatives
 1034 Longworth House Office Building
 Washington, DC 20515

Dear Representative Miller-Meeks:

On behalf of the Motorcycle Industry Council (MIC), Specialty Vehicle Institute of America (SVIA), and Recreational Off-Highway Vehicle Association (ROHVA)—together referenced as the Associations, I write in support of H.R. 5499, the Congressional Oversight of the Antiquities Act. As you know, H.R. 5499 would require congressional approval of presidential declarations of National Monuments within six months or before the end of the last session of the Congress it was introduced, whichever comes first.

The Antiquities Act of 1906 grants the President the authority to designate “. . . historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments.” The Antiquities Act also holds that national monuments should be “. . . confined to the smallest area compatible with proper care and management of the objects to be protected . . .,” yet multiple Presidents have, in our view, inappropriately designated enormous swaths of public lands as national monuments.

The Associations, off-highway vehicle enthusiasts, and other recreationists strive to support collaborative processes to develop consensus on management of shared public lands. Too often when collaborative processes are complicated, or otherwise breakdown, some attempt to restrict recreational access by urging the current Administration to designate the area as a National Monument. It is no secret that those most affected by land use decisions are those who live, recreate, and make their livelihoods on or near the public lands in question, and they should have a say in the management of those lands. As a result, it is imperative that Congress enact National Monument reform like H.R. 5499 which would provide for maximum public input and local involvement.

Thank you for your consideration.

Sincerely,

DUANE TAYLOR,
Director of Safe and Responsible Use Programs

Mr. TIFFANY. I now recognize the gentleman from Colorado, the Ranking Member, Mr. Neguse, for 5 minutes of questioning.

Mr. NEGUSE. Thank you, Mr. Chairman, and thank you to our witnesses for being here today and, as always, for your service. And I appreciate the opportunity to talk a bit about some of the bills that are before us today.

Deputy Director Culver, I want to talk a bit about your testimony regarding the Resource Management Plans and the bill that we are considering that I vehemently disagree with, and think would undermine the BLM, it would undermine broader agency rulemaking, and a public process that is literally ongoing as we speak. So, I think it is important for us to kind of clarify for the record.

The development of the draft Resource Management Plan and the supplemental Environmental Impact Statements that are targeted for repeal, are those plans final?

Ms. CULVER. Thank you for the question. No, they are not. They are draft plans.

Mr. NEGUSE. And that is an important distinction, because they remain draft plans. And to the extent that Members of Congress care to opine on them or play a role in elevating the voices of stakeholders and their constituents, they are welcome to do so, right?

Ms. CULVER. Correct.

Mr. NEGUSE. And that actually would be the proper venue, the proper avenue to do that, as opposed to, in my view, impairing and impinging on the hard work done by dedicated career public servants at our agencies.

Now, there has been a lot of misinformation, I think, about the opportunities for stakeholder input. Has there been an opportunity for the public and interested stakeholders to comment on the proposal?

Ms. CULVER. Yes, there have been numerous opportunities, scoping meetings in person, opportunities to submit written comments. The draft plans were available for a 90-day, 3-month comment period. There were numerous public meetings. And if people request a meeting, the BLM will also hold one.

Mr. NEGUSE. Thank you, Deputy Director. And what I found fascinating, it is a shame our colleague from Wyoming isn't here, but in the case of the Rock Springs RMP plan, my understanding is that the public comment was extended at the request of the Governor of Wyoming, who is a Republican. But irrespective of party affiliation, requests came in from the Governor, and the BLM generously extended that public comment period. Is that right?

Ms. CULVER. Correct. We extended it by an additional 60 days. So, the comment period was about 5 months on that plan.

Mr. NEGUSE. Well, I think that is good to hear. And clearly, you all are deeply engaged in a thoughtful process, a lot of public meetings, a lot of opportunities for stakeholders to weigh in, and then for you all to consider a balancing of the equities, which is what we charge your agency to do. So, I am grateful to you.

And I would just say if there is one silver lining, it is that this bill, I don't think, is ultimately going to get to the President's desk. And, of course, he will have every opportunity to express his will if it were to get to his desk. But I doubt that that is going to happen. And I hope that this is not par for the course, and doesn't become standard practice over here, because you all have important work to do, and your door has always been open, and Members are free to engage you in these processes, rather than introducing legislation to stop it in its tracks.

I know we want to have a number of other witnesses who are ready to testify, so I will yield the balance of my time.

But I will just say before doing so to you, Mr. French, that I am grateful for your agency's work with respect to the Camp Hale National Divide Monument, which I spoke a bit about during my opening remarks, because I think it crystallizes to me everything that the Antiquities Act is designed to preserve and to protect, and we ought to be proud of that. That is, I think, a legacy that we ought to build on. And clearly, the bill that we are considering with respect to the Antiquities Act, that does quite the opposite.

But anyway, I will yield back the balance of my time. Thank you, Mr. Chairman.

Mr. TIFFANY. The gentleman yields. I ask unanimous consent the following testimony supporting H.R. 7006, sponsored by Representative Curtis, be added to the record for today's hearing.

The testimony submitted by Hayden Ballard on behalf of the Utah Public Lands Policy Coordinating Office shares the concern many Western stakeholders have with the actions and proposals from the Biden administration. Referencing the Natural Asset Companies Proposed Rule, the testimony states the natural asset rule, coupled with the conservation rule, would have provided the necessary financing for those who wish to remove multiple uses from our Federal lands through the purchase of conservation leases.

Without objection, so ordered.

[The information follows:]

Statement for the Record

**Hayden L. Ballard, Legal Counsel
Utah Public Lands Policy Coordinating Office**

Chairman Tiffany, Members of the Subcommittee, I appreciate the opportunity to participate in the hearing today through the submission of this written testimony.

My name is Hayden Ballard, and I serve as Legal Counsel to the State of Utah's Public Lands Policy Coordinating Office ("PLPCO"). As the name implies, the role of our agency is to coordinate with federal agencies, other state agencies, the public and other stakeholders to further the State of Utah's adopted policies regarding federal land management. Through this coordination, we seek to find practical solutions to the array of challenges facing Utah's public lands.

We strongly support H.R. 7006, a bill "to prohibit natural asset companies from entering into any agreement with respect to land in the State of Utah or natural assets on or in such land." While the overall text of this bill is brief, the benefits of prohibiting natural asset companies from entering into any agreement with respect to land in the State of Utah, are great. This bill is a direct response to a proposed rule put forth by the Securities and Exchange Commission ("SEC"), just last fall, to allow the New York Stock Exchange ("NYSE") to adopt a new listing standard for the listing of Natural Asset Companies¹ or "NACs".

While this notion of authorizing NACs seems harmless enough on its face, we were extremely concerned when the SEC proposed this rule, and just as relieved when the SEC withdrew the same. The concern arose from the fact that the proposed rule had many latent, and potentially extremely harmful consequences to Utah's federal land and federal land users. Chief among these harmful consequences was that this proposed rule would have created a funding vehicle for the implementation of the BLM's proposed "Public Lands Rule" or "Conservation and Landscape Health Rule"² (or simply the Conservation Rule) which was proposed last year as well. While this testimony is specific to Congressman Curtis's bill H.R. 7006, and the prohibition of NACs from acquiring any interests in Utah, it is impossible to discuss the negative effects of NACs in Utah without also discussing this Conservation Rule. In short, hand-in-hand, the NAC Rule coupled with the Conservation Rule would have provided the necessary financing for those who wished to remove "multiple-uses" from our federal lands through the purchase of conservation leases. Allow me to explain.

In terms of high-level understanding, the BLM's "Conservation Rule," attempts to redefine the BLM's multiple-use mandate under the Federal Land Policy and Management Act of 1976 ("FLPMA")³ to include "conservation" as a use (in the process unilaterally bypassing Congress to amend this statute) and placing con-

¹ 88 FR 68811.

² 88 FR 19583.

³ 43 U.S.C. §§ 1701-1785.

servation on par with other multiple-uses of the land such as livestock grazing, recreation, energy development, etc.

To implement “conservation” as a use on par with the other statutorily defined multiple-uses, the BLM intends to issue “conservation leases” to businesses, organizations, individuals, and arguably government bodies, who would hold the leases to further conservation purposes.⁴ During the Clinton Administration, the BLM tried to amend its grazing regulations to allow for the issuance of leases solely for conservation. This provision in the regulations was struck down by the 10th Circuit Court of Appeals in 2000, as “the court found that the Secretary of the Interior (acting through the BLM) lacked the statutory authority to issue grazing permits intended exclusively for “conservation use.”⁵ While the BLM was thwarted in its attempts then to issue permits and/or leases solely for conservation purposes, it has again made this attempt through its own separate rule.

The burning question left unanswered through this rulemaking process has been where would the money come from to purchase these conservation leases? Surely some companies, organizations and individuals would have the capital available to simply purchase conservation leases outright, but without a way of receiving a return on that “investment” it seems that there was a missing piece as to how these leases would be funded. Enter stage left the SEC’s NAC rule.

In brief, the SEC’s proposed rule on NACs stated that a proposed NAC could issue shares in a publicly traded company, that would then acquire ecological performance rights, or EPRs, by obtaining a license concerning such rights from a government entity or a private landowner. For purposes of the SEC’s Proposed Rule on Natural Asset Companies, the BLM’s Conservation Rule would arguably open the door for businesses to purchase a conservation lease (conveniently for a period of 10 years, the same as the licensing requirements imposed by the SEC’s Proposed Rule)⁶ and thereby become eligible for NAC listing as they now hold ecological performance rights on federal land.

During the public comment period, the State of Utah submitted comments adamantly opposing the implementation of the SEC’s NAC Rule, and urged the SEC amend the proposed rule in a manner that would prohibit companies seeking to qualify as NACs from using the purchase of BLM Conservation Leases to qualify as ecological performance rights. Allowing NACs to purchase BLM Conservation Leases as ecological performance rights simply allows companies to make money off of the well-meaning public (via an Initial Public Offering or the subsequent trading of stocks) to then purchase these leases from the BLM, all for taking that land completely out of use and allowing it to remain untouched and fallow. This allows the BLM to make money for doing nothing, and allows the NAC to make money for doing nothing, all at the expense of the American people who are being misled into believing they’re making a difference.

Further, this interlocking scheme imperils the viability of our western livestock grazers, as these conservation leases (if purchased on top of existing federal grazing allotments) threatens to put them out of business if they are seen as being incompatible with the terms of the newly created conservation lease. This could be done even though a growing body of scientific research points to the fact that removing all use of the land (particularly grazing animals) results in greater desertification in western, arid landscapes.⁷ In short, not only would removing grazing NOT improve the environment, the allowance of conservation leases to qualify as EPRs is simply the funding mechanism necessary for the implementation of the BLM’s disastrous conservation leasing scheme in general.

As highlighted up to this point, the SEC’s NAC rule contained the latent ability to completely turn on its head the proper functioning working landscapes on federal/public lands. Relatedly, the SEC’s Proposed Rule threatens Utah’s ability to properly provide food, fiber and fuel to its citizenry through the noblest of human endeavors—agriculture itself.

⁴88 FR 19600; Proposed Rule § 6102.4(a).

⁵*Public Lands Council v. Babbitt*, 167 F.3d 1287, 1308 (10th Cir. 1999), aff’d, 529 U.S. 728 (2000).

⁶88 FR 68815.

⁷See generally Alan Savory, *Holistic Management: A Commonsense Revolution to Restore our Environment*, Third Edition, Island Press, Library of Congress Control Number 2016941253 (2016); see also Peter Byck, *Roots so Deep Trailer*, available at: www.rootssodeep.org (2023); see also Peter Byck, et. al, *Improvements in soil properties under adaptive multipaddock grazing relative to conventional grazing*, *Agronomy Journal*, available at: https://carboncowboys.org/images/published_research/pdfs/Agronomy_Journal_2022-Mosier-Improvements_in_soil_properties_under_adaptive_multipaddock_grazing.pdf (2022); see also Bill Weir, *Hamburgers and steaks are a big climate problem. Could new grazing practices be the answer?*, CNN, available at: <https://www.cnn.com/2023/07/03/us/climate-crisis-cattle-amp-grazing/index.html> (2023).

This threat arises from the fact that the SEC NAC rule imposed various reporting requirements on potential NACs, as well as ongoing restrictions on what types of activities may be engaged in by the NAC. For example, the proposed rule stated that “the NAC will be *prohibited from engaging directly or indirectly in unsustainable activities.*” What was defined as being an “*unsustainable activity*” included the term “*perpetuating industrial agriculture*” and the rule provided that the NAC would be “*prohibited from using its funds to finance such unsustainable activities*.”⁸ If an NAC were to willfully or unwillingly venture into an unsustainable activity, then “*the NAC will be subject to delisting from the NYSE.*”⁹

The problem here is that the proposed rule never attempted to define what constituted “perpetuating industrial agriculture” or to justify why this undefined term was an “unsustainable activity”. This could mean a wide variety of operations, both large and small, including family livestock ranchers and crop farmers. There simply was no attempt to define what was meant by industrial agriculture. Further, the term could encompass suppliers, such as a feed store, as that could be seen as a business that was “perpetuating” industrial agriculture. This ambiguity could very well be exploited by a potential NAC to purchase a private farm or ranch and then take it out of production as to remain eligible for listing as an NAC. In short, when coupled with the BLM’s Conservation Rule, the SEC NAC rule would have provided the funding necessary to purchase conservation leases on top of existing grazing allotments and other uses, and take those lands out of production. When used on private ground, the rule would have allowed for the same outcome on private farms and ranches. At a time when less than 2% of the nation’s population is engaged in agriculture, and in a time when food costs are skyrocketing, purposefully taking working lands out of production, in the name of acquiring ecological performance rights, is a danger to our nation’s agriculture and her citizens.

In addition to these concerns, the SEC’s NAC rule contained no prohibition on the foreign ownership of NACs, which raises yet another concern. At a time when many states are banning the foreign ownership of our agricultural lands, this rule would have opened the door for foreign adversaries to purchase controlling shares in NACs (or create them outright) and then purchase ecological performance rights (whether on public or private ground) and take those lands out of production—artificially controlling our natural resources and food production.

For the reasons outlined, our agency opposed the implementation of the SEC’s NAC rule last year, and were relieved to see its ultimate withdrawal.

It is for the same reasons we are now extremely supportive of Representative Curtis’s bill that takes a proactive approach to ensure that NACs are not imposed on Utahns in the future. We thank Representative Curtis for his dedicated work to move this bill forward and urge your support for this bill.

I again thank the subcommittee for the opportunity to participate and voice these concerns and make known our support.

Mr. TIFFANY. I am going to take 5 minutes to ask some questions here.

Mr. FRENCH, so the U.S. Forest Service had no contact with the SEC in regards to the natural asset rule?

Mr. FRENCH. Not that I am aware of.

Mr. TIFFANY. Same question, Ms. Culver.

Ms. CULVER. I know the BLM did not have any contact with the Securities and Exchange Commission regarding the rule.

Mr. TIFFANY. When does the Bureau of Land Management plan to publish the so-called Conservation and Landscape Health Rule?

Ms. CULVER. We are working to finalize the rule based on input we received on the proposed rule, and hope to publish it in the coming months.

Mr. TIFFANY. Do you know how soon?

Ms. CULVER. I don’t have a specific date.

Mr. TIFFANY. You say the coming months, but 2 months, 3 months?

⁸ 88 FR 68814.

⁹ *Id.*

Ms. CULVER. I don't have a specific date. It goes through a review process with the Office of Management and Budget.

Mr. TIFFANY. What role do you see the BLM having with the Natural Asset Companies? What role would the BLM play in regards to the conservation leasing system proposed under the Conservation and Landscape Health Rule, how would they work together?

Ms. CULVER. Thank you for the opportunity to clarify that.

The BLM has no role with regard to the establishment, definition, regulation of Natural Asset Companies. Under the proposed Public Lands Rule, the BLM would issue leases for restoration or mitigation activities based on the terms and conditions that we would develop, and entities could apply for those leases. They would not be guaranteed to be issued upon.

Mr. TIFFANY. So, what would stop a company controlled by the Chinese Communist Party from purchasing a conservation lease?

Ms. CULVER. Again, the way the proposed rule is set up, an entity or a non-profit or a state or local agency could apply, propose to apply for a lease to restore or mitigate public lands. The BLM would evaluate whether or not the proposal was for specific activities that were suitable for that area, whether or not the proposal was held by an entity that was qualified to carry out the activities, and exercise discretion as to whether or not to grant such a lease.

Mr. TIFFANY. Why is the Bureau of Land Management considering selling off our natural assets to perhaps our foreign adversaries like Communist China or Russia?

Ms. CULVER. The BLM is not considering selling off America's public lands to foreign countries.

Mr. TIFFANY. But based on your description there, if somebody has invested in one of those companies, they would become, in effect, a part owner of that natural asset.

Ms. CULVER. No, the BLM grants leases and permits to entities upon application. We have foreign companies that mine on public lands that hold oil and gas leases in the National Petroleum Reserve, Alaska.

In terms of the leases that we are proposing in the Public Land Rule, we heard a lot in public comment about concerns as to whether—

Mr. TIFFANY. So, you are going to fully vet any application to make sure that there are not interests from the Communist Chinese that are going to be part owners of our land in America.

Ms. CULVER. We will fully vet applications for leases to ensure those—

Mr. TIFFANY. You will guarantee that we will not see the Communist Chinese buying our public lands.

Ms. CULVER. We are not selling public lands to foreign entities, nor will we.

Mr. TIFFANY. Did you read the testimony of Eric Bingham, Land Use Director for Sweetwater County, Wyoming?

Ms. CULVER. I have not. I have seen a summary. I skimmed it.

Mr. TIFFANY. You did not get a chance to read it.

Ms. CULVER. I skimmed it, but I did not read every single word.

Mr. TIFFANY. He describes working with the Bureau of Land Management for a decade on what the county was told would be

a preferred alternative, and now the rug has been pulled out from under them, it sounds like there are four alternatives. Is this how the BLM is working with state partners at this point, state and local partners?

Ms. CULVER. Thank you for the opportunity to clarify. The Rock Springs draft plan, the alternatives were created working with cooperating agencies like Sweetwater County through seven week-long meetings. And we—

Mr. TIFFANY. So, you talk about these meetings, and I am sorry to interrupt, but you talk about having these meetings, and the Ranking Member talked about the extension, that you were so generous to give this extension for public comment. But are you actually coordinating with those counties, which, as you know, is a separate process, right, in Federal law?

Ms. CULVER. Under the Federal Land Policy and Management Act and the National Environmental Policy Act, they serve as cooperating agencies. They help us to create these alternatives that are out now for public comment.

Mr. TIFFANY. So, why did you do this with these four other alternatives, when they had been working through the process?

And they were surprised, some people would say they were backstabbed, by the Bureau of Land Management with these alternatives when they thought they were headed in a much better direction.

I mean, as a coordinating partner, wouldn't you try to prevent that from happening?

Ms. CULVER. Again, all of the co-operators had a chance to create those alternatives. The alternatives themselves were not changed, but things have changed on the ground as these alternatives have been developed. And the difference, I think, that he was referring to is which alternative was proposed as the preferred in the draft plan for comment.

Mr. TIFFANY. Isn't it the case that the only change is not on the ground out in Wyoming, it is the change on the ground here in Washington, DC, with a change of administration? Isn't that the change?

Ms. CULVER. I think there are changes on the ground and in the state of Wyoming, as well.

Mr. TIFFANY. Can you name the last Resource Management Plan finalized by the Bureau of Land Management that created a net increase in land available for oil and gas production? When is the last one that was approved by the Bureau of Land Management?

Ms. CULVER. I would have to look at that and get back to you.

Mr. TIFFANY. Yes, could you get us an answer to that? We would really like to know.

How much additional land is enough for the Federal Government? How much is enough?

Ms. CULVER. As an employee of the Bureau of Land Management, I work to steward the 245 million acres that the BLM is charged with managing.

Mr. TIFFANY. We hear about the failures, infrastructure is falling apart. I mean, we hear those stories when we go out and visit various facilities that are held under public management by the Federal Government. Why would we want to have more land come

under Federal control when the Federal Government can't manage what it has now?

Ms. CULVER. At the Bureau, we seek to manage all the lands, the 245 million acres that we are charged with. We appreciate Congress' support in bills like the Great American Outdoors Act which allow us to continue to maintain and upgrade our infrastructure, and we continue to work to do that.

Mr. TIFFANY. But we do have facilities that are not up to par, right? And we continue to acquire more land as we see these proposals.

Ms. CULVER. Again, I work to manage the land that the BLM currently has under our jurisdiction.

Mr. TIFFANY. Mr. French, how much land is enough? How much land under public ownership by the Federal Government is enough?

Mr. FRENCH. I am not equipped to answer that for you, sir. That is a really, I think, the purview of Congress and the Administration.

Mr. TIFFANY. I have exceeded my time significantly for questioning. I want to thank you very much for taking our questions and providing your testimony. It is greatly appreciated.

And now we will move on to our next panel.

While the Clerk resets our witness table, I will 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.

I would also like to remind our witnesses of the timing lights, which will turn red at the end of your 5-minute statement, and to please remember to turn on your microphone.

As with the second panel, I will allow all witnesses to testify before Member questioning.

[Pause.]

Mr. TIFFANY. I would now like to introduce the Honorable Greg Poschman, Chair of the Board of County Commissioners in Pitkin County, Colorado.

Commissioner Poschman, you have 5 minutes. Did I pronounce your name correctly?

Mr. POSCHMAN. You did, and thank you very much.

Mr. TIFFANY. Good. You have 5 minutes for your testimony.

Welcome to the Committee.

**STATEMENT OF THE HON. GREG POSCHMAN, COMMISSIONER,
BOARD OF COUNTY COMMISSIONERS, PITKIN COUNTY,
ASPEN, COLORADO**

Mr. POSCHMAN. Good morning, Chairman Tiffany, Ranking Member Neguse, and members of the Committee. I am Greg Poschman. I am a native Coloradan, an active outdoorsman, and a Pitkin County Commissioner in western Colorado. I am speaking on behalf of my constituency of Pitkin County citizens. I thank you for the opportunity to testify in opposition to H.R. 5499 and H.R. 6547, and to express Pitkin County's strong support for one of our bedrock Federal laws, the Antiquities Act.

Eighty years ago, my father shipped out to chase the Nazis from northern Italy. In the early spring of 1945, he and his fellow ski

troopers of the 10th Mountain Division fought heroically in battle after battle in the Apennine Mountains, suffering one of the highest casualty rates of the war. They took Riva Ridge, Della Spe, Mount Belvedere, pushing the Germans across the Po Valley until their surrender at Lake Garda, Italy. Though never as famous as the storming of Normandy, taking northern Italy away from the Nazis helped win the war and defeat fascism.

Seventy-seven years after their epic battles, Camp Hale, Colorado, their training ground, was designated a national monument under the Antiquities Act. It was a proud moment for my family and all the descendants of the 10th Mountain Division. Although my father was not around to celebrate it with us, he would have been grateful to see America finally honor his comrades, the ones who came back alive and the ones who didn't.

The Antiquities Act of 1906 has led to the designation of about 160 important monuments. Of 18 presidents who declared national monuments, 9 were Republican and 9 were Democrat. This is clear testimony to its effectiveness and value for all Americans. Camp Hale monument, like our Thompson Divide area in Pitkin County, had widespread public support for many, many years, if not decades, before it was designated.

H.R. 5499 proposes to weaken a law that has worked well for 100 years. Given the deep divisions in Congress, places needing protection might easily be lost to cynical political arguments. If passed, this bill would make permanent designation of places like Camp Hale near impossible.

Remember, Congress already has the power to pass legislation creating, revoking, or modifying national monuments on a case-by-case basis, so this legislation is completely unnecessary.

Polling has consistently demonstrated public support for national monuments. Eighty-four percent of Westerners support the president's ability to designate existing public lands as national monuments: H.R. 5499 is, quite frankly, out of step with American values.

Regarding BLM Resource Management Plans, my community is surrounded by Federal lands that will be directly impacted by the BLM's Colorado River Valley Resource Management Plan. Over 83 percent of Pitkin County is Federal land. It is home to the White River National Forest and the iconic 14,000-foot Maroon Bells. These lands contribute to our world-class outdoor recreation experiences and make our economy thrive. Grazing allotments on BLM and Forest Service lands maintain the historic ranching cultural identity alongside the tourism and ski resorts.

H.R. 6547 would prohibit the implementation of the Colorado River Valley in Grand Junction management plans. The BLM is conducting a public process to update its management plans because a Federal court found the agency violated the law in approving the prior version of these plans. By halting this process, this bill would prohibit the agency from considering the extensive and broad public input it has received.

A recent analysis shows the industry has had access to lease more than 90 percent of BLM lands nationwide. In Colorado, that number is 94 percent. The industry has been stockpiling leases, with more than 6,700 approved leases going unused. Of the 36

million acres under lease across all BLM lands, only 35 percent are in production, leaving 23 million acres locked up by the industry. The BLM's proposed plans for these areas are emblematic of what a balanced, multiple use management plan should look like, where lands with no or low oil and gas potential and lands with important ecological and cultural resources are closed to future oil and gas leasing while existing leases and development would be able to continue.

Now, I just want to say in 2021, oil and gas provided about 20,000 jobs in Colorado. Outdoor recreation provided close to 125,000 jobs, six times as many.

In conclusion, I want to commend the BLM staff for leading an inclusive process to update our RMP. They have conducted extensive outreach to solicit input from all stakeholders. As our population grows rapidly, energy development, recreation, and tourism continue to grow with it. In our part of Colorado, the Antiquities Act and updated management plans are critical tools for preserving America's historical, cultural sites and treasured landscapes for future generations. Thank you.

[The prepared statement of Mr. Poschman follows:]

PREPARED STATEMENT OF GREG POSCHMAN, PITKIN COUNTY COMMISSIONER
ON H.R. 6547

INTRODUCTION

Good morning, Chairman Tiffany, Ranking Member Neguse, and members of the Committee. My name is Greg Poschman. I am a native Coloradan, an active outdoorsman and a Pitkin County Commissioner on the western slope of Colorado. Thank you for the opportunity to testify in opposition to H.R. 5499 and H.R. 6547 and to express Pitkin County's strong support for one of our bedrock federal laws, the Antiquities Act. Also, thank you for the opportunity to express our strong support for modernizing the Bureau of Land Management's (BLM) Resource Management Planning process.

NATIONAL MONUMENTS & THE ANTIQUITIES ACT

Eighty years ago, my father shipped out to chase the Nazis out of northern Italy. Through a cold late winter and spring in 1945, he and his fellow "Ski Troopers" of the 10th Mountain Division fought heroically in battle after bloody battle in the Apennine mountains, suffering one of the highest casualty rates of the war. They took Riva Ridge, Mt. Della Spe, and Mt. Belvedere, pushing the Germans across the Po Valley until their surrender at Lake Garda, Italy. Though never as famous as the storming of Normandy, taking northern Italy away from the Nazis helped win the war and defeat fascism. Seventy-seven years after their epic battles, Camp Hale, Colorado, their training ground, was designated a National Monument under the Antiquities Act. It was a proud moment for my family and the descendants of the 10th Mountain Division. Although my father was no longer alive to celebrate the new monument, he would have been grateful to see America finally honor his comrades, the ones who came back alive and those who didn't.

Like many Americans and visitors to the United States, I have had the great good fortune to visit the Grand Canyon with my family and witness its glorious scenery. As you know, President Theodore Roosevelt established the Grand Canyon as one of the earliest National Monuments under the Antiquities Act just two years after the act became law. Today, it is a national park, but like many of our great national parks, the path toward that designation started as a national monument.

In short, this act, signed into law in 1906, has led to the designation of more than 160 monuments, protecting our cultural heritage and some of our most treasured natural wonders. Of the 18 presidents who have declared national monuments, nine have been Republicans, and nine have been Democrats. This is clear testimony to its effectiveness and value for both parties and all proud Americans.

What I fear about the proposed legislation, H.R. 5499, is that it will weaken and water down a law written more than 100 years ago and a law that has worked so

well for many years. Given Congress's deep divisions, land, statues, or buildings that need protection might easily be lost due to thoughtless and cynical political arguments. H.R. 5499 would sunset monument designations if not approved by Congress within six months or the end of that Congress (whichever is earlier). If passed, this bill would make permanent designations of places like Camp Hale much more challenging to achieve and a slap in the face to our veterans and to those who appreciate their sacrifice.

I want to remind you that Congress already has the power to pass legislation creating, revoking, or modifying national monuments on a case-by-case basis, so this cynically written legislation is completely unnecessary.

Polling has consistently demonstrated public support for national monuments. The supermajority of Westerners love national monuments and support their protections—84 percent of Westerners support presidents continuing to use their ability to designate existing public lands as national monuments to maintain public access and protect the land and wildlife for future generations.

People understand that a monument designation protects land from various types of industrial development and can help support their local economy. We can't let anti-conservation efforts undermine the president's ability to use the Antiquities Act. Bills like H.R. 5499 attempting to weaken the act are out of step with American conservation values.

BUREAU OF LAND MANAGEMENT'S RESOURCE MANAGEMENT PLANS

H.R. 6547 would render useless essential updates to the Bureau of Land Management (BLM) RMPs, taking us back to a time and place that no longer exists. The job of the BLM land in the West is no longer to lease exclusively for extractive potential. Growing populations in Colorado and the West are making new demands on our public lands. We have more ways to visit, enjoy, and utilize it and more sophisticated and comprehensive perspectives on protecting these essential public resources. The BLM draft resource management plans, as written, reflect a deeper understanding of the land and the diverse and growing population on it than previously.

What the BLM draft RMPs do, quite frankly, is modernize and correct a long-standing and narrow policy of taking land from the American people and leasing it to extractive boom and bust industries.

H.R. 6547 would prohibit the implementation of the Draft Resource Management Plan and Draft Supplemental Environmental Impact Statement for the Colorado River Valley and Grand Junction field offices. The BLM controls more federal land than any other agency—close to 245 million acres nationwide. A recent analysis by The Wilderness Society shows the oil and gas industry has had access to lease more than 90% of this vast expanse of land. That number is even higher in Colorado: 94% of the 8.3 million acres in Colorado.

After over 111 years of federal subsidy with the people's money, the oil and gas industry has been stockpiling leases, and currently, more than 6,700 approved leases are going unused. Of the 36 million acres under lease across all BLM lands, only 12.6 million acres (35%) are in production, leaving more than 23 million acres of American land locked up by the oil and gas industry and under real threat of degradation.

This is an industry that does not go light on the land. Anyone who has ever flown over, driven, or hiked the west where leases have been developed will see a vast network of roads, settling ponds, pipes, and compressor stations. What were once pristine landscapes are now heavily industrialized, ruining vast stretches of wildlife habitat, hunting country, and what might have been great areas for American recreation. With our current essential focus on reducing carbon emissions, it has been discovered that thousands of these wells and pipelines are leaking methane and other greenhouse gasses, exacerbating an existential problem.

With the BLM's Draft RMPs and Supplemental Environmental Impact Statement, the agency is finally right-sizing its planning process to balance other uses, including conservation and recreation, which have become more valuable to the American people. H.R. 6547 would prohibit the agency from considering the extensive input it received through public comment.

The BLM's proposed management plans seek to fairly consider important stakeholders that represent significant value beyond the oil and gas industry. Among those stakeholders are the tens of thousands of men and women whose livelihood depends on the recreational uses on BLM land. Consider this: In 2021, oil and gas provided about 20,000 jobs in Colorado. Outdoor recreation provided more than six-fold that number at close to 125,000 jobs. And, of course, over 40 million Americans downstream depend upon clean water that flows from these lands, for they are our

national “water towers,” containing the mountain aquifers and streams that support our lives and livelihoods.

One of the goals of Pitkin County, the Colorado General Assembly and the nation at large is to address climate change’s imminent and obvious dangers. Whether you’re a rancher or farmer witnessing severe droughts, a tourism operator worried about dry summers and about winters shortened by over a month, or a wildlands firefighter risking your life to fight repeated and disastrous fires on federal lands, the dangers of climate change caused by the continued use of carbon-intensive oil and gas cannot be denied by any but those most willfully refusing to study the science, and those who profit from intentional neglect. To wit, a 2023 study by the Union of Concerned Scientists found that 37% of the area burned by forest fires in the western U.S. and southwest Canada since 1986 can be attributed to heat-trapping emissions from the world’s largest fossil fuel producers.

My community is surrounded by federal lands that will be directly impacted by the BLM’s Colorado River Valley RMP.

Over 83 percent of Pitkin County is federal public land. It is home to the White River National Forest and the iconic 14,000-foot Maroon Bells. These public lands contribute to our world-class outdoor recreation experiences and help ensure our local economy thrives. Numerous grazing allotments on BLM and Forest Service lands maintain the historic ranching cultural identity alongside tourism and ski resorts throughout Pitkin County.

Our public lands, farming, ranching heritage, and thriving outdoor recreation economy make Pitkin County a uniquely desirable place to hunt, fish, ski, hike, bike, and raft. However, our public lands are challenged by a changing climate, continued population growth, and increased demand for natural resources, development, and outdoor recreation.

Oil and gas leases last at least ten years whether the company drills or not and if wells are drilled, then leases can be extended for decades, precluding other activities like recreation, cattle grazing or hunting. The lands under lease also take away the opportunities to manage these lands for conservation purposes, including protecting watersheds and wildlife habitat.

It’s important to note that the BLM is conducting a public process to update its management plans because a federal court found the agency violated the law in approving the prior version of these plans. H.R. 6547 would prohibit the agency from considering the extensive input it received through public comment from Pitkin County and the general public by prohibiting the agency from finalizing this process.

As stated in an article by E&E News, “One of the primary explanations BLM offers for reducing oil and gas access is to protect specific cultural and Native American sites from drilling, roads and pipelines that could damage them, reflecting their larger stated goal of increasing tribal consultation and answering a long-standing complaint of Native American leaders.”

Most of Colorado’s oil and gas-producing regions have been in production for decades, some for over 50 years. The industry has had plenty of time to lock up as many federal lands for oil and gas leasing as it has desired. The BLM’s proposed new plan for these areas is emblematic of what a balanced, multiple-use management plan should look like from the agency, where lands with no, low and moderate potential and lands with significant ecological or cultural resources are closed to future oil and gas leasing; and existing leasing and development would be able to continue.

It is important to stress that our region’s economies are changing and diversifying. A 2023 report by the Colorado Fiscal Institute shows that continuing the BLM’s status quo oil and gas leasing process could negatively impact Colorado’s economy and recreation economy in particular.

The report illustrates that winter recreation in Colorado, like skiing, “generated about \$1.3 billion in economic activity in 2021, or about a quarter of snow sports’ \$5.2 billion in economic output in the entire country.”

Notably, the report states that, unlike oil and gas extraction, winter recreation sports don’t “require the cleanup and plugging of abandoned wells. Also, the outdoor recreation industry doesn’t contribute to climate change and the increasing severity of forest fires as the fossil fuel industry does.

The report concludes, among other things, “that in choosing to downsize oil and gas development in tourist areas of Colorado, the BLM will fall in line with recent climate goals set by Congress and the Colorado General Assembly to address ‘the harmful impacts that the oil and gas industry have on our health, economy, and climate’ and, possibly, help protect one of Colorado’s most important economic drivers.”

Protecting our natural resources while maintaining a thriving economy is a balancing act. The BLM's Resource Management Planning process is critical for achieving this balance. It considers the input of all stakeholders on how a BLM area should be managed. It helps elected officials like me and my constituents to work with the BLM in managing the delicate ecosystems we rely on for clean air and water for recreation and agriculture. Protecting these areas by recognizing their actual value to a diverse population of beneficiaries is especially important with the imminent threats to western water and the increased wildfire dangers. RMPs promote the BLM's multiple-use mission and allow collaboration among users, including timber, grazing, extraction, mining, and recreation—for the benefit of all.

The BLM's Resource Management Plans (or RMPs) are a critical planning tool for managing landscapes for multiple use. However, many of the BLM's RMPs are woefully outdated and don't reflect current conditions on the ground or adequately address current needs.

Eighty-five percent of BLM lands in our Colorado River Valley Field Office have been open to oil and gas development for decades. These include popular recreation and wildlife areas on the Colorado and Eagle Rivers.

These BLM lands are essential in supporting world-class recreation opportunities that create Colorado's \$9.6 billion outdoor recreation economy. Tourism and outdoor recreation account for over 50% of Pitkin County's annual revenues. Pitkin County has worked hard to create a diversified economy that includes and balances development while conserving our public lands. We rely on having federal land management partners that work with us to balance these needs.

If enacted, H.R. 6547 would tie the hands of the BLM, undermining the agency's ability to manage critical public lands in my county, across western Colorado, and around the West.

CONCLUSION

In conclusion, I commend the BLM agency staff for leading an inclusive public process to update our RMP. They have conducted extensive outreach to solicit public comments from all stakeholders. H.R. 6547 would undo all that work.

I support the Antiquities Act and modernizing the BLM's Resource Management Planning process. As climate change, energy development, and recreation and tourism continue to grow in Pitkin County and Colorado, the Antiquities Act and updated RMPs are critical tools for preserving America's historic and cultural sites and treasured landscapes for future generations.

Thank you.

Mr. TIFFANY. Thank you, Commissioner. I now recognize Ms. Kathleen Sgamma, President of the Western Energy Alliance.

You have 5 minutes.

STATEMENT OF KATHLEEN SGAMMA, PRESIDENT, WESTERN ENERGY ALLIANCE, DENVER, COLORADO

Ms. SGAMMA. Thank you, Mr. Chairman, and I am glad the Commissioner brought up the Camp Hale monument designation, because that is a good example of why H.R. 5499 is so necessary. The Ute Indian Tribe was very upset by that designation of a monument, because it didn't have a chance to weigh in on that monument designation. And that is the problem with the Antiquities Act, it is a fiat from on high from the president, without the public participation that normally accompanies public land management decisions. And as such, the Ute Indian Tribe and its historical ties to that area were completely forgotten in the national monument designation.

We are also concerned about the use of the Antiquities Act, which to date has not resulted in large areas that are productive for oil and natural gas being locked off, but that remains a concern, especially with the President, who has pledged no Federal oil and

natural gas. So, that is why we are concerned about the Antiquities Act and we support H.R. 5499.

In regards to the Resource Management Plans that are the subject of bills before the Committee today as well, we are very concerned by both of those because they lock away huge amounts of land to oil and natural gas and, although they are not yet finalized, we know how well BLM listens during the public comment process, although we are hopeful that the Colorado BLM is listening to stakeholders and is perhaps looking at another alternative that would be more balanced, because the locking away of the huge amount of acreage to oil and natural gas in the Colorado River Valley and Grand Junction RMP is just based on old information. It is not necessary. It is not the least restrictive means to protect other resource values, and it would lock away about 1.5, almost 1.6 million acres to oil and natural gas, which is very extreme.

Likewise, with the Rock Springs RMP, we are talking about an RMP in an area that is a major oil and natural gas-producing area in one of the major oil and natural gas-producing states in the country. And the shock that that alternative produced in Wyoming from the legislature to the county commissioners to stakeholders was quite profound. That RMP would lock away about 2.5 million acres, or 2.1, 2.2 million acres, depending on which chart in the RMP you read, it is not clear, it is a little bit concerning that BLM would have that inconsistency in that RMP. That would lock away about 59 percent of the mineral estate, again, in that planning area in which that economy is very dependent on oil and natural gas.

So, that is a very extreme RMP, as well, so we support both those bills to revoke those RMPs.

And finally, with the Natural Asset Company bill, I applaud that Mr. Curtis has put that bill forward. We only wish that it applied not just to Utah, but all across the country, and particularly on Federal and tribal lands. I was disappointed that the Deputy Chief French and Deputy Director Culver both just deferred to the Securities and Exchange Commission on that rule, on those bills, because it was clear when SEC put forward that bill or that rule, that it had not done any coordination with Federal land managers, and didn't consider the effect of that rule on Natural Asset Companies on Federal or tribal lands.

And that is a bit concerning, because there are things like FLPMA, the Federal Land Policy and Management Act, that discuss how Federal lands should be managed, and how oil and natural gas, ranching, and mining are principal uses of those Federal lands, yet the SEC rule would have precluded those productive uses, those multiple uses of Federal lands on Federal land. And that is antithetical to existing law like FLPMA.

I really appreciate the opportunity to comment today and I look forward to questions.

[The prepared statement of Ms. Sgamma follows:]

PREPARED STATEMENT OF KATHLEEN SGAMMA, PRESIDENT, WESTERN
ENERGY ALLIANCE
ON H.R. 5499, H.R. 6085, H.R. 6547, AND H.R. 7006

Chairman Tiffany, Ranking Member Neguse, and Committee Members, thank you for the opportunity to testify. I will address four of the bills before the committee today as they would help provide reasonable access for oil and natural gas development and production on non-park, non-wilderness public lands.

Western Energy Alliance is the leader and champion for independent oil and natural gas companies in the West. Working with a vibrant membership base for over 50 years, our expert staff, active committees, and committed board members form a collaborative and welcoming community of professionals dedicated to abundant, affordable energy and a high quality of life for all. Alliance members lease and regularly operate in an environmentally responsible manner on public lands in the West.

H.R. 6085 and H.R. 6547

On January 27, 2021, just a week into his presidency, President Biden issued a moratorium on new leases on federal lands and waters. Lacking the power to do so, this Biden leasing ban was fairly easily overturned in court. BLM is now using the public land use planning process to preclude leasing on vast swathes of land across the West, in effect serving as the Biden leasing ban by other means. In five RMPs that are currently being updated across the West, BLM is proposing to close 6,723,418 acres to oil and natural gas leasing.¹ While we strongly support H.R. 6085, Rep. Hageman's bill to prohibit the implementation of the Rock Springs RMP revision and H.R. 6547, Rep. Boebert's bill to prohibit the implementation of the RMP revision for the Colorado River Valley and Grand Junction field offices, Congress should also consider these other RMPs that contain large closures in Colorado, North Dakota, Utah, and Wyoming.

In my 18 years at the Alliance, I cannot recall but a few isolated examples where a standard RMP amendment did not result in more protections being put in place and more lands being locked away from leasing. Whether the Bush, Obama, Trump, or Biden administrations, almost every time BLM opens up an RMP for revision, it finds new reasons to impose more restrictions on oil and natural gas development and production or to close areas to leasing. It almost never goes the other way despite the fact that expanded use of horizontal drilling reduces surface disturbance by up to 70%.² Once lands are closed to leasing, they remain that way. I understand that to a certain extent, as there are other resource values on public lands that must be protected, but the extent of the current proposed land closures and restrictions is at an unprecedented level, with the ultimate effect being a ban on leasing in large parts of the federal mineral estate.

With the Colorado RMP amendment, BLM would close 1,566,300 acres to oil and natural gas leasing out of a planning area of 1,921,660, or 82% of the federal mineral estate. BLM's justification is that the lands have no-known, low, or medium potential for oil and natural gas. BLM used an analysis of the potential based on a 2002 U.S. Geological Survey (USGS) resource assessment despite the existence of a 2016 USGS resource assessment that found a 318% increase in natural gas and a 23% increase in oil resources. The justification for BLM to close the areas to leasing because of poor potential is based on two-decades-old data. Since 2002, oil and natural gas technology has advanced exponentially and we are accessing new shale resources that were previously completely inaccessible.³

Even with BLM's incorrect assumption about the oil and natural gas potential, closing the lands to leasing would violate the law. The Energy Policy Act of 2005

¹ Draft Resource Management Plan Supplemental Environmental Impact Statement Colorado River Valley Field Office and Grand Junction Field Office, BLM, August 2023; Rock Springs Field Office Draft Resource Management Plan Revision and Draft Environmental Impact Statement, BLM, May 2023; Gunnison Sage-Grouse Resource Management Plan Amendment—Draft Environmental Impact Statement, BLM, November 2023; Draft Resource Management Plan Amendment and Environmental Impact Statement for Big Game Habitat Conservation for Oil and Gas Management in Colorado, BLM, October 2023; North Dakota Draft Resource Management Plan and Environmental Impact Statement, BLM, January 2023.

²“Oil and gas impacts on Wyoming's sage-grouse: summarizing the past and predicting the foreseeable future,” *Human-Wildlife Interactions Vol. 8 No 2*, Dave H. Applegate and Nick L. Owens, 2014, p. 284-290.

³See *Comments on the Draft Resource Management Plan and Supplemental Environmental Impact Statement for the Colorado River Valley Field Office and Grand Junction Field Office*, Western Energy Alliance, West Slope Colorado Oil and Gas Association, and COGA, November 1, 2023.

and Energy Policy Conservation Act Amendments of 2000 require federal land management agencies to use the least restrictive means necessary to protect other resource values. BLM has many means at its disposal to protect wildlife, cultural, air, water, recreation, and other resources. Those means include lease stipulations that range from timing limitations on when oil and natural gas activity can occur, to controls on the use of the surface, to the most extreme restriction, which is no surface occupancy (NSO). NSO means that no oil and natural gas equipment, such as a drilling rig, can be placed on a lease whatsoever. The lease must be accessed from adjacent lands using horizontal or directional drilling. Since the lateral reach of horizontal wells is about two to three miles at a maximum, NSO can result in isolating lands that are beyond reach, and therefore, should be used sparingly. However, even NSO restrictions are less extreme than the blanket closure of 82% of the federal mineral estate in the planning area.

The Rock Springs RMP revision is likewise extreme.⁴ BLM is proposing to close 2,186,218 acres to leasing, out of a planning area of 3,718,451 acres of federal mineral estate, or 59%. Of the 1,532,233 acres of the planning area that would remain open, 813,354 or 53% would carry the most restrictive NSO designation. This area of Wyoming is one of the major oil and natural gas production areas in a state that is one of the major oil and natural gas states in the nation. For the 1,772,213 acres currently leased, BLM is proposing that these lands are closed to leasing once the terms of the leases expire.

Further, BLM grossly overestimates the number of wells that will likely be developed in Rock Springs in order to justify closing this extreme amount of acreage. Using outdated assumptions from 2010, BLM projects 6,719 new wells will be drilled over the 20-year life of the RMP, an average of 336 wells per year. This flawed “reasonably” foreseeable development scenario is used to quantify the projected impacts to surface disturbance, air quality, water quality, surface and ground water usage, cultural resources, invasive species, wildlife habitat, visual resources and just about every resource analyzed in the RMP.

In fact, BLM’s own data show that in 2022, 33 Applications for Permits to Drill were received, 21 approved, 13 are pending, and 18 wells were actually spud.⁵ Such recent data show BLM’s assumptions to be very wide of the mark. Rather than 336 wells drilled *a year*, it is more likely that 360 wells will be drilled *over the entire 20-year life* of the final RMP. The more realistic assumption of 18 wells drilled per year indicates that BLM is overestimating likely oil and natural gas development in the planning area by 1,867%, with that extreme overestimation causing commensurate exaggeration in the impacts to other resources. Only by exaggerating these impacts can BLM propose to impose such drastic restrictions on responsible oil and natural gas development in the Rock Springs planning area.

It is no wonder that the reaction to the release of the Rock Springs RMP was one of shock that rippled through the State of Wyoming. Stakeholders’ input that had been collaboratively provided for 12 years was discarded. Never before had the BLM selected an extreme conservation alternative as the preferred alternative, one hastily developed and contrary to the balanced objectives envisioned by those involved in the multi-year stakeholder and cooperating agency process. The public’s reaction to the BLM’s decision was proportional and necessary.

Wyoming and the Rock Springs community rely on responsible oil and natural gas production from public lands for economic prosperity and job creation. Oil and natural gas development in the area has shaped the cultural and societal fabric of the community and supports a robust economy. Despite the fact that BLM heard overwhelmingly from members of the community that they wished to retain access to public lands for oil and natural gas activities, BLM seemed to listen to environmental special interests only who do not represent the community at large. Usually, BLM’s preferred alternative strikes a balance, however imperfect, between the most protective alternative and the most extractive one, yet for this oil and natural gas community, BLM chose the extreme conservation alternative. We urge Congress to pass H.R. 6085 to prevent this fundamentally flawed RMP.

H.R. 7006

Western Energy Alliance strongly supports H.R. 7006, Rep. Curtis’ bill to prohibit Natural Asset Companies (NAC) from operating in Utah. I only wish the bill applied across the whole country and in particular, on tribal and federal lands. As envisioned, NACs would have been able to monetize ecosystem services and natural

⁴See *Comments on the Rock Springs Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revisions*, Petroleum Association of Wyoming and Western Energy Alliance, January 17, 2024.

⁵*BLM Oil & Gas Statistics, FY2022*, Table 16: Applications for Permits to Drill (APD) Report

resource values on public and tribal lands without an adequate system for compensating tribal members nor the American people who collectively own public lands. Although the Securities and Exchange Commission (SEC) has withdrawn the rule to list NACs on the New York Stock Exchange, H.R. 7006 is necessary because the concept is far from dead, as the administration moves forward with its Natural Capital Accounting strategy.⁶

The bill should be extended to all federal lands because the concept of NACs conflicts with BLM's organic statute, the Federal Land Policy and Management Act (FLPMA) and to all tribal lands, as NACs benefiting from tribal resources is contrary to the Department of the Interior's trust responsibility to tribes and their members. NACs are envisioned to prevent productive activities like oil and natural gas development off federal lands, even though FLPMA mandates that the "principal or major uses" of public lands include "mineral exploration and production." See 43 U.S.C. §1702(l). Please see my recent testimony before the Oversight and Investigations Subcommittee regarding NACs.⁷

H.R. 5499

We strongly support H.R. 5499, Rep. Miller-Meeks' Congressional Oversight of the Antiquities Act, as the Antiquities Act has been inappropriately used over many years to create huge monument designations that are well beyond the original intent of the law. Enacted in 1906, the Antiquities Act served to protect historic and cultural resources from looting, destruction, and private appropriation. No federal laws existed at the time to protect public lands outside of national parks and the resources on them. The original intent of the Antiquities Act was to protect small, significant places of national interest and the cultural resources they contain.

According to the text of the Act, monument designations are to be made for "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest," and the government must reserve "the smallest area compatible with proper care and management of the objects to be protected." The clear implication of this language is that monuments were intended by Congress to protect specific resources and the land in their immediate vicinity that is directly threatened, not hundreds of thousands or millions of acres. Recent designations have far exceeded this intent.

Large monument designations are undemocratic, lacking input from local communities and elected officials, and negatively impact state and local economies. They are the only large actions on federal lands that do not require analysis under the National Environmental Policy Act (NEPA) and hence, are not subject to robust, transparent public comment and consultation with elected officials. National monument designations that affect large areas have been made over the objection of state, local, and tribal leaders, and those who live and make a living near the monuments.

In addition, both federal law and public appreciation of historical sites have significantly changed since 1906 when the Antiquities Act was enacted. With the Federal Land Policy and Management Act (FLPMA), public lands are no longer being transferred into private ownership and special areas can be protected, with public input, through the land use planning process. The Archaeological Resources Protection Act of 1979 criminalized destruction of archaeological resources, and the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) provided additional protections. Moreover, the National Historic Preservation Act of 1966 (NHPA) prevents damage to cultural resources. The threat to our cultural heritage that the Antiquities Act was meant to address has largely disappeared, and the Act has been used instead as unrestrained presidential power that circumvents the will of Congress and the needs of local communities.

Western Energy Alliance is concerned that the current president, who has repeatedly promised to prevent federal oil and natural gas production, or future presidents would use unrestrained monument designations to lock away large areas that contain oil and natural gas resources. We urge Congress to pass H.R. 5499.

⁶*National Strategy to Develop Statistics for Environmental-Economic Decisions: A U.S. System of Natural Capital Accounting Associated Environmental-Economic Statistics*, Office of Science and Technology, Office of Management and Budget, Department of Commerce, January 2023.

⁷*Testimony of Kathleen Sgamma before the U.S. House Committee on Natural Resources, Subcommittee on Oversight and Investigations*, March 7, 2024.

Mr. TIFFANY. Thank you, Ms. Sgamma. I would like to now introduce Ms. Michelle McConkie, Director for the Utah School and Institutional Trust Lands Administration.

Director McConkie, you have 5 minutes.

STATEMENT OF MICHELLE McCONKIE, DIRECTOR, STATE OF UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION, SALT LAKE CITY, UTAH

Ms. McCONKIE. Chairman Tiffany, thank you for the opportunity to testify today. My name is Michelle McConkie. I am the Director of the Utah School and Institutional Trust Lands Administration, or SITLA, and SITLA is a state agency that manages trust lands granted by Congress at Utah's statehood for the financial support of public education and other institutions.

SITLA manages approximately 3.3 million acres of surface and subsurface trust lands, along with an additional 1 million acres of severed mineral estate. Revenue from activities on these lands is invested, and distributions are made annually to every public school in the state.

When scattered state trust lands are embedded within Federal conservation areas, the utility of these lands is severely limited. For example, mineral development nearly always requires areas larger than scattered 640 acres or 1-square-mile trust land sections to be economically viable. If the surrounding Federal lands do not allow for compatible activities, these trust lands are unlikely to be developed for such purposes.

One way to mitigate these management conflicts is to undertake State-Federal land exchanges. Unfortunately, these involve a lengthy and expensive process with political hurdles that are magnified by monument designations that do not include congressional oversight or seek state and local input.

A recent example of these types of difficulties is the ongoing political wranglings associated with the designation of the Bears Ears National Monument in southeastern Utah. This monument was established by presidential proclamation near the end of the time of President Obama. President Trump subsequently reduced the footprint of the monument during his administration. The monument boundaries were then once again expanded by President Biden. This back and forth over the past 8 years has brought tremendous uncertainty for state trust land inholdings within the monument boundaries, which under the current iteration captures more than 200 scattered tracts of trust lands and over 126,000 acres.

An exchange was contemplated shortly after President Obama's designation, but was postponed when it became clear the footprint would be changing once President Trump took office. Discussions on an exchange resumed once the boundaries were expanded by President Biden in 2021. We have spent the last 2½ years working on these efforts, which have, unfortunately, recently been paused by continued tensions between the State and Federal Governments over management of the monument.

It is difficult for SITLA to work on an exchange, or for industry to commit capital to a project on trust lands in such circumstances. The unfortunate result is that these trust lands often lie stagnant

for years, making us unable to generate much-needed funding for Utah's public schools.

For example, in 2019, an oil and gas company expressed interest in leasing trust lands in the Bears Ears Monument Area that had been included in the Obama era boundaries, were outside the then-current Trump-era boundaries, and were anticipated to be re-incorporated into the boundaries if Biden were to take office. Given these uncertainties, SITLA had to decide whether to hold the lands for potential exchange or encumber them with leases that may never be explored or developed. Ultimately, SITLA held off on leasing those lands, and less than 2 years later they were back inside the re-expanded monument boundaries.

Contrast the Bears Ears experience with trading out of school trust lands in the San Rafael Swell area of central Utah. The San Rafael Swell is important to many different stakeholders who came together and worked for several years with various administrations, Congress, and state and local officials to put together the Emery County Public Lands Management Act. This was later incorporated into the 2019 John Dingell Act, which includes the establishment of recreation areas, wilderness areas, wild and scenic river designations, and provisions for the exchange of state trust lands out of these new Federal designations. Though it was a difficult process, the end result is a Federal land exchange that has been significantly less controversial than the proposed Bears Ears exchange. It has brought greater finality and certainty to the uses of Federal land, and has allowed SITLA to move forward with acquiring Federal land to fulfill its mission to fund Utah schools.

Given the impacts monument designations on Federal lands have on state trust lands and other surrounding landowners, it may be helpful to have more public discussion on proposed monuments and to have some congressional oversight on this process.

Thank you again for the opportunity to testify, and I am happy to answer any questions.

[The prepared statement of Ms. McConkie follows:]

PREPARED STATEMENT OF MICHELLE MCCONKIE, DIRECTOR, UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

ON H.R. 5499

Chairman Tiffany, Ranking Member Neguse and members of the Subcommittee, thank you for the opportunity to testify today.

My name is Michelle McConkie and I am the Director of the Utah School and Institutional Trust Lands Administration ("SITLA"), a state agency that manages state trust lands granted by Congress at Utah's statehood for the financial support of public education and other state institutions. In addition to public schools, beneficiaries of Utah's trust lands grants include the University of Utah, Utah State University, a hospital providing healthcare to disabled miners, and the state schools for the blind and deaf. SITLA manages approximately 3.3 million acres of state trust lands, along with an additional million acres of severed mineral estate. Revenue from school trust lands—derived from oil and gas, mining, real estate development, and other activities, is deposited in the Utah Permanent School Fund, a perpetual endowment supporting public schools. The Utah Permanent School Fund has a balance of approximately \$3.2 billion. Proceeds from the fund are distributed annually to every public school in the state to help with each school's most pressing academic needs.

State trust lands are largely distributed in a checkerboard pattern throughout their respective states and these scattered sections are often surrounded by federal lands. Due to this ownership pattern, large national monument designations under

the Antiquities Act can have far-reaching effects on school trust lands and can create serious management conflicts when they become trapped inholdings within monument boundaries.

Restrictive Use Designation on Federal Lands Affect Activities on State Trust Lands

When scattered state trust land inholdings are embedded within federal conservation areas such as national monuments and other designations, land management conflicts arise. State trust lands were granted by Congress at statehood with a directive to utilize them for the financial benefit of public schools and other beneficiaries. But when restrictive uses are designated on surrounding Federal lands, the utility of these lands and ability to meet this Congressional directive are severely limited.

For example, oil, gas and other mineral development activities nearly always require development areas larger than scattered 640-acre (1 square mile) trust lands sections to be economically viable. For this reason, if the surrounding federal lands do not allow for compatible development activities, these trust lands are unlikely to be developed for such purposes. Even if industry is able to economically develop an isolated section of trust lands, there is the added difficulty of gaining access to the state lands over surrounding federal lands with restrictive use designations.

Land Exchanges as a Solution to Management Conflicts

One way to mitigate these management conflicts is to undertake state/federal land exchanges, where state inholdings within the boundaries of restrictively-managed federal lands are traded for federal lands with greater revenue-producing potential. Unfortunately, land exchanges are a lengthy and expensive process with many political hurdles. These political difficulties are often magnified when the restrictive uses are due to a national monument designation that did not include Congressional oversight or seek state and local input.

Uncertainties due to Changing Monument Boundaries

A recent example of these types of difficulties is the ongoing political wranglings associated with the designation of the Bears Ears National Monument in southeastern Utah. This monument was established by Presidential Proclamation near the end of the term of President Obama. President Trump subsequently reduced the footprint of the Monument during his administration. The Monument boundaries were then once again expanded by President Biden.

This back-and-forth over the past eight years has brought tremendous uncertainty for state trust land inholdings within the Bears Ears National Monument boundaries. An exchange was contemplated shortly after President Obama's designation of the Monument but was postponed once it became clear the footprint would likely be changing once President Trump took office. Discussions on an exchange resumed once the boundaries were expanded by President Biden in 2021. The current designation of the Bears Ears National Monument captures more than 200 scattered tracts of state trust land within its outer boundaries, totaling over 126,000 acres. We have spent the last 2½ years working on an exchange effort for these lands, which has unfortunately recently been paused by continued political tensions between the state and federal governments over management of the Monument.

It is difficult for SITLA to commit resources toward working on an exchange when there is uncertainty as to the number of acres that will be impacted or whether the footprint will continue to change with every new administration. In addition, industry wants certainty before committing capital to a project and does not want to operate on trust lands that are in the middle of an ongoing battle over monument boundaries. The unfortunate result is that these trust lands often lie stagnant for years and we are unable to generate much-needed funding for Utah's public education system and other beneficiary institutions.

For example, in 2019 an oil and gas company expressed interest in leasing some state trust lands in the Bears Ears Monument area that had been included in the Obama-era Monument boundary but were outside the then current Trump-era Monument boundary. Given the uncertainties surrounding these lands as to whether they would remain outside the Monument or be re-incorporated into the Monument in the next administration, SITLA had to determine whether to hold the lands for potential exchange or encumber them with leases that may never be able to be explored or developed. Ultimately, SITLA held off on leasing those lands and less than two years later they were back inside the Monument once President Biden re-expanded the boundary.

Collaborative Processes Bring More Certainty and Stability in the Long Run

Though they are also not quick or easy, more collaborative processes on federal land management that include meaningful involvement from state and local stakeholders, along with some Congressional oversight, can yield more long-term stability.

SITLA's experience in managing and trying to trade out of school trust lands in the Bears Ears National Monument can be contrasted to the process associated with trading out of school trust lands in the San Rafael Swell area of central Utah. The San Rafael Swell is a unique area of Utah that is important to many different stakeholders including local communities, recreational users, energy and mineral interests, livestock operators, and environmental protection advocates. These diverse interests came together and over several years of discussions and consensus building between various executive administrations, state and local officials, and Congress, they put together the Emery County Public Lands Management Act. This comprehensive, grass roots legislation, later incorporated into the 2019 John Dingell Act, included the establishment of recreation areas, wilderness areas, wild and scenic river designations, and provisions for the exchange of state trust lands out of these new federal designations.

Though it was a difficult process, the end result has been a federal land exchange that has been significantly less controversial than the proposed Bears Ears National Monument exchange. It has brought greater finality and certainty to the uses of federal land for wilderness purposes in the San Rafael Swell area and has allowed SITLA to move forward with acquiring federal land that can better help achieve its mandate to make money for Utah's public school children.

Conclusion

Given the impacts that restrictive monument designations on federal lands have on surrounding landowners, including state trust lands, it may be helpful to allow for more public discussion about the purpose and need for a monument and to also have some Congressional oversight on this process.

Thank you again for the opportunity to testify today. I am happy to answer any questions that members of the committee may have.

Mr. TIFFANY. Thank you, Director McConkie. I would now like to introduce Mr. Eric Bingham, who serves as the Land Use Director in Sweetwater County, Wyoming.

Welcome.

**STATEMENT OF ERIC BINGHAM, LAND USE DIRECTOR,
SWEETWATER COUNTY, GREEN RIVER, WYOMING**

Mr. BINGHAM. Good morning, Chairman Tiffany. Thank you for the opportunity today to speak on H.R. 6085. My name is Eric Bingham. I am the Land Use Director for Sweetwater County, Wyoming. I have over 19 years of experience in land use, subdivision, economic development, Federal land collaboration, development codes, and growth management.

I am speaking to you today to discuss some of the significant issues with the draft Rock Springs RMP and the BLM's preferred alternative as they relate to the content, and the process that they were developed. These issues include, but are not limited to the failure of the agency to honor and comply with the Federal Land Policy Management Act, FLPMA; mandates for coordination with local governments in the development of the preferred alternative; and the development and access barriers associated with right-of-way exclusion areas, fluid mineral closures, special designations as proposed in the draft RMP, and the detrimental effects, socio-economic, of implementing the preferred alternative of the draft RMP.

FLPMA requires local government coordination to maintain meaningful and continuous participation through the RMP process. The following timeline illustrates the direction and development of the alternatives through the RMP process that co-operators were given, and the lack of continuous and meaningful participation.

In 2012, BLM spent a short period discussing and developing Alternatives B and C. Both alternatives were conveyed as representing a bookend or placeholder, versus being functional or reasonable. Alternative B was heavy on conservation, Alternative C on resource use.

Starting in 2015, the BLM instructed cooperating agencies to shift and focus on developing Alternative D, which BLM and co-operators refer to as “the balanced alternative.”

From 2017 through 2022, the BLM identified Alternative D, balanced alternative, as the agency’s preliminary preferred alternative. Cooperating agencies spent their time and efforts on working with the BLM to develop, refine, and focus comments on Alternative D.

It was not until the release of the proposed RMP to the public in August 2023, where Sweetwater County and other cooperating agencies were made aware of the BLM’s dramatic shift in its preferred Alternative D, the balanced alternative, to the bookend and more restrictive on resource use, which is not reasonable nor ready for submission.

This dramatic shift in preferred alternatives to the draft RMP negates the decade-long collaboration efforts of both BLM and cooperating agencies. It further goes against BLM policy requiring the BLM to collaborate with cooperating agencies to develop and reach a consensus on a preferred alternative.

The lack of development of BLM’s current preferred alternative since 2013 resulted in management actions that do not consider current and future development projects. For example, the right-of-way exclusion area will prevent access to critical infrastructure for the development of a new trona mine facility that will create over 1,000 high-quality jobs in Sweetwater County.

The fluid mineral closures and right-of-way exclusion areas will shut down mineral exploration and have a catastrophic effect on Sweetwater County’s economy. For example, Sweetwater County received \$16.9 million in oil and gas production ad valorem taxes in 2023. The draft RMP predicts a 74 percent reduction in public revenue, decreasing revenues to \$4.3 million. The biggest revenue hit will be for local school districts, which will reduce their revenues from \$8.5 million to \$2.9 million. Reducing jobs and earnings will also impact schools by losing student enrollment.

Sweetwater County understands the importance and significance of public lands and the contribution these lands have to our customs, culture, and socioeconomics. We have long worked with the BLM to balance productive uses of Federal lands, including solid conservation efforts. The current draft RMP requires significant additional work and further stakeholder input to balance managing multiple uses without compromising the economic health of communities of Sweetwater County and Wyoming.

Co-operators are amenable to sitting at the table with the BLM to engage in a collaborative process to develop a plan that balances multiple uses.

Thank you, Mr. Chairman. I look forward to your questions.
[The prepared statement of Mr. Bingham follows:]

PREPARED STATEMENT OF ERIC BINGHAM, LAND USE DIRECTOR, SWEETWATER
COUNTY, WYOMING
ON H.R. 6085

Good morning, Chairman Tiffany, Ranking Member Neguse, and distinguished committee members. Thank you for the opportunity to speak with you today concerning issues with the Rock Springs Draft Resource Management Plan and its implementation. My name is Eric Bingham, I am the Land Use Director for Sweetwater County, Wyoming. I have over 19 years of work experience in land use, subdivision, economic development, federal land collaboration, development codes, and growth management.

Sweetwater County recognizes the congressional authority you provide to the Bureau of Land Management (BLM) to manage public lands for multiple uses. Federal Land Policy and Management Act, 1976, 43 U.S.C. Chapter 35. Sweetwater County supports managing federal land for multiple use and sustained yield, while recognizing that public lands are to be managed for the primary multiple uses of domestic grazing, minerals, timber, wildlife, recreation, and rights of way. I, and other leaders in Sweetwater County, vigorously oppose the Draft Rock Springs Resource Management Plan (RMP) because of the federal land use restrictions and special designations that will essentially eliminate multiple uses and constrain economic growth and activity necessary to maintain our quality of life in Sweetwater County and impact all Wyoming citizens.

The Federal Government owns over 67% of the lands within Sweetwater County; federal land use decisions and policies, especially those that close access to public lands, directly affect our community's economic well-being and vitality.

I am speaking to you today to discuss some of the significant issues with the Draft Rock Springs RMP as they relate to the content and the process by which it was developed. These issues include but are not limited to:

1. The failure of the agency to honor and comply with the Federal Land Policy Management Act (FLPMA) mandates for coordination with local governments in the development of the preferred alternative, and
2. The development and access barriers associated with right-of-way exclusion areas, fluid mineral closures, special designations as proposed in the Draft RMP, and
3. The detrimental socioeconomic effects of implementing the preferred alternative of the Draft RMP.

FLPMA requires local government coordination to maintain meaningful and continuous participation throughout the RMP process. The following timeline illustrates the direction and development of the alternatives through the RMP process that cooperators were given and the lack of continuous and meaningful participation:

- In 2012, BLM spent a short period discussing and developing Alternatives B and C. Both alternatives were conveyed as representing a bookend or placeholder versus being functional or reasonable. Alternative B was heavy on conservation use, and Alternative C on resource use.
- Starting in 2015 the BLM instructed cooperating agencies to shift and focus on developing Alternative D, which BLM and cooperators referred to as the "Balanced Alternative". At this point all focus of further cooperating agency meetings was on developing Alternative D and the analysis associated with that alternative.
- April 3, 2017, the BLM identified Alternative D as the agency's preliminary preferred alternative. Cooperating agencies spent their time and efforts on working with the BLM to develop, refine, and focus comments on Alternative D. Cooperators were explicitly directed not to focus on Alternative B.
- In June 2020, the BLM held a cooperating agency meeting that continued to identify Alternative D as the preferred alternative.
- On June 22, 2022, after two years of no meetings with cooperating agencies, the BLM provided an update on the status of review of the Draft RMP and

amendments that were made by the BLM to the preferred Alternative D to reflect current BLM policy and direction.

- It was not until the release of the Proposed RMP to the public, a year later in August 2023, where Sweetwater County and other cooperating agencies were made aware of the BLM's dramatic shift in its preferred Alternative D to the bookend and most restrictive on resource use, Alternative B. Alternative B is not reasonable nor ready for submission. In addition, the co-operators had zero involvement with the selection of Alternative B as the Preferred Alternative.

This dramatic shift in preferred alternatives to the Draft RMP negates the decade-long collaboration and efforts of both BLM and cooperating agencies. It further goes against BLM's policy requiring the BLM to collaborate with cooperating agencies to develop and reach a consensus on a preferred alternative. See *BLM Handbook 1601, Section 1.E.2.c; see id. at Section 9.2.7.3.*

The lack of development of BLM's preferred alternative, since 2013, resulted in management actions that do not consider current and future development projects and private landownership access issues within the checkerboard ownership. For example, right-of-way exclusion areas shown in the Draft RMP limit access and expansion of infrastructure within planned critical transmission corridors, which include areas of Sweetwater County that offer the most growth potential by preventing access to thousands of private lands. See *Map 2-22 of the Draft RMP.*

Right-of-way exclusions under the Draft RMP will block access to hundreds of thousands of surface and mineral acres, even under restrictive assumptions. See *Map 2-22 Draft RMP.* Right-of-way exclusion areas infringe on private property rights by preventing the ability to access private and state lands and to develop infrastructure (i.e., roads, pipelines, electric lines, etc.) on the neighboring public lands.

The right-of-way exclusion areas conflict and will significantly impact other development and federal land use. It will limit future access to mineral exploration, development sites, and grazing allotments by federal permittees. Furthermore, exclusion areas will directly and immediately impact future large scale industrial projects. For example, the right-of-way exclusion areas will prevent access to critical infrastructure for the development of a new trona mine facility that will create over a thousand high quality jobs in Sweetwater County.

The Draft RMP also uses special designations and right-of-way exclusions to eliminate the possibility of fluid mineral leasing on about 70% of the 3.7 million acres. *Rock Springs Field Office Draft Resource Management Plan (RMP) Revision and Draft Environmental Impact Statement (EIS), page ES-4.* It will also eliminate an estimated 40,000 acres of trona leasing subsurface acres managed by the Rock Springs Field Office. *Id. at ES-5.* Oil and natural gas development will only be available where valid existing leases are held and will close currently available lands when those leases expire.

The fluid mineral closures and right-of-way exclusion areas will shut down mineral exploration and have catastrophic effects on Sweetwater County's economy. See *Maps 2-6 & 2-22 of Rock Springs Draft RMP.* All quantified economic and public revenue indicators for oil and gas development and production are approximately 74% lower under the Draft RMP than the current management plan. As the Draft RMP indicates, the 74% anticipated reduction in oil and gas development will harm local economies and public services. According to initial estimates from the University of Wyoming. Over 55% of Sweetwater County's valuation comes from natural gas, oil, and trona, which means the ramifications of a loss in revenue will affect a diverse spectrum of services county-wide.

For example, Sweetwater County received \$16.9 million in oil and gas production ad valorem taxes in 2023. A 74% reduction will result in \$12.2 million less revenue, decreasing revenue to \$4.3 million. The biggest revenue hit will be for local school districts, which will reduce their revenue from \$8.5 million to \$2.9 million. Reducing jobs and earnings will also impact schools by losing student enrollment.

Sweetwater County understands the importance and significance of public lands and the contribution these lands have to our customs, culture, and socioeconomics. We have long worked with BLM to balance productive uses of federal lands, including solid conservation efforts. The current Draft RMP requires significant additional work and further stakeholder input to balance managing multiple uses without compromising the economic health of communities of Sweetwater County and Wyoming. Cooperators are amenable to sitting at the table with the BLM to engage in a collaborative process to develop a plan that balances multiple uses.

Mr. TIFFANY. Thank you, Director Bingham. I now recognize Dr. Jay Lillywhite, Assistant Dean for Economic and Rural Development at the New Mexico State University.

Dr. Lillywhite, good to have you here. You have 5 minutes.

STATEMENT OF JAY M. LILLYWHITE, ASSISTANT DEAN FOR ECONOMIC AND RURAL DEVELOPMENT, NEW MEXICO STATE UNIVERSITY, LAS CRUCES, NEW MEXICO

Dr. LILLYWHITE. Chairman Tiffany and members of the Subcommittee, good morning and thank you for inviting me here today. My name is Jay Lillywhite. I am the Assistant Dean for Economic and Rural Development, and the Interim Associate Dean for the Agricultural Experiment Station in the College of Agricultural, Consumer, and Environmental Sciences at New Mexico State University.

The Agricultural Experiment Station has 12 science centers located throughout the state, including the John T. Harrington Forestry Research Center located in Mora, New Mexico, adjacent to the Santa Fe and Carson National Forests.

Forests provide numerous environmental and economic benefits. They are natural carbon sinks and offer critical watershed benefits, especially important in the arid West. In New Mexico, forest watersheds supply more than 50 percent of all water used by municipalities and agriculture. The United States produces more than \$200 billion in forestry products annually, and with additional economic benefits coming from a wide variety of forest-related activities.

Forests throughout the United States, but especially in the West, face significant wildfire risk and damage. Over the last 10 years, forest fires in the United States have burned more than 7 million acres annually. New Mexico has faced significant wildfire damage in recent years, recording the two largest fires in its history in 2022: the Hermits Peak/Calf Canyon Fire, burning more than 340,000 acres; and the Black Fire, burning more than 325,000 acres.

Large fires, as we have heard today, reduce the forest's natural ability to regenerate and necessitate reforestation. Land grant universities have contributed to solutions to agricultural and natural resource problems in the past, and are prepared to assist with problems caused by wildfires today.

Faculty at the John T. Harrington Forestry Research Center, along with their higher education, state and Federal partners, conduct research to address the unique reforestation needs of the western United States. Researchers at the Center, collaborating with their partners, have refined methods for drought conditioning nursery seedlings grown from locally collected seeds, developed nucleation planting strategies that mimic natural regeneration, have identified optimal planning time frames, and have examined the microclimates on tree establishment in post-wildfire areas.

The research conducted at the Forestry Research Center has had impressive results. Current efforts to reforest often use non-native seedlings grown outside the Southwest. These seedlings, planted using traditional methods, have a survival rate of 25 percent or less. The Center's research and corresponding strategies described earlier have increased the survival rates. It is estimated that seed-

ling survival rates using the combination of strategies can approach 80 percent. These strategies are reducing the cost of reforestation.

Today, the John T. Harrington Forestry Research Center grows 300,000 seedlings annually, but more is needed to meet reforestation needs. The Forest Service estimates that there are more than 4 million acres that need reforestation, but they have only been able to address about 6 percent of that need. It is estimated that more than 5 million seedlings will need to be produced annually for the next 10 or more years to reforest wildfire-lost land in New Mexico and Arizona alone.

Recognizing this unprecedented need, New Mexico State University has joined universities within the state and the State Forestry Division to build the New Mexico Reforestation Center using proven research from the Agricultural Experiment Station. When fully operational, the Center will be able to produce 5 million hardy seedlings annually.

Universities and state agencies want to be a part of the solution, but we need assistance. H.R. 5015, Seedlings for Sustainable Habitat Restoration sponsored by Representative Leger Fernández, will help. The bill would amend the Infrastructure Investment and Jobs Act to authorize the Secretary of Agriculture, acting through the Chief of the Forest Service, to enter into contracts, grants, and agreements with universities and other partners for the purpose of producing seedlings for re-vegetation, and explicitly support needed capacity development.

New Mexico State University and its partners understand the importance of forest and reforestation, and are making significant investments to ensure that they are prepared to meet current and future challenges. H.R. 5015 would make resources available that are desperately needed if we are to succeed.

Thank you for your invitation and your attention.

[The prepared statement of Dr. Lillywhite follows:]

PREPARED STATEMENT OF DR. JAY M. LILLYWHITE, ASSISTANT DEAN, ECONOMIC &
RURAL DEVELOPMENT, NEW MEXICO STATE UNIVERSITY,
COLLEGE OF AGRICULTURAL, CONSUMER, AND ENVIRONMENTAL SCIENCES

ON H.R. 5015

Introduction

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to present my views on H.R. 5015, “Seedlings for Sustainable Habitat Restoration Act of 2023,” and its potential impacts on New Mexico and New Mexico State University.

I have been a professor in the College of Agricultural, Consumer, and Environmental Sciences at New Mexico State University for more than 20 years. In my current position as Assistant Dean for Economic and Rural Development, I work to fulfill the College’s mission of serving “as an engine for economic and community development in New Mexico.” The State’s forests and woodlands provide an important contribution to the State’s economy and provide economic and community development opportunities for the State.

In my role as Interim Associate Dean and Director of the Agricultural Experiment Station, I have responsibilities for administering the College’s agriculture and natural resources research. New Mexico’s Agricultural Experiment Station has 12 science centers located throughout the State, including the John T. Harrington Forestry Research Center in Mora, New Mexico. The Center is adjacent to the Santa Fe and Carson National Forests. The Center’s mission is to advance the understanding and success of forest restoration activities in New Mexico through multi-

disciplinary research, education, and stakeholder collaborations. The Center is New Mexico's only research-based tree nursery. It conducts innovative research to produce seedlings that will survive in harsh, burned area environments today and thrive in the climate of 2100.

The Hermits Peak and Calf Canyon Fire, created when two USDA Forest Service fires escaped prescribed burn areas, burned more than 340,000 acres in 2022. The fire, the largest in New Mexico's history, came within one-tenth of a mile of the John T. Harrington Forestry Research Center. Agricultural Experiment Station faculty and staff evacuated tree seedlings and the seed bank in advance of the firefront and were able to salvage nearly all of the crop. In the same year, the Black Fire burned more than 325,000 acres in the Gila wilderness. It is from this backdrop that I present my testimony.

The Importance of Forests

There are 766 million acres of forests in the United States, including New Mexico's nearly 17 million acres (Oswalt et al., 2019). Forests provide numerous benefits, including recreation, wood resources, and, especially important in the arid West, watershed benefits. In New Mexico, forest watersheds supply more than 50% of all water used by municipalities and agriculture. Additionally, forests provide the largest terrestrial carbon sink on the earth, sequestering more than 11% of carbon emissions each year (Oswalt et al., 2019). It is estimated that the forest products industry accounts for approximately four percent of the United States' total manufacturing gross domestic product (Oswalt et al., 2019).

Forests at Risk

All forests in the United States, especially in the Western United States, face forest damage and destruction caused by wildfires. Over the last ten years, forest fires in the United States burned an average of more than seven million acres annually, with three years recording more than ten million acres burned (Figure 1). As I previously indicated, New Mexico has faced significant wildfires in recent years with substantial damage. Over the last 20 years, the state has had nearly 300,000 acres burned annually. These fires are often large. Large fires increase the need for reforestation as they reduce the forests' ability to regenerate naturally.

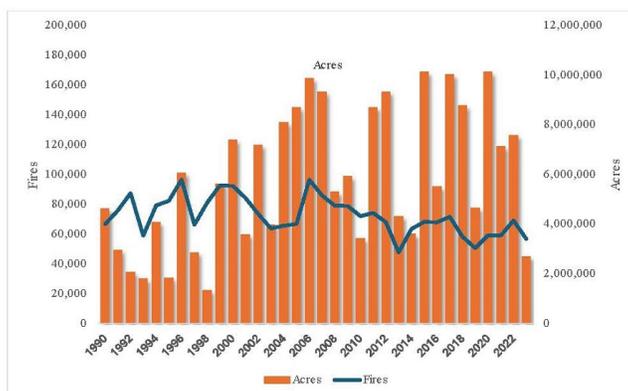


Figure 1. U.S. Wildfires and affected acreage, 1993–2023. Source: National Interagency Fire Center, N.D.

Reforestation Needs

A number of factors contribute to the need for reforestation, including wildfire, insect infestations, disease, and drought. The Forest Service estimates that 80% of reforestation needs are associated with wildfires. The Forest Service has estimated that more than four million acres of forests need reforestation as a result of wildfire, but it has only been able to address six percent of this need (USDA FS, N.D.).

It is estimated that more than five million tree seedlings will need to be produced each year over the next ten years or more to reforest lands that have been lost to wildfire in New Mexico and Arizona alone. Where will these seedlings come from? The case of tree losses from the Hermits Peak and Calf Canyon Fire, where 341,735 acres were burned, can be used to illustrate the significant need to increase reforestation capacity. If only the severely burned acreage were replanted, experts estimate

that the reforestation would require more than twelve million seedlings. The Forest Service does not have a nursery in Arizona or New Mexico. The largest nursery in the region is New Mexico State University's John T. Harrington Forestry Research Center, which has the capacity to produce 300,000 seedlings annually. If reforestation were left to the Forest Research Center alone, it would take more than 40 years to have enough seedlings to reforest the Hermits Peak and Calf Canyon Fire.

New Mexico State University's John T. Harrington Forestry Research Center

The John T. Harrington Forestry Research Center not only grows seedlings for reforestation but also conducts vital, related research. It hosts one of the few research programs in the United States with a reforestation focus. Along with other higher education, state, and federal partners, the Center conducts research to address the unique reforestation needs of Western states. For example, the Center's research includes refining methods to ensure newly planted seedlings survive. Researchers, collaborating with partners, have refined a method for drought-conditioning seedlings during nursery growth that improves their survival when planted in the harsh environment of a wildfire burn scar. The Center and its partners have pioneered "nucleation" planting strategies in reforestation, which are designed to mimic natural regeneration. These strategies nurture a core area of planted trees to reproductive age, rather than the traditional method of grid planting, where many seedlings will die. The Center and its partners also conduct research to examine the impacts of microclimates on tree establishment in post-wildfire areas and are modeling how future climate change may impact reforestation. This research translates to improved reforestation efficiency for public and private lands.

The research conducted at the Forestry Research Center has had impressive results. Current efforts to reforest often use non-native seedlings grown outside the Southwest. These seedlings planted using traditional methods have a survival rate of 25 percent or less. The Center's use of local tree seeds, seedling drought-conditioning, and nucleation planting strategies has significantly increased survival rates. It is estimated that our seedling survival rates, using this combination of strategies, can approach 80 percent. These strategies can also reduce the cost of reforestation.

Faculty, staff, and students at the Agricultural Experiment Station's John T. Harrington Forestry Research Center regularly collaborate with the Forest Service, State Forestry Division, faculty and staff at Highlands University, the University of New Mexico, and other universities on reforestation efforts. Staff from these institutions are leaders in reforestation science and have the expertise and experience that positions New Mexico to be a model for successful reforestation practices across the nation.

More Needs to be Done

In recognition that the scale of the need for reforestation is accelerating, New Mexico State University, Highlands University, the University of New Mexico, and New Mexico's Forestry Division recently entered into agreements that created the New Mexico Reforestation Center. With significant state and federal support that can be made available through the USDA Forest Service as facilitated through this bill, the Reforestation Center, when fully operational, will be able to provide up to five million seedlings annually. These seedlings will be acclimated to harsh Southwestern growing conditions and, with appropriate planting strategies, can have much higher survival rates.

H.R. 5015 "Seedlings for Sustainable Habitat Restoration Act of 2023"

H.R. 5015 "Seedlings for Sustainable Habitat Restoration Act of 2023" would amend the Infrastructure Investment and Jobs Act (IIJA) to authorize the Secretary of Agriculture, acting through the Chief of the Forest Service, to enter into contracts, grants, and agreements with various institutions, including institutions of higher education, for the purposes of collecting and maintaining native seeds and for producing seedlings for the purposes of revegetation. The bill is needed because funds currently made available in the IIJA for reforestation and revegetation include funding for the Department of the Interior and Department of Agriculture to purchase seedlings but not for needed capacity development.

H.R. 5015 clarifies that the Forest Service can use the funding in the IIJA that is intended for revegetation or reforestation after a wildfire not only to purchase seedlings but also for the creation of the capacity to make those seedlings available, namely, the collection and maintenance of the native seeds needed to grow the seedlings and the production of the seedlings themselves. The allowances made in the

bill would support the work of the Agricultural Experiment Station's John T. Harrington Forestry Research Center and the New Mexico Reforestation Center. Such support would enable the Centers to continue to conduct research that would improve the country's ability to meet its significant reforestation needs, particularly in the West and Southwest.

Section 40804, subsection (9) of the IIJA currently provides funding to the Forest Service that can be used for the development of seedling production capacity. However, the funding available in this subsection is not sufficient to provide the infrastructure necessary to produce the five million seedlings per year needed to reforest the Southwest. Additional proposals have been made to amend this bill that would free other subsections pertaining to revegetation and reforestation of federal lands to include the capacity building necessary to produce the seedlings needed. I strongly recommend that these proposals be considered.

Lastly, the workforce needed to do this vital work needs to be educated and trained. The concluding section of this bill further clarifies that institutions of higher education are eligible for funding under the Collaborative Forest Landscape Restoration Program to provide employment or training in the collection, maintenance, and production of native seeds for the purpose of revegetation or reforestation. This is in recognition that not only the facilities but also a workforce is needed to conduct reforestation activities.

Conclusion

Forests play an important economic and ecosystem role for our country, especially in the West and in New Mexico. Persistent droughts and changing climates are increasing existing wildfire, disease, and pest risks and exacerbating forest damage and loss. These losses have significantly increased the need for reforestation. New Mexico State University and its partners understand the importance of forests and reforestation needs and are making significant investments to ensure that they are prepared to meet current and future challenges. H.R. 5015 would make resources available that are desperately needed if we are to succeed.

References

Gleason, Megan. "Reforestation Center Aims to Replant Trees in Northern NM Burn Scar." July 18, 2022. Source NM. <https://sourcennm.com/2022/07/18/reforestation-center-aims-to-replant-trees-in-northern-nm-burn-scar/#:~:text=The%20goal%20for%20the%20New,Peak%2DCalf%20Canyon%20footprint%2C%20Burney.> Accessed 17 March 2024.

Oswalt, Sonja. "The State of the Forest." USDA Forest Service. April 22, 2019. <https://www.fs.usda.gov/features/state-forest.> Accessed 14 March 2024.

Oswalt, Sonja N., W. Brad Smith, Patrick D. Miles, and Scot A. Pugh. "Forest Resources of the United States, 2017." USDA Forest Service General Technical Report. 2019. <https://www.fs.usda.gov/research/treesearch/57903#>. Accessed 14 March 2024.

Southwest Coordination Center. N.D. "SW Historical Fire and Resource Data." No Date. https://gacc.nifc.gov/swcc/predictive/intelligence/Historical/Fire_and_Resource_Data/Historical_Fires_Acres.htm. Accessed 15 March 2024.

United States Department of Agriculture Forest Service. "Reforestation." No date. <https://www.fs.usda.gov/managing-land/forest-management/vegetation-management/reforestation#:~:text=Uncharacteristic%20wildfire%2C%20insect%20infestations%2C%20diseases,on%20National%20Forest%20System%20lands.> Accessed 16 March 2024.

Mr. CURTIS [presiding]. Thank you, Dr. Lillywhite. I now recognize Mr. Wade Garrett, Vice President for Advocacy and Strategic Relationships at the Utah Farm Bureau.

Mr. Garrett, you have 5 minutes.

STATEMENT OF WADE GARRETT, VICE PRESIDENT FOR ADVOCACY AND STRATEGIC RELATIONS, UTAH FARM BUREAU FEDERATION, SANDY, UTAH

Mr. GARRETT. Thank you, Chairman Tiffany, Ranking Member Neguse, and members of the Subcommittee, for allowing me the opportunity to be here today. As a former congressional staffer, I understand the work and effort that goes into these hearings, so thank you for your time.

My family operates a cow-calf operation in Juab County, in the central part of Utah, where seven generations of Garretts have cultivated and showed stewardship over private and public lands. I am also a volunteer with Future Farmers of America and Vice President of Advocacy for Utah Farm Bureau, and work on their strategic relations.

Healthy public lands and sound management are critical to each of these organizations. Before the Farm Bureau, I was a congressional staffer overseeing public lands and natural resource policy. In this role, I learned that farmers and ranchers deserve a seat at the table, but also the importance of having all voices represented. I am proud of the Utah Farm Bureau and the views and policies we have adopted to put the farmers first, while also being open and receptive to different points of view.

Our mission at the Utah Farm Bureau is to inspire all families to connect, succeed, and grow through the miracle of agriculture. We are the state's largest volunteer organization of farmers and ranchers, with just over 34,000 member families.

Public lands are the backbone of our state ranching, recreation, and tourism economies. Nearly 70 percent of Utah is comprised of federally owned public lands, which means that each for each sector to thrive, coordination, collaboration, and compromise are paramount to our collective successes.

The continued multiple use of Federal lands in Utah is critical for our economy, way of life. For example, our family operates grazing permits on the Mount Nebo Forest located in the Uinta-Wasatch National Forest on spring and fall days, when moving cattle will come into contact with a variety of users who embrace the multiple use and sustained yield ethic. Young campers look at our cowboys in awe, with images of the Old West in their eyes. Hikers will also stop for pictures and talk to us about the conditions. Some bikers power by on their way to the top of the mountain, while others race past us on their way down. We drive our trucks on improved roads and never drive in the section designated as wilderness. None of this happens by accident. Collaboration, planning, coordination across Federal agencies and different stakeholder groups are what enable multiple use and sustained yield of our public lands.

I am here on behalf of Utah Farm Bureau to support Representative Curtis' H.R. 7006, a bill to keep public lands public. Public lands are a critical part of the ranching community in Utah. I personally know our local forest supervisors and BLM field managers where we graze cattle. If Natural Asset Companies, private companies, were allowed to manage public lands, myself and other farmers and ranchers throughout Utah would lose those local relationships. Land management regulations would be at the whim of

these private owners who closed off access, cherry-pick their preferred use, and close land altogether. We truly value Representative Curtis and his leadership on these important topics.

I am also here to support H.R. 5499, the Congressional Oversight of the Antiquities Act. The Antiquities Act has given the president unilateral power to make the use decisions in large areas that impact local communities, ranchers, and all other land use. As we have seen in southern Utah, decisions made in Washington can create acrimony and discord, and lead to reversals and re-reversals on these important pieces of land.

I will stop there because I am out of time.

[The prepared statement of Mr. Garrett follows:]

PREPARED STATEMENT OF WADE GARRETT, VICE PRESIDENT FOR ADVOCACY &
STRATEGIC RELATIONS, UTAH FARM BUREAU FEDERATION

ON H.R. 5499 AND H.R. 7006

Chairman Tiffany, Ranking Member Neguse, and members of the subcommittee, thank you for the opportunity to testify today on H.R. 5499 and H.R. 7006. The Utah Farm Bureau Federation supports both bills, and I hope that my testimony will add positively to the committee's deliberations.

My name is Wade Garrett, and I am the Vice President for Advocacy and Strategic Relations at the Utah Farm Bureau Federation. The Utah Farm Bureau Federation is our state's largest voluntary organization of farmers and ranchers. Our organization consists of over 35,000 members committed to protecting Utah's farms and ranches and ensuring a safe, fresh, and locally grown food supply. Our members live in all of Utah's 29 counties and belong to county Farm Bureaus, which, in turn, comprise the Utah Farm Bureau Federation. Our mission is to inspire all Utah families to connect, succeed, and grow through the miracle of agriculture.

In addition to my work for the Utah Farm Bureau, I am a volunteer with the Future Farmers of America, and my family runs a farm in Nephi, Utah, where seven generations of Garretts have cultivated and stewarded private and public land. I was born and raised in Juab County, a rural county roughly three times the size of the state of Rhode Island with a population of 12,155 people. Throughout my life I have been fortunate to travel to all corners of Utah and to meet Utahns from all walks of life. Prior to working for the Utah Farm Bureau, I worked as a staffer for former Congressman Jason Chaffetz. During my time with Representative Chaffetz' office, I spent considerable time visiting Utah's public lands, including Utah's national monuments. I have a deep love for rural Utah, its people, and its lands.

Utah is a public lands state, with roughly 66 percent of our land owned by the federal government. Utah is second only to Nevada in the overall percentage of land owned by the federal government. With such a sizable portion of our state's land owned or managed by the federal government, the economic viability of many industries including ranching, logging, mining, recreation, and tourism, hinges on decisions made by our federal land management agencies.

This hearing comes at a crucial time, as Utah is once again in the national spotlight regarding national monuments and other restrictions on federal public lands. Members of the Utah Farm Bureau are watching debates surrounding federal lands closely and we are actively participating in planning processes. Utah Farm Bureau is troubled by the trajectory our federal lands are on in Utah and throughout the West. We are concerned about changes that federal land management agencies are proposing or recently made, including restrictive land management plans for Grand Staircase-Escalante and Bears Ears National Monuments, creation of a sprawling new monument in our neighboring state of Arizona, significant expansions of wilderness areas and areas of critical environmental concern, and the Bureau of Land Management's (BLM) proposal to issue conservation leases and to elevate conservation as a use on par with other multiple uses.

Utah is at the epicenter of debates surrounding the establishment of national monuments using the Antiquities Act. The Antiquities Act authorizes the President of the United States to "declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated on land owned or controlled by the Federal Government to be national

monuments.” The Act further states that the monument “shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.” For more than a century, the president has had the power to unilaterally designate federal lands as a national monument without the input or consent of Congress, state, and local governments, or affected citizens. The designation of Grand Staircase-Escalante and Bears Ears National Monuments in Utah were clear abuses of the original intent of the Antiquities Act, as they set aside far more land than was necessary to meet the law’s purpose.

The Antiquities Act is itself a relic of the past as it pre-dates the establishment of five states, the establishment of the Bureau of Land Management and the National Park Service, and the enactment of major environmental and archeological resource protection laws. Use of the Antiquities Act is now a blunt tool of the executive that does not provide for the robust public process that Americans expect and that decisions of this magnitude merit in the modern era. If added protections for specific objects of historic or scientific interest are needed, these proposals should be thoroughly vetted by Congress and receive signoff from local elected officials. The scale of Antiquities Act designations in recent decades goes far beyond the executive authority that Congress originally intended. Such abuses of the Antiquities Act hinder economic opportunity and remove decision making from the states and private citizens. These designations affect grazing rights, water rights, and even access to state and private lands.

Utah Farm Bureau supports H.R. 5499, Congressional Oversight of the Antiquities Act, sponsored by Representative Miller-Meeks. This commonsense bill provides a vital check on the president’s ability to designate monuments using the Antiquities Act by requiring congressional approval of presidential declarations within six months of a designation or before the last day of the sitting Congress during which the monument was designated, whichever comes first. We believe Congress, in coordination with the executive branch, and with the input and approval of state and local governments, should be the body to designate national monuments.

As mentioned above, Utah Farm Bureau is also concerned about restrictive land use designations. We support the multiple-use concept of federal lands, recognizing that definable land areas have dominant-use capability, which should be recognized with the concept of multiple uses without the total exclusion of other uses. For these reasons, Utah Farm Bureau also supports H.R. 7006 sponsored by Representative Curtis to prohibit natural asset companies (NACs) from entering into any agreement with respect to land in Utah or natural assets on or in such land.

On October 4, 2023, the U.S. Securities and Exchange Commission (SEC) published in the Federal Register a public notice entitled “Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change to Amend the NYSE Listed Company Manual to Adopt Listing Standards for Natural Asset Companies.” Although the NYSE later withdrew the Proposed Rule, we continue to have serious concerns about NACs and their potential creation and growth in the future.

The Proposed Rule defined a NAC as:

“. . . corporation whose primary purpose is to actively manage, maintain, restore (as applicable), and grow the value of natural assets and their production of ecosystem services. In addition, where doing so is consistent with the company’s primary purpose, the company will seek to conduct sustainable revenue-generating operations. Sustainable operations are those activities that do not cause any material adverse impact on the condition of the natural assets under a NAC’s control and that seeks to replenish the natural resources being used.”¹

Under the Proposed Rule, if a proposed NAC met the definition conceptualized above, then the new NACs would be expected to hold ecological performance rights (EPRs), which are defined as “the value of natural assets and production of ecosystem services.” The NACs would:

“. . . acquire the ecological performance rights of a designated area by entering into an agreement with the natural asset owner (e.g., a governmental entity or private landowner) to obtain a license with respect to such rights.”²

¹ 88 FR 68811.

² 88 FR 68814.

Utah Farm Bureau is extremely concerned about this concept, especially considering the BLM's recent Conservation and Landscape Health Proposed Rule. The BLM's Proposed Rule redefines multiple use to include "conservation" as a use. To further "conservation" as a use, the BLM would issue "conservation leases" to businesses, individuals, and certain government bodies, who would hold the leases to further the "conservation" purposes. We believe that BLM adding "conservation" as a use and issuing conservation leases violates the law and clear congressional intent under the Federal Land Policy and Management Act. We encourage Congress to act swiftly should BLM finalize its Conservation and Landscape Health Proposed Rule. Utah Farm Bureau also notes that BLM's Proposed Rule would allow businesses to purchase a conservation lease (coincidentally which is for 10 years, the same as the minimum licensing requirements under the SEC's Proposed Rule³) and thereby become eligible for NAC listing as they would hold EPRs.

The Proposed Rule for NACs also included reporting requirements for NACs on what types of activities may be engaged in by the NAC. The Proposed Rule states:

"The NAC will be prohibited **from engaging directly or indirectly in unsustainable activities**. These are defined as activities that cause any material adverse impact on the condition of the natural assets under its control, and that extract resources without replenishing them (including, but not limited to, **traditional fossil fuel development, mining, unsustainable logging, or perpetuating industrial agriculture**). The NAC will be prohibited from using its funds to finance such unsustainable activities" (**emphasis added**).

Utah Farm Bureau is concerned about the ambiguous phrasing in this part of the Proposed Rule, especially the phrase "perpetuating industrial agriculture." Not only are we unclear on what that even means, we are frustrated by the hostility the Proposed Rule shows toward agriculture. We take seriously the need to feed and clothe the world. Agriculture, including livestock grazing on federal lands, is vital to the economies of rural Utah. In addition to the important economic role that livestock grazing plays, livestock grazing contributes to carbon sequestration through managed landscapes. Utah Farm Bureau opposes involuntary reductions in grazing and will oppose any efforts by BLM or NACs to that end. Appropriate grazing provides science-backed environmental benefits, and allowing environmental organizations, corporations, or members of the public to lease public lands for the exclusion of other uses runs counter to the principles of multiple use and sustained yield. Livestock grazing is also an effective management tool used to remove noxious and invasive weeds. Using grazing as a management tool also reduces fire risk and is much less expensive than other management options.

For the reasons stated above, Utah Farm Bureau wholeheartedly supports a prohibition on NACs from entering into any agreement with respect to land in Utah or natural assets on or in such land. We appreciate Congressman Curtis' efforts to prevent federal overreach and to protect the livelihoods of our farming and ranching communities in the state of Utah.

Thank you again for the opportunity to testify before your subcommittee.

Mr. TIFFANY. OK. Yes, thank you very much.

I want to thank all the witnesses for their testimony. Now, we are going to go to Member questions. And first of all, I will go to Representative Curtis from Utah for 5 minutes.

Mr. CURTIS. Thank you, Mr. Chairman, Ms. Ranking Member. It is great to be here. What a delight to have not just one, but two witnesses from Utah today.

And Mr. Garrett, you not only represent Utah's Farm Bureau, but, as you said, you are a rancher and you live this every day. And you understand, as well as all the Utahns, how our Federal lands are shared and shared responsibly between conserving, between recreation, between energy, and ranching, and grazing.

But recently, there was a proposal by the SEC that would allow Natural Asset Companies to tie up large portions of these lands in order to meet some of their ESG goals. That would include the

³88 FR 68815.

public land in Utah. So, those of you who are not familiar with Utah, perhaps you hear me say this a lot, I don't think I can say it enough, two-thirds of all the land in Utah are public lands. Just stop and think about that number for a minute: two-thirds.

In the rural part of my district, 90 percent of these counties are owned by the Federal Government. So, think for a minute about taking 90 percent of the property tax away from local government. How do you pay for police, fire, roads, parks, schools, and everything else that local government is supposed to do?

Now imagine locking up those public lands so that they can't be used for the shared uses that we have talked about today, and you can see why this is a problem.

And I want to be really clear. And, Mr. Garrett, you can probably help me on this. Sometimes I call our ranchers and farmers the original environmentalists, and I think they sometimes take that as a little bit of an insult. But could you just tell us why, in the heart, farmers and ranchers care deeply about the land and taking care of, preserving the land?

Mr. GARRETT. Absolutely. As I mentioned, my son is seventh generation on this land, and this land has been improved even in my lifetime, dramatically, in ways that we use that, ways that we protect riparian areas, ways that we let other folks, as a multiple use, use that.

Mr. CURTIS. Yes, and in the end, if this land is not preserved and protected, then you don't have that ability to ranch and use it. So, your livelihoods are deeply dependent on conservation and protecting this land.

And I simply bring that up because as we push back on Wall Street and their attempt to lock these lands up, it is not an attempt to somehow destroy these lands or not to preserve them, but it is actually to protect them and make sure we can keep using them.

Mr. GARRETT. Absolutely.

Mr. CURTIS. So, Mr. Garrett, just in your mind, what happens if large sections of these lands are able to be locked up? What happens to you and those around you?

Mr. GARRETT. It decimates our rural economies. Tourism is an important piece, but the ranching and that piece of it provides for tire stores, grocery stores, other services, schools that are in those areas. And if those go away, the tourism economy is not enough to sustain them, you have been in several parts of those areas; that does not happen.

But through sustained use and proper use, it allows these rural areas to thrive, have an economy, and provide for those in those areas.

Mr. CURTIS. Yes, and in some ways make up for that loss of revenue that you don't collect by property tax.

Mr. GARRETT. Absolutely.

Mr. CURTIS. Ms. McConkie, you have an incredibly interesting situation that also is difficult to understand if you are not from the West, but you literally own thousands of parcels that look like little checkerboard squares around the state, and your mission is to maximize those, and that revenue goes primarily to our schools.

What happens to one of your checkerboard squares if you are locked around it by these NACs?

Ms. McCONKIE. Thank you, Congressman.

The use of surrounding Federal lands affects trust lands significantly. Little, scattered 1-square-mile pieces of land are difficult for industry to put money into. It is just not a large-enough area.

And there are also access issues, as well. Having to get access to these pieces across restrictively-managed Federal lands is difficult, and it makes our land have significantly less utility.

Mr. CURTIS. Great. This is why I have introduced the bill. I urge my colleagues to support it, and I yield my time.

Mr. TIFFANY [presiding]. The gentleman yields, and now I turn to Representative Leger Fernández for 5 minutes of questioning.

Ms. LEGER FERNÁNDEZ. Thank you, Mr. Chair, and thank you all for your testimonies. And while I am sorry I had to step out for a minute, I have reviewed the written testimonies and very much appreciate it.

And thank you, Dr. Lillywhite, for coming here to share the experiences of what you have been doing at the Research Center in northern New Mexico.

There are a couple of things I think are wonderful. People pointed out how much public lands there might be in Utah. There are huge public lands in New Mexico. Mora happens to be one of our counties that has not as much public land, it has a lot of private land because the land grants were actually recognized, right? We are going back when we talk about how long we have been on the land. I am a 17th, add another decade, add another 10 generations New Mexican on the European side. So, there is this long tradition, and I think it is important to talk about the fact that ranchers and farmers and people who live in the forested areas are amazing conservationists, and your program works with those people on the land.

Tell us a little bit about the work that you have been doing at the Research Center with regards to the importance of the research, and looking at what are the kind of seedlings that have the higher survival rates, because that is key if we want to get as many of those seedlings actually growing into trees.

Dr. LILLYWHITE. Yes, thank you very much for the question, and I certainly agree with the people who work in and around the national forest and forests in general. They are conservation minded.

The science center is focused on reforestation. It is one of the few forestry programs in the country that focuses primarily on reforestation. And I will say it from the outset, I am not a forester. I am not a forest scientist.

So, in my conversations with them, I work with them on a regular basis, it is really a combination of the entire system: so collecting the seeds, the native seeds, you heard that today from the Forest Service, how important that is; stressing, drought-stressing the seedlings as they are growing, so they are prepared as they are planted into the soil; and then also they use a special planting technique, where they plant the trees into clusters and let them grow and then regenerate naturally after that. So, it is a

combination of that entire supply chain where they achieve those really impressive survival rates.

I said they are approaching 80 percent. I talked to the forester several days ago and he said they have had some experiments where they have gone up to above 90 percent. So, you can think about the cost savings associated with that, if you can keep that many alive during the reforestation process.

Ms. LEGER FERNÁNDEZ. And I really appreciated in your witness testimony, as well, that you talked about the importance of developing the workforce. It is not just, let's grow the seedlings, but we need the skilled workforce to be able to actually do the planting, to do the research, to follow all of this. Can you share a little bit about whether you think that changing the Seedlings for Sustainable Habitat Restoration to open up more opportunities to support seedlings production like what you are doing at the Harrington Research Center is important not just for New Mexico, but for across the country?

And I know you have been part of the discussions of how do we modify the bill to make it reflect what we need today.

Dr. LILLYWHITE. Absolutely. It is critical. We don't have the resources available, as a land grant university, to be able to do the research, to be able to do the workforce development without support from funding such as the Act that we are talking about.

It has been made available. As you talked about, we have received some funding. There are other places in the Act that we could adjust and make those funds available in some of the subsections that are in the re-vegetation, re-forestation section.

Ms. LEGER FERNÁNDEZ. That is the intent, is we want to unlock sources of funding that already exist but that are not available to you now. Is that kind of how you see it?

Dr. LILLYWHITE. Yes, absolutely. We want to help, and we have the research to be able to help. Our partners, Highlands University and their work with workforce development, we have the resources, the human resources to be able to do it, but we need the financial resources to be able to continue.

Ms. LEGER FERNÁNDEZ. OK, thank you so much.

With that, I yield back, Mr. Chair.

Mr. TIFFANY. The gentlelady yields back. I now turn to the gentleman from Oregon, Mr. Bentz, for 5 minutes.

Mr. BENTZ. Thank you, Mr. Chair. This is extremely interesting testimony.

I am so happy you are all here. I am from Oregon. My district is three-quarters of the state. Three-quarters of a 100-square-mile state, almost, is in my district. The county I live in is about 164 miles north-south, and it is about 60 miles wide, and there has been a constant battle against a monument that was suggested 15 years ago. And, fortunately, we avoided it, and it is now back on the table, and we hope not very close to being acted upon.

But instead what has happened is the BLM has come in with an RMP that, frankly, does almost everything the monument would have done. It doesn't do it all at once, it simply comes in and says this is the part of the land that is going to be subjected to a new rulemaking.

One of the things I wanted to mention, though, I am going to mention it to Commissioner Poschman, and I am going to mention it just because it reflects so many things that are incorrect when one thinks about a monument.

On the second page of your testimony, you say polling has consistently demonstrated public support for national monuments, the supermajority of Westerners love national monuments and support the protections. In my county, which has a very small population of about 30,000 people, we had a vote some time ago, and the vote was 20-to-1 against the monument.

And it has to do with the nature of the activities. It is not like Colorado, with big, sharp, pokey mountains and all kinds of extremely wealthy movie stars moving in. We don't have any of those. What we have is an immense space that is incredibly flat and incredibly empty. I grew up in the middle of it on a ranch. And we would drive 60 or 70 miles to go to church on Sunday, and 20 of that was over a gravel road, so it is empty. And to suggest that somehow that space is going to be the better for robbing the people there of their opportunity to make a living is ridiculous. And I know, I have lived it, and many of my clients in my law practice are currently living it.

So, I am irked when I see that because, of course, it may well be the supermajority of Westerners, of people in LA, Seattle, Portland, yes, of San Francisco. They may want monuments, but the people that actually try to live out on that land, and do their very, very best to put out the fires when they start that otherwise would destroy the sage grouse that we are trying to protect, or make a living on the cutting edge of marginal existence, no.

And to suggest that somehow there will be billions of dollars of people coming in to hunt and fish, no, I don't think so, because the areas that are being identified inside the RMPs, the management plans put together by the BLM, they are roadless. So, if you want to get to water, good luck finding water to begin with, and second, you are going to walk 20 or 30 miles. That isn't going to happen. There are not going to be huge sales of fishing gear up in the northern part of the county for activities that are never going to occur 100 miles to the south.

So, I am just irked. It is so removed from the reality of people trying to make a living on the land. And, of course, Mr. Garrett, I think my family is on the fifth or sixth generation also in that part of the world, ekeing out a living after all these years trying to make a cow pay for the mortgage. I get it. So, my question to you is, what would you say or say again, if you will, why it is so bad for absentee owners to try to take care of the land that you have lived on all these years, you know what I mean by absentee owners?

MR. GARRETT. Yes. If you are not an absentee owner, you are there day to day, operations of what happens on that land. And it becomes priority, how that land is managed, for my generation to carry on.

As I mentioned, I would like my son to be the next generation. And if I don't manage that in such a way that he can be that next generation, it ends with me, and that weighs heavily on me in so many ways. And an absentee owner doesn't have that concern. It

is the bottom line, or the dollar that comes to them, not the whole overall picture of making that land productive for generations to come.

Mr. BENTZ. And more to the point, they are not there to protect the land when the fires start.

Mr. GARRETT. They are not.

Mr. BENTZ. They are not there to try to make it better, because it lends itself, your activities on the land, to do that. And I know this. I mean, I have been raised on a ranch.

I am out of time. I am very, very happy for the panel. And with that, Mr. Chair, I yield back.

Mr. GARRETT. I guess I will add one thing. My son also loves to hunt wildlife. Part of making sure wildlife is there, as well, is you have to manage the ranching piece of it correctly, too, to have all the above there, and I think that is so important.

Mr. TIFFANY. The gentleman yields.

Mr. BENTZ. Thank you.

Mr. TIFFANY. I ask unanimous consent the following letter and attached comments from three different organizations representing stakeholders involved in the power sports industry and related recreational pursuits be added to the record for today's hearing.

The letter expresses support for H.R. 6085, sponsored by Representative Hageman. The letter states concern with the lack of public support for the draft Resource Management Plan. They also address how multiple uses can and does exist with conservation in mind by stating the public does not support the designation of more than 1.5 million acres as ACECs and that lands in the field office can be sustainably managed for multiple uses while providing for conservation of the lands.

Specifically, these groups include Motorcycle Industry Council, Specialty Vehicle Institute of America, and Recreational Off-Highway Vehicle Association.

And without objection, so ordered.

[The information follows:]



January 17, 2024

Project Manager, RSFO RMP
BLM Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901

To Whom It May Concern:

On behalf of the Motorcycle Industry Council (MIC), Specialty Vehicle Institute of America (SVIA), and Recreational Off-Highway Vehicle Association (ROHVA)—together referenced as the Associations, thank you for the opportunity to provide comments on *The Rock Springs RMP Revision Draft EIS*.

The powersports industry (motorcycles, all-terrain vehicles (ATVs), and recreational off-highway vehicles (ROVs or side-by-sides) are a \$47.7 billion/year industry in the United States with a significant majority of the vehicles being utilized off-road. This includes dual sport and adventure touring motorcycles which are the quickest growing segment of motorcycle sales.

The Associations, off-highway vehicle enthusiasts, and other recreationists strive to support collaborative processes to develop consensus on management of shared public lands. This holds true in Wyoming where public lands provide significant recreation opportunities. We were pleased that following the release of the Draft RMP, Wyoming Governor Mark Gordon “. . . assembled a task force representing diverse Wyoming interests—Wyoming House of Representatives, Wyoming Senate, conservation, economic development and tourism, livestock, local government, mining, motorized access, oil and gas, renewable energy and utilities, and sportsmen and hunting—and charged the task force with developing consensus recommendations for revising the Draft RMP to meet the needs of Wyoming stakeholders.”

The Task Force noted that “Because the task force needed to finalize its recommendation before the end of the public comment period on January 17, 2024, the collaborative process was greatly accelerated and the task force did not address every issue that they deemed important.” Despite that rush we are encouraged by the progress the Task Force made and strongly support many of its findings including number 22 of its Agreements in principle:

22: The majority of the task force has grave concerns about the adoption of new or expanded ACECs in Alternative B, because of the potential negative impacts these ACECs could have on the economy, customs, and culture in SW Wyoming. The task force did not have time to develop nuanced approaches to the management in these proposed ACECs or propose different management designations.

A major concern with the Draft EIS is the nebulous nature of ACEC designations—particularly sweeping and unprecedentedly large designations of ACECs in an RMP for a single Field Office (FO). Alternative B would designate more than 1.5 million acres of Rock Springs FO as ACEC potentially impacting access and usage of the public lands. Consider that ACEC areas currently comprise 286,000 acres of Rock Springs. Alternative B would be a massive increase—quintupling the ACEC area in Rock Springs and more than doubling the 688,491 acres of ACECs currently designated in all of Wyoming’s 10 Field Offices.

This even though nobody knows what the designation of over 1.5 million acres of FO lands as ACEC will mean in practice. Consider a common complaint about ACEC as described by Senator Barasso and his colleagues in a letter to Director Stone-Manning:

. . . this designation creates more ambiguity around the BLM’s use of ACECs. The BLM national office has no accurate database of ACECs. There is no standard format for reporting information about ACECs within the agency or to the public. The BLM in recent years has used ACECs to restrict recreational demands, obliterate grazing rights, and hinder economic development in lower-income communities. The absence of a standardized format of ACEC data, while the BLM pushes for more land to be designated as ACECs, is already leading to a growing delta of distrust of what this draft RMP could mean for future BLM land decisions.

Further concerns are raised when it is understood that BLM is in the process of implementing a rule that may dramatically redefine what an ACEC is and does. From the *Conservation Health Rule* (emphasis added):

As part of this rulemaking, the BLM proposes establishing procedures that require consideration of ecosystem resilience, landscape-level needs, and rapidly changing landscape conditions in designating and managing ACECs. *The BLM may also revise the ACEC manual and develop an ACEC handbook to integrate the existing rule as well as the changes proposed in this rulemaking, if finalized, into policy. The BLM would thus provide additional guidance for how to incorporate ACECs into resource management decisions in a way that considers trade-offs among environmental, social, and economic values during land use planning.*

Since the release of the Draft EIS BLM officials have maintained that the designation of 1.5 million acres as ACEC would not impact any existing recreational opportunities. A September 9, 2023, article in the Cowboy State Daily includes a quote from Kimberlee Foster, field manager for the BLM’s Rock Springs office that captures this sentiment, “The most frustrating thing for us is all of the misinformation out there. We’re not closing any areas to all hunters or people walking their dogs or some of the other nonsense that has been out there.”

We submit that while it may be the intention (however unlikely) that implementation of Alternative B will not limit recreational opportunities at this time, nobody,

including BLM officials, can know what the designation of an area as an ACEC will mean in the coming years given that BLM plans to “. . . provide additional guidance for how to incorporate ACECs into resource management decisions in a way that considers trade-offs . . .” We know that BLM intends to rework which lands can be designated as ACEC and how those lands will be managed. What we don’t know is what the outcomes will mean for recreation, or other multiple uses, as the proposed *Conservation and Landscape Health Rule* has received heavy pushback from the public and has yet to be finalized. We believe it would be an error to designate more than 1.5 million acres in the FO as ACEC when it is unknown what that designation will entail.

We also support the Task Force’s agreement in principle number 20:

20: The task force supports responsible recreational use across the field office. Motorized and non-motorized access should be continued for both dispersed and developed recreation. We request that the field office invest more staffing and funding resources to support recreational use, wise management, monitoring, and mitigation as needed to address appropriate areas for expanded or concentrated use, necessary infrastructure improvements, and areas that need special protections. These efforts are necessary for both conservation special areas and special recreational places. The agency should work with local stakeholders, including state and local governments, to develop place-based plans that can address recreational needs while maintaining traditional uses within the Field Office area.

We support this agreement in principle both because BLM has a multiple use mission that includes providing for recreation and because we believe it better captures the current sentiment of the local public and the opinions of the people who live, work, and recreate in the area than Alternative B.

The Draft EIS describes the scoping process for the development of the RMP revision:

The initial public scoping meetings for the Rock Springs RMP revision were held in Lander, Rock Springs, Lyman, and Farson, Wyoming, on February 28, and March 1, 2, and 3, 2011 respectively. During the four scoping meetings, 85 people registered their attendance. The public meetings for the CTTMP were held in Rock Springs, Lyman, and Farson, Wyoming on November 13, 14, and 15, 2012, respectively. During the three public meetings, 44 people registered their attendance. The public meetings for the consent decree for wild horses were held in Rock Springs and Rawlins, Wyoming on September 11 and 12, 2013, respectively.

Since the vast majority of public input took place nearly 10 years before the BLM issued its Conservation and Landscape Health proposed rule which indicates that dramatic changes are forthcoming to the management of ACECs, we ask—how could the Draft EIS adequately reflect the current comments and sentiment of the public? Even in the extremely unlikely event that comments urged the FO to designate more than 1.5 million acres as ACEC, they couldn’t have known that the BLM would seek to change how ACEC are managed a decade later. Designation of the land as ACEC today may not come with an intent to close the lands to recreational access, but future field managers or Presidential Administrations may feel otherwise. Having the land in ACEC designation would only expedite efforts to close lands in the future.

In conclusion, the Associations urge BLM to rescind the Draft EIS and seek to develop consensus through the collaborative process that has been established by the Task Force assembled by Governor Gordon. It is clear that the effected public does not support the designation of more than 1.5 million acres as ACEC, and that lands in the FO can be sustainably managed for multiple uses, while providing for conservation of the lands for posterity.

Thank you for your consideration.

Sincerely,

DUANE TAYLOR,
Director of Safe and Responsible Use Programs



March 18, 2024

The Honorable Harriet Hageman
 U.S. House of Representatives
 1531 Longworth House Office Building
 Washington, DC 20515

Dear Representative Hageman:

On behalf of the Motorcycle Industry Council (MIC), Specialty Vehicle Institute of America (SVIA), and Recreational Off-Highway Vehicle Association (ROHVA)—together referenced as the Associations, I write in support of H.R. 6085, To prohibit the implementation of the Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revision, Wyoming, and for other purposes. As you know, H.R. 6085 would bar the Secretary of Interior from allowing BLM to “finalize, implement, administer, or enforce” the draft plan.

This is consistent with the Associations’ comments to the BLM on the draft RMP, which concluded:

. . . the Associations urge BLM to rescind the Draft EIS and seek to develop consensus through the collaborative process that has been established by the Task Force assembled by Governor Gordon. It is clear that the effected public does not support the designation of more than 1.5 million acres as ACEC, and that lands in the FO can be sustainably managed for multiple uses, while providing for conservation of the lands for posterity.

Please see the attached full comments from the Associations, which outline our concerns regarding the proposal in more detail.

Thank you for your consideration.

Sincerely,

DUANE TAYLOR,
Director of Safe and Responsible Use Programs

Mr. TIFFANY. I am going to take a few minutes for questioning, then.

Mr. POSCHMAN, one of the goals of the Pitkin County Climate Action Plan is to electrify Pitkin County’s vehicle fleet. Where should we get those minerals, the United States or somewhere else in the world?

Mr. POSCHMAN. Thank you. That is an excellent question. I think we have a climate crisis here. A lot of people believe that. Whatever it takes would be my personal response to that.

But I have to say, I am not against mineral extraction. It has to be done properly, and it has to be done in the right places. What we have seen is—

Mr. TIFFANY. So, if doing whatever it takes, does that include having minerals mined by children overseas?

Mr. POSCHMAN. That is a controversial issue, and we all think it is repugnant that it happens. I also know that the battery industry is moving away from cobalt, so that may be a non-issue in the near future.

It is unfortunate that people are exploited around the world, but it is a reality. And as industries change, you will find them doing whatever, as the free markets allow access.

Mr. TIFFANY. What if they don't change?

Mr. POSCHMAN. I think it is going to change.

Mr. TIFFANY. Ms. Sgamma, same question.

Ms. SGAMMA. I can strongly state that child labor, slave labor in China for solar panels is wrong and that seems pretty obvious.

The thing is that, if we do it responsibly, we do oil and natural gas development responsibly, we could do mining in the United States. But there are those who want absolutely nothing mined absolutely anywhere. So, we continue to see people say there is a climate crisis—

Mr. TIFFANY. The banana—

Ms. SGAMMA [continuing]. But then they don't want to mine for those minerals.

Mr. TIFFANY. Excuse me a minute.

Ms. SGAMMA. Sorry.

Mr. TIFFANY. The banana principle, right? Build absolutely nothing anywhere near anyone.

[Laughter.]

Mr. TIFFANY. Sorry to interrupt, go ahead.

Ms. SGAMMA. No, I was wrapping up.

Mr. TIFFANY. Oh, sorry to interrupt.

Director Bingham, in this latest iteration that they are putting forward to you guys, did the BLM fulfill their coordination responsibilities?

Mr. BINGHAM. They did not. That has been the major issue with this whole process. It dates back into 2011, when it all started with Alternatives B and C just as placeholders and bookends that I have stated.

And then there was a break for 2 years, and then in 2015 we worked on Alternative D, all the way up until 2022. There was a lack of meetings in between, even from 2019 on. So, there was little coordination or no coordination on Alternatives B and C since 2015.

Mr. TIFFANY. Director Bingham, if they continue in this direction, are you going to be forced to take legal action to get them to the table to coordinate?

Mr. BINGHAM. I think that is where we are heading, Mr. Chairman.

Mr. TIFFANY. Director McConkie, same question. Are they coordinating with the state of Utah? Are the Federal agencies, in this case, the Bureau of Land Management, are they coordinating with the state of Utah?

Ms. MCCONKIE. I think, with the monument designations, that has been severely lacking, and we have also had some difficulties politically between our state and the Federal Government as far as management of the Bears Ears Monument.

Mr. TIFFANY. Will Utah be forced to take legal action to get them to the table to coordinate?

Ms. MCCONKIE. Utah actually already is in litigation over the Bears Ears National Monument designation. They have been for about a year and a half now.

Mr. TIFFANY. Is part of that litigation surrounding the responsibility of coordination contained in FLPMA?

Ms. MCCONKIE. I am not an expert on that. I assume it probably does.

Mr. TIFFANY. Sure. And from what I understand from Mr. Curtis, Utah public schools are losing revenue as a result of continuing to shut down lands in Utah. Is that correct?

Ms. MCCONKIE. When Federal lands are shut down, it certainly affects state trust lands and the money we can generate from those lands, which does affect public education.

Mr. TIFFANY. And Mr. Bingham, is the same thing going to happen if the Federal Government gets their way at this point, if the Bureau of Land Management gets their way, that it will reduce revenues for schools in Sweetwater County?

Mr. BINGHAM. Absolutely, Mr. Chairman. That is the prediction, and that is based on the revenue predictions in the RMP.

Mr. TIFFANY. So, think about it. We have a Federal Government, via the Bureau of Land Management, that wants to starve schools in America, starve public schools in America. It is astounding that that type of stuff is happening, where under the guise of the green fantasy, they will do anything. They will allow children to mine in the Congo. They will allow schools to be starved of revenue, all in the name of this green fantasy. It is incredible to watch it happen.

Ms. SGAMMA, I am going to come back to you with just one final question here. It almost seems like it is a goal of the current Administration to shut down natural resource use in America. Generally speaking, is that what we are witnessing?

I know my colleague, who just stepped in the room here, has said that there is a war on people in America. I mean, is that what we are seeing here?

Ms. SGAMMA. Well, we certainly see President Biden has pledged to get rid of Federal oil. He stated that. We have seen mineral withdrawals, for example, in Minnesota that would shut off mining to the very minerals necessary for batteries and renewable energy. So, yes, there is absolutely a banana mentality in the United States.

Mr. TIFFANY. I will yield, and I will turn now to the gentlelady from Wyoming for 5 minutes for questioning, if you are ready.

Ms. HAGEMAN. Thank you. I am ready, and thank you all for being here. I am sorry I was not able to be here for the remainder of the hearing. I was over in a hearing in the Judiciary Committee, focusing on regulatory reform and what it is that we need to do in terms of addressing the agency overreach that we have seen, especially in the last 30 years. And I don't think that there is a better example of that than what has been happening in Wyoming recently with the Rock Springs District Office Resource Management Plan.

It is very apparent to me that that particular document and the Alternative B that was chosen recently by the BLM last fall is a test case, and it is an effort by the BLM to determine whether they can turn our BLM lands essentially into National Park Service lands, and to exclude all of us not only in terms of oil and gas development, but mining, grazing, and anything that produces revenue or generates revenue.

Coming from Wyoming, 48 percent of our surface estate is owned by the Federal Government, 65 percent of our mineral estate is also owned by the Federal Government. And what is very apparent when you live in the West is that there are only certain uses that can generate revenue on vast swaths of land. It may not be that you always have oil and gas in a particular area, or coal in a particular area, or uranium or grazing. But together, when you look at the way that our lands are situated, and you look at the nature of our vegetation, this precipitation that we receive and those sorts of things, if you block grazing, if you block oil and gas development, if you block mining, there is no other way to generate revenue off of literally tens of millions of acres of land. And as a result, it not only is going to affect Wyoming and the western United States, it will affect the country as a whole.

Director Bingham, I appreciate you being here today. We appreciate all that you do both for Sweetwater County and for the state of Wyoming. And you highlighted in your testimony many of the grievances regarding the process by which the preferred alternative, Alternative B, came about from the BLM. You are not the first one to bring this to my attention, and I want to highlight some testimony that I listened to from a former BLM staffer given to Wyoming's joint Federal Natural Resources Management Committee.

James Evans, who is a Rock Springs Field Office employee while the draft RMP was being developed, testified that the BLM's preferred alternative received very little time and effort in its development. In his own words, he said, "The science and the work was all done on D," Alternative D. "We sat down, and in 1 week we did Alternatives B and C together. After that was done, and we sat down with the cooperative agencies, we spent the next 5 or 6 years developing Alternative D." So, the BLM spent 1 week on Alternatives B and C and 5 to 6 years on Alternative D.

Director Bingham, can you expound on what you know about the length of time that the BLM took to create what is now the preferred alternative in a 3.6-million-acre Resource Management Plan?

Mr. BINGHAM. Thank you, Congressman Hageman. Yes.

Back in 2012, when the cooperative meeting started, there were just a few meetings related to Alternatives B and C. And also during that time, there were a little bit of discussions on Alternative D. So, there was a small amount of time in that there were a few co-operator meetings, and then there was a meeting at the end of the year, just one comment period for those Alternatives B and C.

I did hear Mr. Evans' testimony. I was there, actually, at the meeting via Zoom, where he was testifying in front of the legislature, where it doesn't surprise me that it was done in that time period. Just when you look at all the implications of it, and that it was described to co-operators as a bookend, or a placeholder, and then Alternative D was the compromise to come in between.

So, from 2015 on, there was a break because of the sage grouse issue. It was all focused on Alternative D, and we were actually directed to only focus on Alternative D for the remainder of that 5 to 6 years that you mentioned.

Ms. HAGEMAN. So, the entire process for FLPMA and the way that we manage our Federal lands, the stakeholders that are in the communities themselves, this entire process is to ensure that the people who are actually affected by the decisions are engaged and able to participate, and that we are able to manage these lands in the best interest of everybody involved, and that is why you talk about things such as balance.

We look at recreation, we look at access for oil and gas, we look at grazing. And not every single acre is used for all of those different types of activities. But you do a balance, and you do a mosaic, and you do a quilt, and you figure out how we are going to manage these resources, really, ultimately, in the best interests of the people of the United States of America. Because they belong to us. They don't belong to Joe Biden. They don't belong to the BLM. They belong to us. We are the ones who have the right to access them.

And what is very apparent to me by what happened with this particular RMP is this is the sign of the future for this Administration and the folks on the other side of the aisle. They are going to do everything in their power to deny us access management and use to over 600 million acres of Federal lands if they have the ability to do that. And this is just the first step.

I thank you for the work that you have done. I thank everybody for being here and the work that you do making our lives better.

With that, I yield back.

Mr. TIFFANY. The gentlelady yields, and we are going to close up shop here.

I want to thank all of you for your testimony and taking the time to travel here. I would like to thank all the witnesses for their testimony and Members for their questions.

Members of the Subcommittee may have some additional questions for our witnesses, and we will ask that you respond to those in writing, please.

Under Committee Rule 3, members of the Subcommittee must submit questions to the Subcommittee Clerk by 5 p.m. on Monday, March 25, 2024. The hearing record will be held open for 10 business days for these responses.

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

[Whereupon, at 12:23 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

Submissions for the Record by Rep. Tiffany**Statement for the Record**

Kristen Brengel
Senior Vice President, Government Affairs
National Parks Conservation Association

NPCA position on H.R. 5499: Congressional Oversight of the Antiquities Act

Since 1919, National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our 1.6 million members and supporters nationwide, I wanted to share our position on H.R. 5499—Congressional Oversight of the Antiquities Act ahead of a hearing in the House Natural Resources Federal Lands Subcommittee hearing scheduled for March 20, 2024.

H.R. 5499—Congressional Oversight of the Antiquities Act

NPCA is **opposed** to this legislation, which would fundamentally undermine the Antiquities Act of 1906. The Antiquities Act is one of our nation's most important conservation laws; it allows the president of the United States to proclaim lands or waters under federal jurisdiction as national monuments to maintain the integrity of natural and cultural resources. Used to safeguard and preserve federal lands and historical sites for all Americans to enjoy, 18 presidents representing both political parties, have used this authority to designate 163 national monuments. This accounts for about one-quarter of the current sites within the National Park System. Congress has the power to designate a national park or historic site. Congress can also re-designate a presidentially proclaimed monument to become a national park, as it has done with parks like the Grand Canyon and Acadia.

The Antiquities Act was passed by Congress with the understanding that some nationally significant sites need urgent protection and should not be subject to the lengthy path a bill can take. What was true for the 59th Congress in 1906 is still true today: Congress can be too inactive to act expeditiously and protect cultural or natural resources. For example, Congress had four terms where it could have designated the Harriet Tubman National Historical Park. Bipartisan and bicameral legislation sat for years in committee with no substantive action. It took a designation through the Antiquities Act to ensure the first site was designated which later prompted Congress to act.

H.R. 5499 would mandate that any site designated by the Antiquities Act would require Congressional approval within six months, or the end of the current congress, or else the designation would be nullified. In effect, Congress would only have to be inactive to strip a newly designated site of its protections. Congress simply should not be the sole guarantor of protecting America's natural and cultural heritage.

H.R. 5499 further undermines the intent of the Antiquities Act by mandating that any sites that do not get Congressional approval as monuments may not be included in any future monument designation for 25 years. The very point of the Antiquities Act is allowing a branch of the federal government to move quickly to protect resources that are under direct threat. H.R. 5499 creates an arbitrary timeline that stipulates irreplaceable resources or significant historical sites be potentially unprotected for a quarter century.

Both Presidents Trump and Biden recently used the Antiquities Act to preserve historically significant sites, designating Camp Nelson and the Emmett Till and Mamie Till-Mobley National Monuments respectively. These sites, which both could have been protected by Congress and were not, allow Americans to learn about our diverse national history. President Obama protected Harriet Tubman National Historical Park (formerly national monument) while President George W. Bush designated the Papahānaumokuākea Marine National Monument. For the last 118 years presidents, regardless of political party, have chosen to protect American cultural and natural resources for the betterment of all. From the Statue of Liberty to Zion National Park, the Antiquities Act has been used to guarantee our most treasured places can be enjoyed and learned from for generations to come. The

protection and interpretation of these sites represents the very best of American values. H.R. 5499 critically endangers that shared interest and we urge Congress to reconsider this damaging legislation.

Thank you for considering our views.

Submissions for the Record by Rep. Neguse

BACKCOUNTRY HUNTERS & ANGLERS

March 19, 2024

Hon. Bruce Westerman, Chairman
 Hon. Raúl Grijalva, Ranking Member
 House Natural Resources Committee
 1324 Longworth House Office Building
 Washington, DC 20515

Dear Chairman Westerman and Ranking Member Grijalva:

On behalf of Backcountry Hunters & Anglers (BHA), the voice for our wild public lands, waters and wildlife, I write to express our opposition to the Congressional Oversight of the Antiquities Act (H.R. 5499). This legislation aims to undermine the Antiquities Act which has been used for more than a century to conserve our nation's public lands and waters with benefits for hunters and anglers.

The Antiquities Act is a critical tool to conserve large landscapes, secure important fish and wildlife habitat and safeguard traditional hunting and angling opportunities on our public lands and waters. National monuments have a long history of being designated through the Antiquities Act with bipartisan support. Together, nine Democratic and nine Republican presidents have established 161 national monuments through their authority under the Antiquities Act.

By exerting congressional review over the Antiquities Act, H.R. 5499 threatens the use of an important administrative authority that has conserved wild public lands and waters at risk from development. This legislation would erode the foundation for more than a century of conservation success and is wholly unnecessary as Congress already has the authority to establish, modify or abolish national monuments in addition to their authority to manage federal public lands through other designations.

Landscapes conserved through the Antiquities Act have sustained cherished opportunities for hunters and anglers, from the Upper Missouri River Breaks National Monument in Montana which provides opportunities for hunters to pursue iconic species like bighorn sheep and sharp tailed grouse, to the Rio Grande Del Norte National Monument in New Mexico where anglers can throw a line to Rio Grande cutthroat trout.

BHA has consistently advocated for America's national monuments system and the judicious use of the Antiquities Act as a way to permanently conserve important large landscapes. Key to achieving this outcome is a process that adheres to the following specific tenets:

- Important fish and wildlife habitat must be conserved.
- The monument proclamation must clearly stipulate that management authority over fish and wildlife populations will be retained by state fish and wildlife agencies.
- Bureau of Land Management and U.S. Forest Service lands must remain under the authority and jurisdiction of these multiple-use focused land management agencies.
- The monument proclamation must direct reasonable access for fishing, hunting, and wildlife management, including allowances for terrestrial habitat improvement and water developments.
- The input and guidance of hunters and anglers must be included in management plans for national monuments.

- The monument proposal must be developed through a public process—one that includes hunters and anglers, as well as appropriate state, Tribal, and local governments.
- The monument proposal must gain support from local hunters and anglers.
- Hunting and fishing opportunities must be upheld and the historical and cultural significance of our outdoor traditions explicitly acknowledged in the monument proclamation.

Once again, BHA reiterates our opposition to H.R. 5499 as this legislation would undermine a bedrock conservation law, inhibiting future opportunities to thoughtfully protect public resources with unique values for the benefit of hunters and anglers.

Sincerely,

KADEN MCARTHUR,
Government Relations Manager

Statement for the Record

**Jocelyn Torres
Chief Conservation Officer and Interim Co-Executive Director
Conservation Lands Foundation**

Chairman Tiffany, Ranking Member Neguse, and Members of the Subcommittee, thank you for the opportunity to provide testimony on legislation being considered in today's hearing of the Subcommittee on Federal Lands.

The Conservation Lands Foundation is a national non-profit organization headquartered in Durango, Colorado with staff in New Mexico, Nevada, California, Utah, Idaho, and Washington, DC. We were established in 2007 on the belief that public lands are best protected when there is a national network of local advocates working to advance a common conservation vision. Our mission is to protect, restore, and expand the Bureau of Land Management's (BLM) National Conservation Lands through education, advocacy, and partnerships. We advance this mission through our support for more than 80 grassroots organizations who steward and protect the BLM National Conservation Lands in their communities.

With that mission in mind, Conservation Lands Foundation expresses strong support for **H.R. 6209, Sloan Canyon Conservation and Lateral Pipeline Act**, introduced by Rep. Dina Titus of Nevada, which ensures a water pipeline project by Southern Nevada Water Authority (SNWA) may be constructed underground through Sloan Canyon National Conservation Area and adds over 9,000 acres to the NCA as important mitigation.

As the Bureau of Land Management does not have the authority to grant right-of-way access to SNWA in a permanently protected area, this project must first seek Congressional authority. The Horizon Lateral project is an example of how infrastructure projects on National Conservation Lands can have minimal ground disturbance, mitigate anticipated impacts, and address community needs while ensuring the objects and values for which the area was protected remain protected.

Conservation Lands Foundation previously testified in support of this effort to construct the water pipeline project to ensure a million Nevadans have access to the water system, and expand the NCA as part of the Southern Nevada Economic Development and Conservation Act introduced last Congressional session. We look forward to working with Congresswoman Titus to advance this legislation and with SNWA to find other partnership opportunities that improve habitat and recreation opportunities in the NCA.

While this legislation is a positive example of a bill that strikes a balance between conservation and development with input from local advocates, unfortunately, many of the bills being considered in today's hearing seek to undermine the ability of local advocates to engage in the management of public lands, as well as weaken bedrock laws and regulations that ensure our most cherished landscapes are protected.

Conservation Lands Foundation expresses strong opposition to the following bills being considered in today's hearing:

H.R. 5499, Congressional Oversight of the Antiquities Act

This legislation, introduced by Rep. Mariannette Miller-Meeks of Iowa, represents a direct assault on the bedrock law that has been used by 18 presidents, nine Democrats and nine Republicans, to protect our nation's most critical public lands and waters. Since its enactment, the Antiquities Act has been an essential tool for presidents to ensure America's most iconic natural, cultural, and historic places are protected for generations to come. Some of those iconic places include the Grand Canyon, the Statue of Liberty, Fort Monroe, the Pacific Remote Islands, and Acadia, Zion, and Olympic National Parks, among many others.

Imposing restrictive measures that undermine the Act's fundamental principles and jeopardize its effectiveness to ensure our most cherished landscapes and cultural resources are protected serves the interests of no one who cares about the public's access to and the future of America's public lands. According to the U.S. Department of Commerce, the outdoor recreation economy increased 4.8 percent in 2022, compared with a 1.9 increase for the overall U.S. economy. Considering that, such an effort to undermine the Antiquities Act only benefits those who seek to exploit the land without any regard for its recreational value in the marketplace, without any concern for its importance to communities that have called it their home since time immemorial, and without any interest in ensuring future generations can continue to access and benefit from it.

Congress already has this power to make changes to how our nation's public lands are managed. This bill is an attempt to restrict the tools available to the American

public, in particular Tribal governments and underrepresented communities, to advocate for designations important to the health and wellbeing of their communities, and the natural land around them.

We strongly oppose this legislation and urge the Committee to vote “no” on this harmful legislation if and when it comes up for a vote.

H.R. 6085, To prohibit the implementation of the Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revision, Wyoming

This harmful bill introduced by Rep. Harriet Hageman of Wyoming would undermine years of community-based work by her constituents to produce a resource management plan revision for the public lands managed by the Bureau of Land Management’s Rock Springs Field Office.

Pursuant to Section 202 of the Federal Land Policy and Management Act of 1976, this resource management plan represents a necessary update to the 1997 Rock Springs Resource Management Plan. Section 202 of FLPMA mandates that the “Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands.” The draft proposes balanced management across 3.6 million acres of public lands in southwest Wyoming, conserving critical wildlife migration routes, protecting sensitive cultural resources, and maintaining recreational access for locals and visitors alike. It also leaves over half of the planning area open to one or more types of industrial activities, such as oil and gas drilling, mining, or renewable energy.

BLM’s Rock Springs Field Office is in the middle of a robust public process, which began in 2011, to revise the resource management plan. Since the inception of the revision, BLM has hosted four scoping meetings and three public meetings in response to the draft plan release. In addition, the most recent public comment period was extended to allow for comprehensive participation from local stakeholders and the Wyoming Governor’s office. Prohibiting the implementation of the draft resource management plan revision runs counter to FLPMA and the will of the tens of thousands of people who submitted public comment in response to the draft plan. We strongly oppose H.R. 6085.

H.R. 6547, Colorado Energy Prosperity Act

Like the previous bill, this legislation, introduced by Rep. Lauren Boebert of Colorado, seeks to undermine years of community-based effort to produce a Resource Management Plan for the public lands managed by the Colorado River Valley Field Office and the Grand Junction Field Office of the Bureau of Land Management. This supplemental environmental impact statement is necessary in order to address the issues identified in the lawsuits in the Colorado River Valley RMP, described in settlement agreements, and in the Grand Junction RMP, described in BLM’s motion for voluntary remand. In response to the court ruling and settlement agreements, the draft revisits oil and gas leasing availability and proposes balanced management for the 2 million acres in both field offices, which cover some of Colorado’s most important wildlife habitat, recreational areas, spectacular scenery, cultural sites, and water resources. However, valid existing leases are not impacted by this plan.

Like the Rock Springs Field Office above, the Colorado River Valley and Grand Junction Field Offices have conducted rigorous public outreach to inform this process. Over the past year and a half, BLM has held two scoping meetings and three public meetings in response to the release of the draft plan. Prohibiting the finalization, implementation, administration, and enforcement of the forthcoming plan would interrupt this robust public process and prevent BLM from fulfilling its obligations under the terms of the settlement agreements. We urgently request that the members of the Subcommittee and full Committee vote against H.R. 6547.

H.R. 7006, To prohibit natural asset companies from entering into any agreement with respect to land in the State of Utah or natural assets on or in such land

This legislation, introduced by Rep. John Curtis of Utah, would prevent a natural asset company, which do not currently exist, from entering into any agreement with respect to land in the State of Utah or natural assets on or in such land.

The proposal to create this new kind of corporation, which the Securities and Exchange Commission is no longer considering, was proposed as a way to invest money behind natural areas, working lands, and ecosystem restoration in order to put a fair market value on the land itself, not only the products and resources extracted from it.

We oppose this legislation because, beyond the fact that natural asset companies do not exist and their creation is no longer being considered, it provides false legitimacy for a conspiracy theory that ties these non-existent companies with the Bureau of Land Management's Conservation and Landscape Health Rule. For this reason, we urge the Subcommittee and full Committee to vote no on H.R. 7006.

Thank you, Mr. Chairman and members of the Subcommittee, for the opportunity to share this testimony, and for your consideration of our views on the legislation being heard today.

ENVIRONMENT AMERICA

March 19, 2024

Hon. Tom Tiffany, Chairman
 Hon. Joe Neguse, Ranking Member
 House Natural Resources Committee
 Subcommittee on Federal Lands
 1324 Longworth House Office Building
 Washington, DC 20515

Dear Chairman Tiffany, Ranking Member Neguse and members of the Subcommittee on Federal Lands:

We are writing in opposition to three of the bills on the agenda for the March 20, 2024 hearing. We need more nature and each of these bills undermines current efforts and future opportunities to protect special places for future generations.

We oppose the Congressional Oversight of the Antiquities Act (H.R. 5499) which would limit the effectiveness of the Antiquities Act. Since it was signed by President Theodore Roosevelt in 1906, the Antiquities Act has been used by 18 Presidents to protect American treasures such as Chaco Canyon, the Grand Canyon, Dinosaur National Monument, Joshua Tree and Arches. We support the use of the Antiquities Act to protect special natural areas and we want to see it continue to function as a valuable tool for conservation as it has for the past 118 years. Passing H.R. 5499 would limit the establishment of future national monuments, potentially denying future generations the opportunity to enjoy even more beautiful and special places in our country.

We oppose the Colorado Energy Prosperity Act (H.R. 6547), which would prevent the Bureau of Land Management from finalizing their supplemental EIS for the Colorado River Valley and Grand Junction Field Offices. The supplemental EIS could protect nearly 2 million acres of federal public land in western Colorado from future oil and gas leasing including parts of the Dolores River Canyon, Book Cliffs and Grand Hogback. These areas are critical for biodiversity and provide unparalleled outdoor recreational opportunities.

Finally, we oppose the H.R. 6085, which would prohibit the implementation of the Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs BLM Field Office. The BLM is proposing a more conservation-focused approach for managing approximately 3.6 million acres including prioritizing wild-life habitat and habitat connectivity by protecting parts of the area from mining and drilling. We support this approach and other efforts by the BLM to connect more fragmented habitats.

Thank you,

Ellen Montgomery,
 Public Lands Campaign Director

Lisa Frank,
 Executive Director,
 Washington Legislative Office

Statement for the Record

**Shaaron Netherton
Executive Director**

Friends of Nevada Wilderness

Dear Chairman Tiffany, Ranking Member Neguse, and Members of the Federal Lands Subcommittee:

On behalf of Friends of Nevada Wilderness and our 16,000 supporters, please accept these comments in support of H.R. 6209, the Sloan Canyon Conservation and Lateral Pipeline Act.

Friends of Nevada Wilderness is dedicated to preserving all qualified Nevada public lands as wilderness, protecting all present and potential wilderness from ongoing threats, educating the public about the values of and need for wilderness, and improving the management and restoration of wild lands. Friends of Nevada Wilderness is celebrating our 40th anniversary this year.

I would like to express appreciation for the Nevada delegation's continued support for local efforts to resolve issues on public lands. Nevadans know how to come to the table in good faith and work together to develop bills that enhance economic development, conserve public lands and improve recreation opportunities.

The Sloan Canyon Conservation and Lateral Pipeline Act would expand the Sloan Canyon National Conservation Area by adding contiguous federal lands and provide for a right-of-way under the Sloan Canyon National Conservation Area and other public lands for the purpose securing water resources for Las Vegas Valley residents. Friends of Nevada Wilderness supports the 9,290-acre expansion of the national conservation area. This will help protect habitat corridors for bighorn sheep and other wildlife.

We understand that putting the pipeline under the national conservation area is much less expensive than the alternative through Henderson. There will however, be impacts to public lands surrounds the national conservation area from waste rock storage, etc. We recommend that a mitigation and/or restoration fund be created with the cost savings of this alternative to be used to ensure all temporary impacts to the national conservation area and other public lands are restored and provide funding to manage the Sloan Canyon National Conservation Area for its intended purposes of protecting natural and cultural resources.

MULEY FANATIC FOUNDATION

March 19, 2024

Hon. Tom Tiffany, Chairman
Hon. Joe Neguse, Ranking Member
House Natural Resources Committee
Subcommittee on Federal Lands
1324 Longworth House Office Building
Washington, DC 20515

Dear Chairman Tiffany and Ranking Member Neguse:

On behalf of the Muley Fanatic Foundation, I write in strong opposition to H.R. 6085, offered by Rep. Hageman. This bill would have the effect of prematurely short-circuiting a land use planning process that has been ongoing for more than a decade and has the potential to provide critical, needed conservation measures for Wyoming's renowned mule deer populations that have declined more than 40% over the last three decades.

The Muley Fanatic Foundation and many other stakeholders have been intimately involved in the Rock Springs Resource Management Plan (RMP) process. The notion that Rep. Hageman would propose a bill that ignores the efforts by so many that have been put forth in this very valued public process is unfortunate to say the least.

This legislation undercuts more than a decade-long planning process for millions of acres of public land in southwestern Wyoming. Throughout this process, along with other stakeholders, I have personally participated in dozens of meetings with federal, state, and local officials, and have invested countless hours in drafting comments and providing testimony. Striking the right balance in these land use plans can be challenging at times, but I do not think that wasting all of the time and taxpayer resources that have gone into preparing the Rock Springs plan, which would be the end result of this bill, is the right course of action. Please show your support of the process as the BLM moves forward in their efforts to review more than 40,000 public comments that are submitted on the draft Rock Springs RMP and allow the BLM to share a revised plan incorporating many of these comments.

I oppose H.R. 6085, and I urge you to oppose this legislation during committee consideration.

Sincerely,

JOSHUA W.D. COURSEY,
President/CEO

THE WILDERNESS SOCIETY

March 20, 2024

Hon. Tom Tiffany, Chairman
 Hon. Joe Neguse, Ranking Member
 House Natural Resources Committee
 Subcommittee on Federal Lands
 1324 Longworth House Office Building
 Washington, DC 20515

Dear Chairman Tiffany, Ranking Member Neguse, and Members of the Federal Lands Subcommittee:

On behalf of our more than one million members and supporters, The Wilderness Society (TWS) writes to express views on legislation being heard before the Subcommittee on March 20, 2024. We respectfully request that this letter be included in the hearing record.

H.R. 5499, Congressional Oversight of the Antiquities Act

TWS opposes H.R. 5499, sponsored by Representative Miller-Meeks (R-IA). Since it was signed by President Theodore Roosevelt in 1906, the Antiquities Act has been used on a bipartisan basis by 18 Presidents to protect America's most significant natural, scientific, cultural, and historic places, including the Baaj Nwaavjo I'tah Kukveni-Ancestral Footprints of the Grand Canyon, Statue of Liberty, Fort Monroe, and Emmett Till and Mamie Till-Mobley National Monuments. This legislation represents a direct assault on this bedrock conservation law by seeking to impose restrictive measures that undermine the Act's fundamental principles and jeopardize its efficacy in preserving our nation's most cherished places.

The legislation would forcibly sunset national monument designations while limiting future designations, which blatantly undercuts the original intent of the Antiquities Act to protect places at urgent risk. It would also undermine the meaningful Tribal engagement at the center of many modern designation efforts, disregarding the sovereignty and expertise of Indigenous communities whose cultural heritage and ancestral lands are often central to monument designations. Finally, Congress already has the power to pass legislation creating, revoking or modifying national monuments on a case-by-case basis. TWS therefore sees this additional layer of oversight completely unnecessary.

Furthermore, national monuments poll very well with voters across party lines. Per the Colorado College's 2024 Conservation in the West Poll, 85% of westerners support creating new national parks and monuments to protect historic sites and areas for recreation.

For these reasons, TWS opposes this legislation and urges members of the Subcommittee not to advance it.

H.R. 6085, To prohibit the implementation of the Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revision, Wyoming

The Wilderness Society opposes H.R. 6085 sponsored by Representative Hageman. The bill would block implementation of the Bureau of Land Management's Rock Springs Resource Management Plan. Finalization of a new Rock Springs Resource Management Plan is long overdue and there is an urgent need to update management for this landscape according to new research and community values.

This bill would undermine the extensive public process convened in Wyoming over the last decade to inform this plan. Among them have been many opportunities to discuss and provide input on the future management of these BLM lands for local stakeholders. Local governments, state agencies, and representatives from the Governor's Office regularly met with BLM to craft the plan components over the last decade. In 2023, Wyoming Governor Mark Gordon convened a Rock Springs-focused taskforce with a variety of interest groups and elected officials, which successfully crafted multiple consensus-based management recommendations for BLM to consider. BLM also received comments from tens of thousands of individuals, elected officials, organizations, and businesses, which will inform adjustments for the final Rock Springs plan—unless this bill gets in the way.

Blocking implementation of this plan disregards years of public input from Wyomingites and the collaborative task force convened by Governor Gordon. Delaying the much-needed updates to land management prescriptions will harm Wyoming communities and jeopardize areas of critical wildlife habitat, cultural

resources and unique recreational opportunities—not to mention create uncertainty public lands users for years to come. For these reasons, TWS opposes this legislation and urges the Subcommittee not to advance it.

H.R. 6547, Colorado Energy Prosperity Act

TWS opposes H.R. 6547, sponsored by Representative Boebert, which would circumvent a court-ordered public process to chart public land management in western Colorado for decades to come. The Bureau of Land Management (BLM) is conducting a public process to update its resource management plans for the Colorado River Valley and Grand Junction field offices as the result of a U.S. District Court of Colorado ruling and subsequent settlement agreement. The court found that the BLM violated the law with respect to its environmental analysis during the previous planning process for the Colorado River Valley Field Office and ordered the BLM to broaden the range of alternatives for oil and gas leasing and conduct a more robust analysis of air quality impacts. The new plan also considers areas of Tribal significance for increased protection. The Grand Junction plan suffered from the same legal deficiencies, and a challenge to that plan was settled between the parties and combined with the Colorado River Valley plan for additional analysis.

H.R. 6547 would prevent the BLM from completing its work on this public process and updating these two plans. If signed into law, this bill would force the BLM to disregard robust comments from the general public, including conservation stakeholders, municipalities, counties, and the State of Colorado on the draft plan, as well as feedback received through formal Tribal consultation. This landscape contains wilderness-quality lands, important wildlife habitat, cultural resources, recreation opportunities, and other natural resources. We are grateful for the work by the planning team at the BLM to improve management prescriptions throughout the field offices. We urge the Subcommittee to reject this legislation, and to instead allow the BLM to complete its public process, as required by the federal courts.

H.R. 7006, To prohibit natural asset companies from entering into any agreement with respect to land in the State of Utah or natural assets on or in such land

TWS opposes Representative Curtis’s legislation to prevent a natural asset company from entering into any agreement with respect to land in the State of Utah or natural assets on or in such land.

The proposal for establishing natural asset companies was to facilitate investment in preserving natural areas, working lands, and ecosystem restoration. The objective was to assign monetary value to the land itself, rather than solely valuing the resources extracted from it.

This legislation propagates a baseless conspiracy theory linking these non-existent companies (the proposal never advanced past the conceptual stage) with the Bureau of Land Management’s Conservation and Landscape Health Rule. Claims suggesting that these companies would have been part of a plot to harness the rule to privatize public lands are unequivocally unfounded.

This legislation is a red herring and TWS urges members of the Subcommittee not to advance it.

H.R. 6209, Sloan Canyon Conservation and Lateral Pipeline Act

The Sloan Canyon Conservation and Lateral Pipeline Act would expand the Sloan Canyon National Conservation Area by adding contiguous federal lands and provide for a right-of-way across federal public lands for the purpose securing water resources for Las Vegas valley residents. While the Wilderness Society is supportive of the NCA expansion, we have concerns with the current bill language and recommend that the Subcommittee make adjustments before reporting the bill.

Specifically, The Wilderness Society supports the bill’s provisions providing for the addition of 9,290 acres to the Sloan Canyon NCA. Protecting these lands is important to securing bighorn sheep habitat connectivity that allows movement to and from the NCA and the South McCullough Wilderness and Avi Kwa Ame National Monument to the south.

We are concerned about the bill’s provisions regarding the public land resources outside of the NCA, which will see the most impact from the Horizon Lateral project. While the bill explicitly states that the Secretary of the Interior may include reasonable terms and conditions under FLPMA to protect “Conservation Area” resources, it is critical that the Secretary retain authority to protect public land resources inside *and* outside of the NCA. We accordingly urge the Subcommittee to amend section 3(h)(3)(A) to include other public land resources.

TWS generally believes the Secretary should retain discretion over when and where rights-of-way across public lands are granted, that industrial projects are not

appropriate within units of the National Landscape Conservation System, and that grantees of rights-of-way should pay fair market value for the use of public lands. TWS also understands the unique geographic and public interest circumstances at issue here, and we appreciate the sponsor including provisions that ensure that the natural and cultural resources within the NCA will not be permanently adversely affected. We recommend that a mitigation and/or restoration fund be created with the cost savings of this alternative to be used to ensure all temporary impacts to the NCA and other public lands are restored and provide BLM funding to manage the NCA for its intended purposes of protecting natural and cultural resources.

Thank you for considering our views.

Sincerely,

LYDIA WEISS,
Senior Director, Government Relations

March 20, 2024

Hon. Bruce Westerman, Chairman
 Hon. Raúl Grijalva, Ranking Member
 House Natural Resources Committee
 1324 Longworth House Office Building
 Washington, DC 20515

Re: H.R. 5499, Congressional Oversight of the Antiquities Act

Dear Chairman Westerman and Ranking Member Grijalva:

On behalf of the undersigned organizations and our millions of members across the country, we are writing to express our unwavering support for the Antiquities Act of 1906 and our strong opposition to H.R. 5499, the “Congressional Oversight of the Antiquities Act,” which poses a significant threat to this bedrock conservation law.

Since its enactment, the Antiquities Act has been one of our nation’s most critical conservation tools for preserving public lands, waters and cultural sites. Our national parks and monuments and other protected public lands and waters unite all people in this country by protecting our shared heritage for future generations to enjoy. Since it was signed by President Theodore Roosevelt in 1906, the Antiquities Act has been used on a bipartisan basis by 18 Presidents (nine Republicans and nine Democrats) to protect America’s most iconic natural, scientific, cultural, and historic places, including the Grand Canyon, the Statue of Liberty, Fort Monroe, the Pacific Remote Islands, and Acadia, Zion and Olympic National Parks.

Furthermore, national monuments poll very well with voters across party lines. Per the Colorado College’s 2024 Conservation in the West Poll, 85% of westerners support creating new national parks and monuments to protect historic sites and areas for recreation. The sheer diversity of historic, cultural, and natural treasures that have been protected by the Antiquities Act is the reason why hundreds of groups representing sportsmen, cultural heritage organizations, evangelicals, conservation, recreation businesses, historic preservation, and many others all oppose efforts to undermine this vital law.

H.R. 5499 represents a direct assault on the Antiquities Act. The legislation would forcibly sunset national monument designations while limiting future designations, which blatantly undercuts the original intent of the Antiquities Act to protect places at urgent risk. It would also undermine the meaningful Tribal engagement at the center of many modern designation efforts, disregarding the sovereignty and expertise of Indigenous communities whose cultural heritage and ancestral lands are often central to monument designations. Finally, Congress already has the power to pass legislation creating, revoking or modifying national monuments on a case-by-case basis.

As organizations committed to conservation, environmental stewardship, and the preservation of our nation’s heritage, we urge you to oppose H.R. 5499 and to uphold the Antiquities Act as a critical tool for protecting America’s natural and cultural treasures.

Thank you for your attention to this urgent matter. We trust that you will consider the long-term implications of H.R. 5499 and stand in defense of the Antiquities Act.

Sincerely,

Accountable.US	Los Padres ForestWatch
Alaska Wilderness League	Marine Conservation Institute
Azul	Mountain Mamas
Californians for Western Wilderness	Mystic Aquarium
CalWild	National Marine Sanctuary Foundation
Center for Biological Diversity	National Ocean Protection Coalition

Coalition to Protect America's National Parks	National Parks Conservation Association
Colorado Wildlands Project	National Trust for Historic Preservation
Conservation Colorado	National Wildlife Federation
Conservation Lands Foundation	Native Voters Alliance Nevada
Conservation Northwest	Natural Resources Defense Council
Conservatives for Responsible Stewardship	Nevada Wildlife Federation
Continental Divide Trail Coalition	New Mexico Wild
Defenders of Wildlife	Northeastern Minnesotans for Wilderness
Earthjustice	Nuestra Tierra
EarthKeepers 360	Ocean Defense Initiative
Earthworks	Oregon League of Conservation Voters
Endangered Species Coalition	Oregon Natural Desert Association
Environment America	Plaquemines Rising Coastal Restoration
Environmental Protection Information Center-EPIC	Progressive Leadership Alliance of Nevada
Friends of Organ Mountains-Desert Peaks	Protect Our Winters
Friends of the Earth US	Sierra Club
Grand Canyon Trust	Silvix Resources
Great Old Broads for Wilderness	Soda Mountain Wilderness Council
GreenLatinos	Southern Utah Wilderness Alliance
Healthy Ocean Coalition	The Mountain Pact
Hispanic Access Foundation	The Wilderness Society
HECHO	Trust for Public Land
Institute for a Progressive Nevada	Tuleyome
John Muir Project	Union of Concerned Scientists
Klamath Forest Alliance	Vet Voice Foundation
Las Cruces Green Chamber of Commerce	Western Watersheds Project
League of Conservation Voters	WildEarth Guardians

**Support for Alternative F and Conservation Management in the
Colorado River Valley and Grand Junction Field Offices
Draft Supplemental Environmental Impact Statement (SEIS)**



Castle Peak Wilderness Study Area in Eagle County, which is proposed for expansion in Alternative F of the draft SEIS. Photo credit: Jon Mullen/EcoStock

Please find the below letters that have been submitted to the Bureau of Land Management in support of Alternative F and the conservation-based management considered in the draft Supplemental Environmental Impact Statement (SEIS) for the Colorado River Valley and Grand Junction Field Offices.

This packet contains supportive letters from the following entities and individuals:

- Representative Diana DeGette, Colorado's Congressional District 1
- State of Colorado, Department of Natural Resources and Department of Public Health and Environment
- Eagle County
- Pitkin County
- Routt County
- City of Glenwood Springs
- Town of Palisade
- The Mountain Pact and over 25 individual local elected officials
- Grand Valley Outdoor Recreation Coalition
- The Colorado Food and Farm Alliance and over 30 agricultural producers and related businesses
- Nearly 85 local business in Western Colorado

In addition to what's in contained in the packet, the conservation community generated comments from nearly 6,000 community members and submitted technical comments on behalf of the following organizations: Audubon Rockies, Center for Biological Diversity, Citizens for a Healthy Community, Colorado Wildlands Project, Conservation Colorado, Conservation Lands Foundation, Defenders of Wildlife, Earthjustice, Great Old Broads for Wilderness-Grand Junction Broadband, Living Rivers & Colorado Riverkeeper, National Parks Conservation Association, Rocky Mountain Wild, Sheep Mountain Alliance, Sierra Club, The Wilderness Society, Waterkeeper Alliance, Western Colorado Alliance, Western Watersheds Project, Wilderness Workshop, and WildEarth Guardians.

These documents are part of the hearing record and are being retained in the Committee's official files:

The documents are available for viewing at:

<https://docs.house.gov/meetings/II/II10/20240320/116881/HHRG-118-II10-20240320-SD008.pdf>

