

Testimony of Eric Bingham
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before the
U.S. House of Representatives Subcommittee on Federal Lands
on
HR 6085 “To prohibit the implementation of Draft Resource Management Plan and
Environmental Impact Statement RMP Revision, Wyoming.”
March 20, 2024

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 of 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 of 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 cooperators 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 land ownership 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.

Thank you, Mr. Chairman; I look forward to answering your questions.