

The Honorable Rob Bishop
Chairman, House Committee on Natural Resources
Oversight Hearing on
“Respecting State Authority in Regards to Resource management and Energy Development”
September 30, 2015

We're pleased to welcome four western Governors to share their states' unique perspectives on challenges they face with managing the natural resources in their states.

Our nation is built on the underlying principle of federalism, clearly stated in the Tenth Amendment: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the *States* respectively, *or to the people.*”

Yet, the Obama Administration's ramped up federal executive orders, regulations and policies are tightening the grip over western states, and rapidly eroding this Constitutional tenet. Exacerbating this are poor forest, BLM and Park Service land management, duplicative or onerous permitting processes, and regulations concocted without – or even at cross purposes with—state expertise or data.

Concerns of this Administration's federal regulatory overreach over states are not limited to the western half of the country—it is a growing blight that affects the entire nation. Earlier this year, we heard from North Carolina Governor McCrory of the severe impact of federal offshore regulations on jobs and opportunities in his state.

Eleven other states were forced to withdraw as “cooperating agencies” when they were shut out of meaningful input from the Interior Department's opaque development of stream protection regulations.

Much of the vast effects of federal actions, however, fall on the western states--simply because 94% of all federal land being located in the West. This would be much less of an issue if the federal government were a responsible landowner.

Instead, we have Applications for Permits to Drill on federal lands taking 227 days on average to approve. We have decreasing federal leased acreage—some 12.6 million acres less over the past six years. We have millions of acres of federal forest lands burning alongside state or private lands that are thinned and much more productive and healthy. We have increased drought due to federal policies. And, we have increased reliance on what were meant to be short-term, congressionally-chartered programs such as PILT and SRS to account for the federal government's growing estate.

States have significant responsibilities for the condition of land, air, forest, wildlife, and water resources, as well as energy and mineral development with their borders. These responsibilities promote and perfect the development of local expertise that cannot be replicated by federal bureaucrats in Washington D.C.

Yet, the federal government frequently ignores such expertise, opting for a one-size-fits-all approach to regulation, and gives short-shrift to the states' own regulatory actions. For example, the now-litigated federal hydraulic fracturing rule **ignored** state regulations that provided equal if not greater environmental protections, opting instead for a blanket application across all federal lands – despite heavy opposition from western states.

Another recent example of the federal government refusing to treat states as equal partners, is the egregious Gold King Mine spill, in which the EPA polluted the Animas and San Juan Rivers with three million gallons of contaminated mine water, and failed to timely notify appropriate affected state and tribal regulators of its catastrophic actions.

Finally, I must also mention the Interior Department's finalizing of sweeping revisions to 98 resource management plans covering millions of acres in 11 western states, including blocking multiple use of at least 10 million acres, all under the guise of keeping the Greater Sage Grouse off the Endangered Species Act list.

Make no mistake, these plans amount to a de-facto listing. They are a threat to successful state-led conservation and our western economies. As the Wall Street Journal recently (and correctly) characterized, the Interior Department's actions are “a restrictive command-and-control overlay of long, complex BLM land-use plans atop the Western plans, as to completely trump” state plans. I couldn't agree more, and I am including a copy of the full excellent Monday editorial for the record.

I look forward to a thoughtful discussion on the role of states in our federalist system, one which encourages stronger federal-state partnerships, and better respect and deference from the federal government to state expertise and authority.