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Testimony on "The Impact of the Administration's Wild Lands Order on Jobs and Economic Growth" before the Committee on Natural Resources U.S. House of Representatives

March 1, 2011

Thank you, Mr. Chairman and the members of the House Committee on Natural Resources, for your invitation to appear today to address the impact of the Administration's Wild Lands policy. I am a partner in the law firm of Holland & Hart LLP. The firm has 15 offices in seven western states and the District of Columbia. My office is in Boise, Idaho.

In an effort to advance the Committee's understanding of the Order, the manuals that have accompanied the Order, and their potential impacts, I would like to discuss some of the legal ramifications as I currently perceive them. It is important to note that the Order is only two months old and the three BLM manuals that accompany the Order were published last Friday. I expect that my opinions will evolve once I have had the opportunity to spend more time reviewing the documents.

The U.S. Supreme Court stated in its unanimous decision in *Norton v. Southern Utah Wilderness Alliance*, 542 U.S. 55, 58 (2004), that multiple use management "is a deceptively simple term that describes the enormously complicated task of striking a balance among the many competing uses to which land can be put." The question before this Committee is whether Secretary Salazar struck the proper balance with his Secretarial Order that focused exclusively on wilderness values and uses among the many competing uses to which BLM land can be put.

Regardless of your perspective on this question, we can all agree that the current debate validates the Supreme Court's statement that multiple use management is an enormously complicated task. These complications have given rise to unending discussion, debate, policy pronouncements, and litigation.

Prior to discussing the issues in detail, some historical perspective is useful. For a history of federal land policy related to wilderness, I refer the Committee to an article I co-authored last summer and attach to this written testimony. That article, entitled *Along the Trammeled Road to Wilderness Policy on Federal Lands*, provides an

overview of the wilderness debate since the passage of the Wilderness Act in 1964.[1] As noted in the article, the Wilderness Act did not directly address BLM's duties with respect to designation or management of lands with wilderness characteristics ("LWCs"). The Federal Land Policy and Management Act, 43 U.S.C. §§ 1701-83, ("FLPMA") changed that by creating a two-step inventory and management process applicable to all federal lands. Section 603 of FLPMA contained BLM's wilderness study obligations, § 201 contains the Secretary's all-encompassing inventorying responsibilities, and § 202 requires the Secretary to undertake land use planning. Since nearly the moment that FLPMA was signed into law, the debate has raged as to what these primary duties of the BLM are with regard to wilderness, how the three sections relate to each other, and the latitude of the Secretary to interpret the provisions as he or she deems best.

Two years after passage of FLPMA, the BLM published a Wilderness Inventory Handbook dated December 27, 1978. Proving that the past is prologue, the preface to that Handbook noted four major issues of significance in the wilderness inventory process that were revealed to the BLM through a series of more than 60 meetings held throughout the western United States, in the lake states, and in Washington, D.C. This extensive public process was used by BLM in 1978 to review its duties under FLPMA regarding wilderness policy. Among the four most significant issues was that of public involvement. Many people expressed their concern that public participation in the wilderness review process was not adequate, particularly because the inventory process dealt with such subjective judgments as what is a road, what is solitude or naturalness, and even what is meant by the word "outstanding." The current wilderness policy announcement has generated a number of comments among those who would have welcomed a public participation opportunity similar to that initiated by former Secretary Cecil Andrus in devising the Wilderness Inventory Handbook of 1978.

In his public remarks announcing the Order, Secretary Salazar stated that the BLM was compelled to produce this initiative because its wilderness management guidance was revoked in 2003 as a result of a settlement between the Department, under the guidance of then-Secretary Gale Norton, and the State of Utah in litigation captioned as *Utah, et al. v. Norton, et al.*, 2006 WL 2711798 (D. Utah 2006). The court reviewed the obligations of the Department in the context of wilderness management.

It should be noted, however, that the case focuses on the Department of the Interior's ability to continue to designate Wilderness Study Areas under § 603 of FLPMA after 1991 as opposed to Interior's authority under §§ 201 and 202. In a written set of questions and answers provided with the Secretary's public announcement, he stated that the so-called Norton-[Utah Governor] Leavitt Settlement does not apply to the FLPMA sections supporting his Wild Lands policy. The Secretary's Order and accompanying manuals nowhere refer to Wilderness Study Areas which are the result of the BLM's 15-year initial inventory process after the passage of

[1] William G. Myers III & Jennifer D. Hill, "Along the Trammeled Road to Wilderness Policy on Federal Lands," 56 *Rocky Mt. Min. L. Inst.* 15-1 (2010).

FLPMA § 603. Secretary Salazar separates the § 603 process for WSAs from his current initiative.

In *Utah v. Norton*, Federal District Court Judge Dee Benson dismissed the environmental groups' claims for lack of standing to challenge the settlement, lack of ripeness for adjudication, and lack of final agency action with respect to the settlement. The judge did not stop there, however. In the event that an appellate court might disagree with his dismissal, the judge analyzed the merits of the challenge and found that the settlement complied with both FLPMA and the National Environmental Policy Act ("NEPA"). The environmental groups appealed to the Tenth Circuit Court of Appeals which ruled that the case was properly dismissed for lack of jurisdiction on ripeness grounds. *Utah v. United States Department of the Interior*, 535 F.3d 1184, 1186 (10th Cir. 2008).

In a prescient passage, the district court stated that the relief sought by the environmental groups might ultimately come through the political process. *Utah v. Norton*, 2006 WL 2711798 at *17. That political process began in part through a document produced by 28 environmental groups entitled "Transition to Green: Leading the Way to a Healthy Environment, a Green Economy, and a Sustainable Future" and presented to the Obama Administration transition team in November 2008. The document catalogued the groups' most urgent requests of the incoming Administration. Three top issues were catalogued for the BLM including the preservation of lands with wilderness characteristics and the reversal of the "sweetheart 'no wilderness' court settlements and policies" of the previous Administration. Secretarial Order 3310 seems to be the Administration's response to that request.

In reviewing the statutory background for his discussion of wilderness issues, Judge Benson stated that FLPMA § 102 established Congress' policy that, unless otherwise specified by law, the planning and management of inventoried lands must be on the basis of multiple use and sustained yield. *Utah v. Norton*, 2006 WL 2711798 at *7, citing 43 U.S.C. § 1701(a)(2). The court also noted that "multiple use" is defined by FLPMA as management of public lands and their various resources and values so that they are utilized in the combination that will best meet the present and future needs of the American people. *Id.* "Sustained yield" is defined by FLPMA as the achievement and maintenance in perpetuity of a high-level, annual or regular periodic, output of the various renewable resources of the public lands consistent with multiple use. *Id.* Secretarial Order No. 3310 focuses on one value among the multiple uses protected by FLPMA—wilderness characteristics—and in doing so elevates that value above all others. It is interesting to note that FLPMA, when discussing that particular value, places a caveat that management for wilderness values will be undertaken "where appropriate." This caveat is not placed before the other resources or values listed in the same section. *See* 43 U.S.C. § 1701(a)(8). Secretarial Order No. 3310 seems to move the modifier preceding wilderness preservation and protection and place it in front of all other uses.

BLM Manual 6301: The Duty to Inventory

Prior to Secretary Salazar's announcement, the courts had confirmed that the BLM had an ongoing duty under FLPMA § 201 to inventory for all multiple use values on BLM lands including wilderness characteristics. According to Judge Benson, the Norton-Leavitt Settlement recognized this ongoing duty that requires BLM to "prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values . . . ." 43 U.S.C. § 1711(a). Neither Secretary Norton nor Governor Leavitt disputed that duty in their settlement agreement. *Utah v. Norton*, 2006 WL 2711798 at *20.

The Tenth Circuit, in affirming Judge Benson's decision, reiterated that duty. *Utah v. United States Department of the Interior*, 535 F.3d at 1187. The Tenth Circuit cited FLPMA § 201 for its provision that such inventories do not automatically change BLM's actual management practices. *See* 43 U.S.C. § 1711(a) ("The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands.") The Ninth Circuit likewise reviewed the Norton-Leavitt Settlement and concluded that it did not preclude an inventory or management to protect wilderness values, assuming that there was no automatic application of the non-impairment standard. *Oregon Natural Desert Ass'n v. BLM*, 531 F.3d 1114, 1135-36 (9th Cir. 2008). Consequently, there is no debate on whether BLM has an ongoing duty to inventory for wilderness values. It does, just as it has an ongoing duty to inventory for all other values on BLM lands.

Secretary's Salazar's focus on wilderness values only, to the exclusion of any other values, raises questions as to whether the Secretary places an equal emphasis on BLM's co-equal duty to inventory for other resources and values including food and habitat for domestic animals, human occupancy and use, range, timber, minerals, watersheds, and all other values on the public lands. Additionally, I have been unable to locate anywhere within the Secretarial Order or the accompanying BLM manuals any statement that LWCs, when designated as "Wild Lands" in the land use planning process, can lose that designation through a subsequent land use planning process. The Ninth Circuit's interpretation of land use planning duties under § 202 of FLPMA confirms that possibility. Secretary Salazar did not disclaim that responsibility; he simply did not state it in the documents. As Judge Benson put it, managing land under § 202 to protect wilderness characteristics or any other values differs from WSAs under § 603 of FLPMA because a WSA is a *de facto* wilderness until Congress acts to release it back to multiple use whereas under § 202 the lands will be subject to possible changes in management plans. *Utah v. Norton*, 2006 WL 2711798 at *23.

Wilderness Characteristics

BLM Manual 6301 provides BLM staff with policy, direction, procedures, and guidance for conducting wilderness characteristics inventories under FLPMA § 201. Section .14 guides BLM staff in the search for wilderness characteristics. The manual correctly defines an LWC as containing three specific criteria taken from the

Wilderness Act, 15 U.S.C. § 1131(c). Those criteria are size, naturalness, and outstanding opportunities for either solitude or primitive and unconfined recreation.

- **Size**—Persons generally familiar with the wilderness debate think that wilderness must be at least 5,000 contiguous acres. This is the first definition of size in the Wilderness Act itself. There is, however, a significant exception in the Act which allows wilderness to be less than 5,000 acres if its preservation and use in an unimpaired condition is "practicable." *Id.* FLPMA § 603 references the Wilderness Act when describing the BLM's duty to conduct the first wilderness inventory and adopted the 5,000 acre limitation but avoided the notion of practicable management of smaller areas and adopted the phrase "roadless islands of the public lands." 43 U.S.C. § 1782(a).

  BLM Manual 6301 interprets this phrase as a separate size criterion in addition to the Wilderness Act's two size criteria. In doing so, § .14 states that an LWC's size may consist of 5,000 acres or more, smaller areas that are practicable, or any roadless island of the public lands. The manual does not define the phrase "roadless island." Consequently, one could perceive a small island of BLM land in a remote area bounded by roads that, due to its remoteness, meets the other criteria and thus is capable of designation as an LWC. The size criterion begins to lose any significance.

  Additional legal research may further define this concept of a roadless island. The Tenth Circuit's decision in *Utah v. United States Department of the Interior* interpreted FLPMA § 603 as requiring a minimum of 5,000 acres including the roadless islands (535 F.3d at 1187-88). In interpreting a 1985 federal court decision, Utah Federal District Judge Benson read that case to interpret FLPMA § 603, including its roadless island concept, as not authorizing wilderness reviews of lands of less than 5,000 acres. *See Utah v. Norton*, 2006 WL 2711798 at *25-26, citing *Sierra Club v. Watt*, 608 F. Supp. 305, 313. (E.D. Cal. 1985.)

- **Naturalness**—Under the Wilderness Act, wilderness does not need to be entirely natural, rather it may be "primarily" natural, "with the imprint of man's work substantially unnoticeable." 16 U.S.C. § 1131(c). The BLM manual provides a list of examples of "man's work" that would not detract from the definition of naturalness for purposes of defining an LWC. They include such things as trail signs, bridges, fire towers, radio repeater sites, fencing, and the like. BLM staff is instructed to "avoid an overly strict approach to assessing naturalness." Manual at 6301.14.B.2.b(2). In Form 2 at the back of the Manual for documentation of wilderness characteristics, BLM staff is asked to answer a simple question: Does the area appear to be natural? If, in the opinion of the BLM staff completing the form, the answer is yes, then the area passes this test for an LWC. "Apparent naturalness" is defined as an area that "looks natural to the average visitor . . . ." *Id.* at .2(b)(1)(b).

- **Outstanding Opportunities for Solitude or a Primitive and Unconfined Type of Recreation**—This criterion is disjunctive, requiring solitude or primitive and unconfined recreation. BLM staff is directed not to disqualify an area based on the finding that outstanding opportunities exist in only a portion of the area. *Id* at .14.B.3. Consequently, once the malleable size criterion is met, an area may partially contain outstanding opportunities while the rest of the area lacks this mandatory requirement. This criterion must also be read in conjunction with the second BLM Manual 6302, § .13.D, and the third BLM Manual 6303, § .11.A.

  Under Manual 6302, for land use planning, an LWC's apparent naturalness may remain under a number of impacts. For example, mountain biking or motorized access may be allowed to impact naturalness, even though such uses are expressly prohibited in Wilderness Areas and wilderness is defined the same in both the Wilderness Act and the BLM manuals. Thus, BLM distinguishes between impacts to LWCs and impairment of LWCs. "Apparent naturalness" is apparently something less than Wilderness Act naturalness.

  Under Manual 6303, the BLM describes which lands may be defined as clearly lacking wilderness characteristics when considering project-level decisions. They are lands that do not meet the size criterion or its exceptions and/or the naturalness criterion. Oddly, this manual then states, "Documentation of a clear lack of wilderness characteristics should not be based on the solitude or primitive and unconfined recreation criteria." Manual 6303 leaves BLM staff and the public uninformed as to why the absence of one of the three mandatory criteria for an LWC is insufficient to remove lands from LWC status. A logical conclusion is that while BLM Manual 6301 states that outstanding opportunities are a necessary element for definition of an LWC, that mandatory requirement is vitiated by both Manual 6302 that eliminates the primitive nature of recreation and Manual 6303 that discounts the criterion altogether--leaving only naturalness and size as criteria. As noted, these manuals at once adopt the Wilderness Act definition of wilderness and depart from it. Additionally, because "size" is liberally defined to mean any island of public lands regardless of size, the only meaningful criterion seems to be apparent naturalness as defined by the "average" visitor.

As stated in the 1978 Wilderness Inventory Handbook, each element of the definition of an LWC requires subjective judgments such as, what is a road?; what is solitude?; what is outstanding?; what is natural? Add to this list, what does the average visitor perceive? Although it is clear that BLM must make a series of discretionary decisions in defining an LWC, it is not clear whether these decisions are subject to public review and, if a party is adversely affected by the decision, whether that party may appeal the decision through the Department's Interior Board of Land Appeals or to a federal district court. The BLM has previously taken the position on its forms documenting wilderness characteristics that such decisions are not appealable.

BLM Manual 6302: Consideration of LWCs in the Land Use Planning Process

Chiefly Valuable for Wilderness

BLM Manual 6302 § .06 reiterates the policy announced in Secretarial Order No. 3310 that management of the wilderness resource by BLM is a "high priority" and that the natural state of such lands should be protected to the extent possible in the land use planning process by avoiding impairment of those wilderness characteristics. This policy might be paraphrased as a determination that LWCs are chiefly valuable for wilderness. The Manual discusses uses of such lands that might conflict with the LWC designation. Livestock grazing is "ordinarily" consistent with LWCs. Manual 6302 § .13.D.6. The Manual then notes, however, that some grazing management practices including new range improvement projects, vegetation manipulation or needs for motorized access could impact the overarching duty to protect the wilderness characteristics. *Id.* This restriction on possible grazing use seems to be more restrictive than the restrictions that apply to that use in FLPMA § 603. Under FLPMA § 603(c), the Secretary is directed to manage lands with wilderness characteristics designated as WSAs so as to not impair their suitability for preservation as wilderness "subject, however to the continuation of existing . . . grazing uses . . . in a manner and degree in which the same was being conducted [in 1976 and the passage of FLPMA]." The BLM manual fails to recognize this exception within § 603 that grandfathers existing grazing uses in existence in 1976. The Wilderness Act itself provides for so-called "non-conforming uses," one of which is livestock grazing established prior to the effective date of the Act. 16 U.S.C. § 1133(d)(4)(2).

The Manual calls into question the compatibility of grazing on lands that were not included in the FLPMA § 603 inventory process and that are under existing land use planning authorizations. The Manual's policy preference that LWCs are chiefly valuable for wilderness seems to conflict with the Secretary's obligations to manage those lands as chiefly valuable for grazing. Whenever the BLM considers a proposal to cease livestock grazing on public rangelands and those lands are within a designated grazing district, as the vast majority of BLM grazing lands are, the BLM must analyze whether the lands are still "chiefly valuable for grazing and raising of other forage crops" under the Taylor Grazing Act, 43 U.S.C. § 315.

The Tenth Circuit Court of Appeals analyzed this issue in *Public Lands Council v. Babbitt*, 167 F.3d 1287 (10th Cir. 1999), *aff'd on other grounds*, 529 U.S. 728 (2000). The Tenth Circuit's interpretation of the Taylor Grazing Act was that grazing districts are to be grazed unless range conditions require grazing reductions on a temporary basis. The court stated that the presumption is that if and when those range conditions improve and more forage becomes available, permissible grazing levels would rise. The court criticized the BLM's grazing regulations that would have allowed for the placement of grazing districts into non-use status for the entire duration of a grazing permit. The court found that:

> This is an impermissible exercise of the Secretary's authority under section three of the [Taylor Grazing Act]

> because land that he has designated as 'chiefly valuable for grazing livestock' will be completely excluded from grazing even through range conditions could be good enough to support grazing. Congress intended that once the Secretary established a grazing district under the TGA, the primary use of that land should be grazing.

Id. at 1308.

Neither the Secretary's Wild Lands Order nor the implementing BLM manuals explain how the Secretary reconciles the use of BLM grazing districts as chiefly valuable for grazing when those lands also contain wilderness characteristics. In the absence of an explanation, the BLM is directed to elevate wilderness protection above grazing use in seeming contradiction to the Taylor Grazing Act. Perhaps the Secretary could weave this course through the land use planning process designated in FLPMA but any such determination that would change a grazing district boundary requires a secretarial decision through the FLPMA process. None of these procedural steps is discussed in the Manuals.

BLM Manual 6303: Impact to and Impairment of LWCs at the Project Level

The only section within the Order or the three manuals that clearly defines when an LWC may be "impacted" or "impaired" is at Manual 6303, § .14. This section lists five circumstances that would allow BLM to issue a project decision that would impact an LWC not yet designated as Wild Lands through the land use planning process. It is unclear what, if any, projects are allowed to impair Wild Lands designated under Manual 6302.

For areas not analyzed under Manual 6302, the enumerated exceptions are:

- For the exercise of valid existing rights
- For renewal of grazing permits (not including range projects)
- If the proposed action will create no more than minor disturbance or minor impacts to the LWCs
- For temporary facilities for wild horse and burrow gatherings, and
- If the proposed action will control expansion of invasive exotic species.

If the proposed project does not meet one of these five criteria, the project may not proceed without concurrence of the BLM State Director. In cases where a project would preclude BLM from exercising its discretion to designate an LWC as Wild Lands in the future, the field staff must forward the decision to the Washington, D.C. office of the BLM and the National Landscape Conservation System staff for review and permission to allow the project to proceed.

APA Compliance

It is reasonable to ask whether the Secretarial Order and the BLM manuals implementing that Order constitute regulations that should be promulgated pursuant to the Administrative Procedure Act with its requirements for public notice and comment. As noted in an important decision by the United States Court of Appeals for the District of Columbia Circuit, a familiar pattern occurs when Congress passes a broadly-worded statute, here the Wilderness Act. "The agency follows with regulations containing broad language, open-ended phrases, ambiguous standards and the like. Then, as years pass, the agency issues circulars or guidance or memoranda, explaining, interpreting, defining and often expanding the commands in the regulations. . . . Law is made, without notice and comment, without public participation, and without publication in the Federal Register or the Code of Federal Regulations." *Appalachian Power Co. v. EPA*, 208 F.3d 1015, 1020 (D.C. Cir. 2000).

This pattern occurs in other settings and is seemingly applicable to the current Wild Lands policy. As recently as last month, the Federal District Court for the District of Columbia ruled against the EPA once again, citing *Appalachian Power*, *id*., for issuing a pronouncement that was actually a legislative rule with the force and effect of law. The court cited another D.C. Circuit decision in 2005 to the effect that "new rules that work substantive changes . . . or major substantive legal additions . . . to prior regulations are subject to the APA's procedures." *National Mining Ass'n v. Jackson*, 2011 WL 124194 at *8, citing *U.S. Telecom Ass'n v. FCC*, 400 F.3d 29, 34-35 (D.C. Cir. 2005).

Secretary Salazar's Order was not shared with the public prior to announcement nor did the public have a formal opportunity to comment on the Order or BLM's manuals. Further research could be undertaken to determine whether the Order and BLM manuals constitutes a legislative rule with the force and effect of law that would necessitate compliance with the APA.

NEPA Compliance

Recently, when BLM has announced major policy initiatives, it has performed NEPA analysis. BLM has fulfilled its responsibilities under NEPA through the preparation of programmatic environmental impact statements to assess the environmental, social, and economic impacts associated with the policy or program and to evaluate alternatives to address the question of whether the proposed action presents the best management approach for the BLM to adopt. *See, e.g.*, Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States, at ES-1 (June 2005), amending 52 land use plans; *see also* Final Programmatic Environmental Impact Statement for Geothermal Leasing in the Western United States, October 2008, proposing to allocate 118 million acres of BLM lands as open to geothermal leasing. In contrast, the Secretary's Wild Lands policy, which will apply to over 90% of BLM's 245 million acres that are not already managed as Wilderness Areas or WSAs, has no accompanying NEPA analysis.

NEPA declares that the federal government's continuing policy is to cooperate with state and local governments and other concerned public and private organizations "to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans." 42 U.S.C. § 4331(a). BLM has adopted FLPMA's mission statement as fully compatible with its own as described in BLM's National Environmental Policy Act Handbook H-1790-1, § 1.1 (Jan. 30, 2008). An explication of NEPA's requirements as they relate to Secretarial Order No. 3310 and the BLM manuals is beyond the scope of this testimony. It seems logical, however, that the Secretary intends that his Order will significantly affect the environment by protecting wilderness characteristics through land use planning and project-level decisions. Secretarial Order No. 3310, § 4.

Undoubtedly, the BLM would respond that NEPA will be fully complied with at such point in time that land use plans are amended pursuant to the policy or project-level decisions and that the Order itself brings about no environmental impact, significant or otherwise. *See* Manual 6302 .13.D. Yet, BLM has recently seen its obligations under NEPA as requiring programmatic EISs for other large-scale programs and policies including geothermal and wind energy. Additionally, BLM's NEPA regulations require BLM, "whenever practicable," to use a consensus-based management approach for the NEPA process. 43 C.F.R. § 46.110(e). This process assures that input from persons, organizations, or committees affected by the proposed action will be considered. *Id.* at (a). Persons, organizations, or committees that oppose an LWC or Wild Lands alternative may wonder how consensus can be achieved in light of the Secretary's order to protect LWCs whenever possible.

A specific issue that arose in the context of NEPA in the legal challenge to the Norton-Leavitt Settlement gives rise to interesting legal questions in the context of Secretary Salazar's Order. The regulation at 40 C.F.R. § 1506.1(a)(2) interprets NEPA and states that BLM may not limit the choice of reasonable alternatives that it considers when a NEPA process is underway. Query whether the Secretarial Order would cause BLM to violate this regulation by limiting its choices among reasonable alternatives for a proposed action because of the required protection of wilderness values in the land use plan following designation as Wild Lands.

In other words, if the land use plan follows the Secretary's Order and elevates Wild Lands above all other uses and a project proponent seeks to use BLM lands for a purpose that would conflict with Wild Lands designation, will the BLM be able to consider such conflicting uses or alternatives in the face of Secretary Salazar's Order? The Order states repeatedly that exceptions to Wild Lands protection may be made so as to impair wilderness characteristics but the BLM manuals are not clear as to the method for doing so except in the context of the very narrow exceptions for certain projects. If those exceptions do not provide BLM with a realistic opportunity to consider reasonable alternatives other than wilderness protection, the result may be a violation of the NEPA process. As noted, this legal theory needs further development.

Thank you, Mr. Chairman and members of the Committee, for inviting me to appear today. I would be pleased to answer any questions.

Attachment

COMMITTEE ON NATURAL RESOURCES
Disclosure Form
As required by and provided for in House Rule XI, clause 2(g) and the Rules of the Committee on Natural Resources

Oversight hearing on

"The Impact of the Administration's Wild Lands Order on Jobs and Economic Growth."

For Individuals:

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* * * * *

For Witnesses Representing Organizations:

1. Name:
2. Name of Organization(s) You are Representing at the Hearing:
3. Business Address:
4. Business Email Address:
5. Business Phone Number:

Name/Organization William G. Myers III

Title/Date of Hearing The Impact of the Administration's Wild Lands Order on Jobs and Economic Growth/March 1, 2011

a. Any training or educational certificates, diplomas or degrees or other educational experiences that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

J.D., University of Denver College of Law

b. Any professional licenses, certifications, or affiliations held that are relevant to your qualifications to testify on or knowledge of the subject matter of the hearing.

Admitted to practice law in Idaho, Wyoming, Colorado, District of Columbia, and various federal courts.

c. Any employment, occupation, ownership in a firm or business, or work-related experiences that relate to your qualifications to testify on or knowledge of the subject matter of the hearing.

Attorney specializing in natural resources and public lands issues; Solicitor, United States Department of the Interior 2001-2003.

d. Any federal grants or contracts (including subgrants or subcontracts) from the *Department of the Interior (and /or other agencies invited)* that you have received in the current year and previous four years, including the source and the amount of each grant or contract.

None.

e. A list of all lawsuits or petitions filed by you against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed.

None in my personal capacity.

f. Any other information you wish to convey that might aid the Members of the Committee to better understand the context of your testimony.

None.

Name/Organization_____
Title/Date of Hearing_____

In addition, for witnesses representing organizations:

g. Any offices, elected positions, or representational capacity held in the organization(s) on whose behalf you are testifying.

h. Any federal grants or contracts (including subgrants or subcontracts) from the *Department of the Interior (and /or other agencies invited)* that were received in the current year and previous four years by the organization(s) you represent at this hearing, including the source and amount of each grant or contract for each of the organization(s).

i. A list of all lawsuits or petitions filed by the organization(s) you represent at the hearing against the federal government in the current year and the previous four years, giving the name of the lawsuit or petition, the subject matter of the lawsuit or petition, and the federal statutes under which the lawsuits or petitions were filed for each of the organization(s).

j. A list of any countries from which the organization(s) you represent at the hearing have received foreign donations and the total amount of donations received from each country, for the current year and the previous four years, by each organization.

k. For tax-exempt organizations and non-profit organizations, copies of the three most recent public IRS Form 990s (including Form 990-PF, Form 990-N, and Form 990-EZ) for each of the organization(s) you represent at the hearing (not including any contributor names and addresses or any information withheld from public inspection by the Secretary of the Treasury under 26 U.S.C. 6104)).