



HOUSE COMMITTEE ON  
**NATURAL RESOURCES**  
CHAIRMAN BRUCE WESTERMAN

**To:** Subcommittee on Federal Lands Republican Members  
**From:** Subcommittee on Federal Lands; Aniela Butler, Taylor Wiseman, Brandon Miller, Jason Blore, and Colen Morrow – [Aniela@mail.house.gov](mailto:Aniela@mail.house.gov), [Taylor.Wiseman@mail.house.gov](mailto:Taylor.Wiseman@mail.house.gov), [Brandon.Miller@mail.house.gov](mailto:Brandon.Miller@mail.house.gov), [Jason.Blore@mail.house.gov](mailto:Jason.Blore@mail.house.gov), and [Colen.Morrow@mail.house.gov](mailto:Colen.Morrow@mail.house.gov); x6-7736  
**Date:** Wednesday, March 20, 2024  
**Subject:** Legislative Hearing on 6 Land Management Bills

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The Subcommittee on Federal Lands will hold a legislative hearing on 6 land management bills:

- H.R. 5015 (Rep. Leger Fernandez), “*Seedlings for Sustainable Habitat Restoration Act of 2023*”;
- H.R. 5499 (Rep. Miller-Meeks), “*Congressional Oversight of the Antiquities Act*”;
- H.R. 6085 (Rep. Hageman), To prohibit the implementation of the Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revision, Wyoming;
- H.R. 6209 (Rep. Titus), “*Sloan Canyon Conservation and Lateral Pipeline Act*”
- H.R. 6547 (Rep. Boebert), “*Colorado Energy Prosperity Act*”; and
- H.R. 7006 (Rep. 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.

The hearing will take place on **Wednesday, March 20, 2024, at 10:15 a.m.** in room 1324 Longworth House Office Building.

Member offices are requested to notify Colen Morrow ([Colen.Morrow@mail.house.gov](mailto:Colen.Morrow@mail.house.gov)) by 4:30 p.m. on Tuesday, March 19, if their Member intends to participate in the hearing.

## **I. KEY MESSAGES**

- The Biden administration is conducting an orchestrated attack on public lands using a variety of tools, including the Antiquities Act, restrictive Resource Management Plans (RMPs), and Natural Asset Companies (NACs), to limit access, hurt local economies, and remove uses of public lands that benefit Americans.
- President Biden has unilaterally designated more than 3.5 million acres as national monuments since taking office, furthering abuses of the Antiquities Act and ignoring local communities and stakeholders.
- An RMP should offer a balanced management plan for all of the resource’s multiple uses and interested stakeholders. However, under the Biden administration, these plans have been weaponized to lock up land and limit multiple uses. The Biden administration has

recently proposed RMPs to restrict energy development on more than 3.4 million acres of land in Wyoming and Colorado.

- NACs would allow a company, even a foreign adversary-controlled company, to hold rights to U.S. land and could prevent the land from being used to produce natural resources, including fossil fuels, mining, timber harvesting, and grazing.
- The Subcommittee will consider bills to provide Congressional oversight of the egregious use of the Antiquities Act, nullify two RMPs that would imperil American energy dominance, and restrict the ability of NACs to lock up public lands.

## II. WITNESSES

### Panel I (Members of Congress):

- *To Be Announced*

### Panel II (Administration Officials):

- **Ms. Nada Wolff Culver**, Principal Deputy Director, Bureau of Land Management, Washington, D.C. [*H.R. 5499, H.R. 6085, H.R. 6209, H.R. 6547, and H.R. 7006*]
- **Mr. Chris French**, Deputy Chief for the National Forest System, U.S. Forest Service, Washington, DC [*H.R. 5015, H.R. 5499, and H.R. 7006*]

### Panel III (Outside Experts):

- **Ms. Michelle McConkie**, Director, State of Utah School and Institutional Trust Lands Administration (SITLA), Salt Lake City, Utah [*H.R. 5499*]
- **Mr. Eric Bingham**, Land Use Director, Sweetwater County, Green River, Wyoming [*H.R. 6085*]
- **Ms. Kathleen Sgamma**, President, Western Energy Alliance, Denver, Colorado [*H.R. 5499, H.R. 6085, H.R. 6547, and H.R. 7006*]
- **Mr. Wade Garrett**, Vice President for Advocacy and Strategic Relations, Utah Farm Bureau Federation, Sandy, Utah [*H.R. 5499 and H.R. 7006*]
- **The Hon. Greg Poschman**, Commissioner, Board of County Commissioners, Pitkin County, Aspen, CO [*H.R. 6547*] [*Minority Witness*]
- **Dr. Jay M. Lillywhite**, Assist Dean – Economic and Rural Development, New Mexico State University, Las Cruces, New Mexico [*H.R. 5015*] [*Minority Witness*]

## III. BACKGROUND

### [H.R. 5015 \(Rep. Leger Fernandez\), “Seedlings for Sustainable Habitat Restoration Act of 2023”](#)

In the last 20 years, the U.S. has lost an average of 7 million acres per year to fire, which is more than double the average seen during the 1990’s.<sup>1</sup> This is the equivalent of losing an area larger than the Commonwealth of Massachusetts every single year. One consequence of these devastating wildfires is an increasingly large demand for tree seedlings to reforest landscapes post-fire. Recent studies have shown that, in order to meet domestic reforestation needs,

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<sup>1</sup> Wildfires and Acres, National Interagency Fire Center, Accessed March 7, 2024, <https://www.nifc.gov/fire-information/statistics/wildfires>.

American seedling supplies will need to more than double.<sup>2</sup> Federal land management agencies alone have a backlog of over 6.08 million acres that need replanting, in large part due to catastrophic wildfires that burn too intensely to facilitate natural regeneration post-fire.<sup>3</sup> Current capacity would only allow the agencies to reforest a little more than 2.3 million acres by 2030, less than half of the total current backlog.<sup>4</sup> Across the contiguous U.S., there are over 133 million acres of “reforestation opportunity,” which equates to approximately 68 billion trees.<sup>5</sup> Alarming, the wildfire crisis continues to push this trend in the wrong direction by increasing the reforestation backlog every year. Without artificial regeneration, many of these forests will experience stand conversion and will cease to be forested areas in the future.<sup>6</sup>

Recent estimates of tree seedling production in the U.S. are 1.3 billion seedlings per year, less than 2 percent of the current “reforestation opportunity.”<sup>7</sup> Since the mid-1990s, 28 tree nurseries have closed in the southern U.S., reducing production by 650 million seedlings annually (46 percent of current production) and further straining supplies.<sup>8</sup> Investments in seedlings and nursery capacity can help ensure healthy forests in the future and also create economic opportunities in rural areas. H.R. 5015 would help address this problem by amending current law to allow existing funding for seedling nurseries to go to state forestry agencies, private or non-profit entities, and institutions of higher education. This funding was originally made available for tree planting but did not include seedling development. The funding will be available through contracts, grants, or agreements for the collection, maintenance, and production of seeds and seedlings. An identical bill has been introduced in the Senate, S. 1164, with bipartisan support.<sup>9</sup>

### [H.R. 5499 \(Rep. Miller-Meeks\), “Congressional Oversight of the Antiquities Act”](#)

At the beginning of the 20<sup>th</sup> century, vandals and robbers began looting sacred Native American burial grounds and archeological sites throughout the territories in the Southwest. The destruction of archeological artifacts prompted Congress to enact the Antiquities Act of 1906, which authorized the President to designate national monuments on federal lands containing “historic landmarks, historic and prehistoric structures, or other objects of historic or scientific interest.”<sup>10</sup> The Antiquities Act was intended to give Presidents the flexibility to quickly protect small Native American sites in imminent danger from looting and destruction, with certain restrictions.<sup>11</sup> For example, the law specified that national monuments “be confined to the smallest area compatible with proper care and management of the objects to be protected.”<sup>12</sup> Furthermore, the President could only designate national monuments “upon the lands owned or

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<sup>2</sup> Challenges to the Reforestation Pipeline in the United States, *Frontiers in Forests and Global Change*, February 2, 2021, <https://www.frontiersin.org/articles/10.3389/ffgc.2021.629198/full>.

<sup>3</sup> U.S. Department of the Interior and U.S. Department of Agriculture: Reforestation Goals and Assessments, and a Climate-Informed Plan to Increase Federal Seed and Nursery Capacity, April 2023, <https://www.usda.gov/sites/default/files/documents/joint-reforestation-report.pdf>.

<sup>4</sup> *Id.*

<sup>5</sup> Ramping up Reforestation in the United States: A Guide for Policymakers, *American Forests*, March 2021, [https://d3f9k0n15ckvhe.cloudfront.net/wp-content/uploads/2021/02/Ramping-Up-Reforestation\\_FINAL.pdf](https://d3f9k0n15ckvhe.cloudfront.net/wp-content/uploads/2021/02/Ramping-Up-Reforestation_FINAL.pdf).

<sup>6</sup> Coop et al., “Wildfire-Driven Forest Conversion in Western North American Landscapes,” *Bioscience*. 2020 Aug 1; 70(8): 659–673, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7429175/>.

<sup>7</sup> Challenges to the Reforestation Pipeline in the United States, *Frontiers in Forests and Global Change*, February 2, 2021, <https://www.frontiersin.org/articles/10.3389/ffgc.2021.629198/full>.

<sup>8</sup> *Id.*

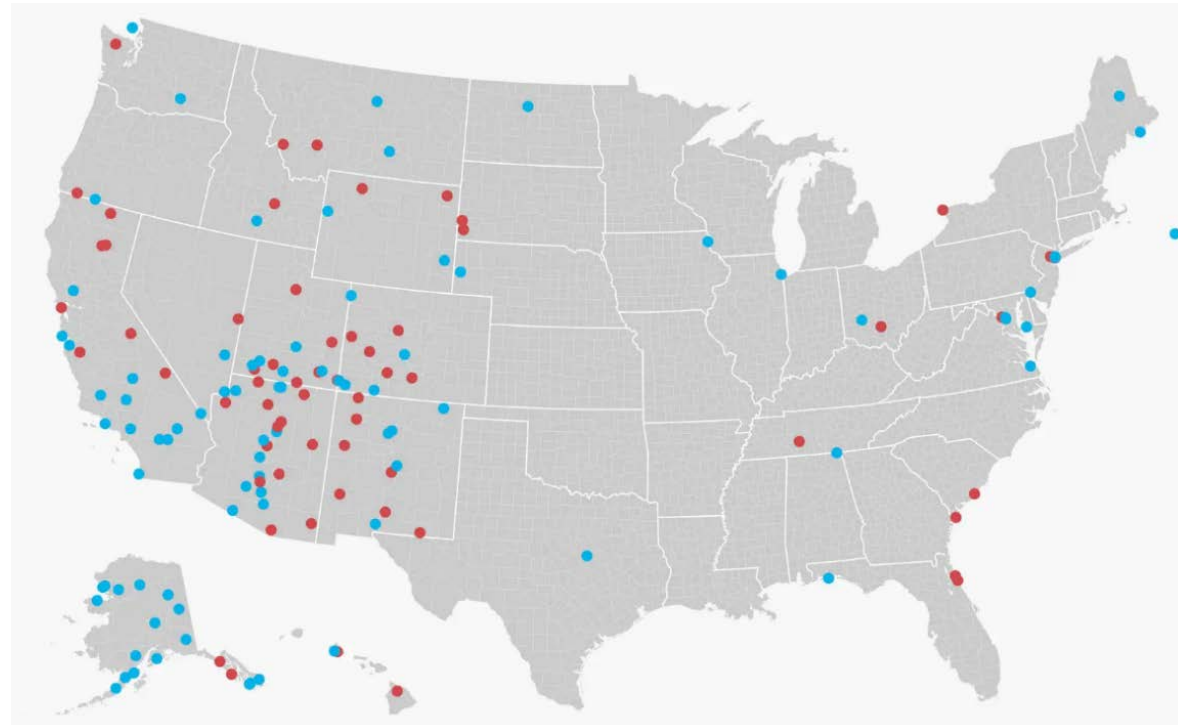
<sup>9</sup> S. 1164; <https://www.congress.gov/bill/118th-congress/senate-bill/1164>.

<sup>10</sup> 34 Stat. 225, 16 U.S.C. 431-33.

<sup>11</sup> Benderson, Judith. “The Archaeological Resources Protection Act and The Native American Graves Protection and Repatriation Act.” *Offices of the United States Attorneys*. <https://www.justice.gov/usao/priority-areas/indian-country/native-american-artifacts>.

<sup>12</sup> *Id.*

controlled by the Government of the United States.”<sup>13</sup> The Antiquities Act pre-dated the establishment of 5 states, including New Mexico and Arizona, the establishment of the National Park Service (NPS), and the enactment of major environmental and archeological resources protection laws. Since the Antiquities Act was signed into law, Congress and the executive branch have enacted over a dozen new statutes and regulations to protect archeological resources, thus rendering protections under the Act largely obsolete and unnecessary.<sup>14</sup>



National monuments designated from 1906-2016. Red dots indicate monuments established by Republican Presidents, while blue dots indicate national monuments established by Democrat Presidents.

**Source:** Keith Collins, 2017.

Despite the intended narrow focus of the Antiquities Act, Presidents of both parties have repeatedly abused the law throughout its history to lock up millions of acres of land under onerous restrictions. Since President Theodore Roosevelt designated Devils Tower in Wyoming as the first national monument, Presidents have broadly interpreted the Antiquities Act to expand both the size of and justifications for national monument designations. This directly conflicts with the intent of Congress, memorialized in the 1906 Congressional Record of House floor

<sup>13</sup> *Id.*

<sup>14</sup> Some of the major statutes created to protect archeological resources include: *Historic Sites Act (1935)* – establishing the National Historic Landmarks Program; *National Stolen Property Act (1948)* – established fines and penalties for transporting or transferring stolen property; *Reservoir Salvage Act (1960)* – required study and protection of archeological objects that may be destroyed during the construction of a dam or reservoir; *National Historic Preservation Act (1966)* – established the National Register of Historic Places and State Historic Preservation Offices; *Archeological and Historic Preservation Act (1974)* – preserved archeological objects that might otherwise be destroyed during any federally licensed activity or program (such as a federal construction project); *Archeological Resources Protection Act (1979)* – strengthened fines and penalties for unauthorized excavation of archeological sites on federal land; *Abandoned Shipwreck Act (1987)* – established federal ownership and a management structure of abandoned shipwrecks in submerged waters of the United States; *Native American Graves Protection and Repatriation Act (1990)* – required consultation with Native American groups before archeological excavation of culturally sensitive sites; *National Maritime Heritage Act (1994)* – established to National Maritime Heritage Grants Program; *American Battlefield Protection Program Act (1996)* – provided assistance to private and public individuals and institutions to protect historic battlefields in the United States; *National Historic Lighthouse Preservation Act (2000)* – allowed the transfer of deteriorating historic lighthouses to other government entities or non-profit, educational, or community development organizations with the capacity to maintain the lighthouse; *Sunken Military Craft Act (2004)* – codified the sovereign status and permanent U.S. ownership of sunken military aircraft and vessels and preserved sunken military aircraft and vessels in U.S. waters.

debate where Members of Congress at the time plainly stated their intent to limit the size of the designations.<sup>15</sup> In total, Presidents have used their authority under the Antiquities Act 272 times to establish and enlarge 163 national monuments.<sup>16</sup> Current national monuments, including marine national monuments, cover more than 777 million acres, which is roughly nine times the size of the entire National Park System.<sup>17</sup> Although national monuments are primarily managed by NPS, the majority of national monuments created in recent decades have been placed under the management of agencies like the Bureau of Land Management (BLM), U.S. Forest Service (USFS), and the U.S. Fish and Wildlife Service (USFWS).

**Number and Type of Presidential Proclamations for Selected Presidents<sup>18</sup>**

President	Monuments Established	Monuments Enlarged	Monuments Diminished	Monuments Enlarged and Diminished	Other	Total Monument Proclamations
<b>T. Roosevelt</b>	18	0	0	0	0	18
<b>Clinton</b>	19	3	0	0	0	22
<b>G.W. Bush</b>	6	0	0	0	2	8
<b>Obama</b>	29	5	0	0	0	34
<b>Trump</b>	1	0	1	1	1	4
<b>Biden</b>	5	2	0	0	1	8
<b>Total (All Presidents)<sup>19</sup></b>	<b>163</b>	<b>78</b>	<b>13</b>	<b>7</b>	<b>11</b>	<b>272</b>

In recent years, the use of the Antiquities Act has been especially contentious. President Obama designated 29 new monuments and enlarged five others.<sup>20</sup> In total, President Obama used the Antiquities Act to lock up 553,599,880 acres of land and water as national monuments, representing 66 percent of all the land and water ever designated as a national monument under the Antiquities Act. This is more than any other administration in history.<sup>21</sup> President Trump designated one new monument (380 acres), reduced the size of two monuments (2.03 million acres), and modified the management terms of one monument.<sup>22</sup> President Biden has made liberal use of the Act since being sworn in as President by designating five new monuments,

<sup>15</sup> In their discussions of the bill, Congressmen Lacey and Stephens debated whether Presidents would eventually abuse the Antiquities Act. Congressman Lacey, the bill’s sponsor, reassured the bill provides that reservations “shall be the smallest area necessary [sic] for the care and maintenance of the objects to be preserved,” Congressional Record, 1906,

[https://coast.noaa.gov/data/Documents/OceanLawSearch/Congressional%20Record\\_House%20&%20Senate%201906.pdf?redirect=301ocm](https://coast.noaa.gov/data/Documents/OceanLawSearch/Congressional%20Record_House%20&%20Senate%201906.pdf?redirect=301ocm).

<sup>16</sup> Hardy Vincent, Carol. National Monuments and the Antiquities Act, Congressional Research Service, January 2, 2024, <https://www.crs.gov/Reports/R41330>.

<sup>17</sup> Data provided to House Natural Resources Committee by Congressional Research Service, March 6, 2024.

<sup>18</sup> Hardy Vincent, Carol. National Monuments and the Antiquities Act, Congressional Research Service, January 2, 2024, <https://www.crs.gov/Reports/R41330>.

<sup>19</sup> Chart represented selected Presidents, while Total row is all Presidents. For complete chart, see Appendix B: Hardy Vincent, Carol. National Monuments and the Antiquities Act, Congressional Research Service, January 2, 2024, <https://www.crs.gov/Reports/R41330>.

<sup>20</sup> *Id.*

<sup>21</sup> President Obama’s total acreage equates to 189,589 acres designated as a national monument for every day he was in office, or an area roughly equivalent to the size of Delaware for every month of the Obama Administration.

<sup>22</sup> *Id.*

enlarging and modifying two monuments, and modifying management provisions of 1 other.<sup>23</sup> In total, President Biden has added over 3.5 million acres to national monument status, or roughly 1 million acres for each year he has been President.<sup>24</sup> This includes enlarging the Bears Ears National Monument in Utah by 1.36 million acres and the Grand Staircase-Escalante National Monument in Utah from about 1.0 million acres to 1.87 million acres. President Biden also established the Avi Kwa Ame National Monument in Nevada (506,814 acres) and the Baaj Nwaavjo I'tah Kukveni-Ancestral Footprints of the Grand Canyon National Monument in Arizona (917,618 acres).<sup>25</sup>

In its 118-year history, Congress amended the Antiquities Act only twice to enact statutory restrictions on the President's authority to designate national monuments in state-specific circumstances. The first, passed in 1950, prohibits the designation of national monuments in the State of Wyoming. The second restriction, passed in 1986, requires prior Congressional approval of executive land withdrawals in the State of Alaska exceeding 5,000 acres.<sup>26</sup> These actions followed the controversial declarations of the Jackson Hole National Monument by President Franklin Roosevelt and President Carter's establishment of several monuments in Alaska, respectively.

H.R. 5499 would amend the Antiquities Act to require 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. If the national monument is not approved by Congress, the land covered in that proclamation cannot be designated again by the President for 25 years. This legislation would maintain the flexibility currently afforded by the Antiquities Act to quickly protect endangered sites while guarding against executive overreach.

### **[H.R. 6085 \(Rep. Hageman\), To prohibit the implementation of the Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revision, Wyoming.](#)**

The BLM manages 244 million acres of public lands, heavily concentrated (99 percent) in the 11 western continental United States and Alaska, along with 714 million acres of federal subsurface mineral estate.<sup>27</sup> Under the BLM's enabling statute, the Federal Land Policy and Management Act of 1976 (FLPMA), BLM's mission of managing for multiple use and sustained yield is established, also commonly referred to as the agency's multiple-use mandate.<sup>28</sup> These multiple uses include livestock grazing, energy and mineral development, outdoor recreation, timber harvesting, watershed protection, and maintaining wildlife and fish habitat. To balance these multiple uses, BLM prepares resource management plans (RMPs), which serve as the land-use plan for specific units of BLM land. These plans begin with a formal, public-scoping process to identify potential uses and management considerations for each land unit.<sup>29</sup> Next, a draft

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> Hardy Vincent, Carol. "National Monuments and the Antiquities Act." Congressional Research Service. P. 1.

<sup>27</sup> Federal Lands and Related Resources: Overview and Selected Issues for the 118th Congress, Congressional Research Service, February 24, 2023, <https://www.crs.gov/Reports/R43429>.

<sup>28</sup> *Id.*

<sup>29</sup> How Plans are Developed, Bureau of Land Management, Accessed March 7, 2024, <https://www.blm.gov/programs/planning-and-nepa/planning-101/how-plans-are-developed>.

Environmental Impact Statement (EIS) and draft RMP are released, starting a 90-day comment period.<sup>30</sup> Once comments are considered and any changes are made, the BLM releases a proposed RMP and final EIS, starting a 30-day protest period for anyone who previously participated in the planning process.<sup>31</sup> Governors of impacted states also receive a 60-day review period to address any inconsistencies with state and local plans.<sup>32</sup> Finally, the BLM State Director may approve the RMP.<sup>33</sup>

In August 2023, the BLM published the Draft RMP and EIS for the Rock Springs RMP Revision, Wyoming.<sup>34</sup> The RMP affects portions of Lincoln, Sweetwater, Uinta, Sublette, and Fremont Counties in southwestern Wyoming and encompasses approximately 3.6 million acres.<sup>35</sup> The BLM's proposed alternative (Alternative B) for the proposed RMP is a clear land grab designed to limit the use of oil and gas development, which could have negative implications for grazing, wildlife habitat management, and recreation. When the Draft RMP and EIS were released, criticism was received from multiple stakeholders, including Wyoming Governor Mark Gordon, who called on the BLM to withdraw the Draft RMP completely.<sup>36</sup> Governor Gordon highlighted the BLM's complete disregard of "over a decade's worth of contributions from local stakeholders, cooperators, counties, and state agencies" by selecting Alternative B instead of Alternative D, the "approach allow[ing] for opportunities to use and develop resources within the planning area while promoting environmental conservation."<sup>37</sup>

Specifically, the BLM's proposed alternative would designate 16 new Areas of Critical Environmental Concern (ACECs) covering 1.8 million acres of federal land, which is half of the RMP's covered area. Once designated, the 16 proposed ACECS will require special management to "protect and prevent irreparable damage."<sup>38</sup> In practice, this can lead to significant restrictions on multiple use similar to those produced by other restrictive land-use designations such as wilderness areas, wilderness study areas, and national monuments. Over 23.5 million acres have been designated in 1,093 ACECs across the country.<sup>39</sup> The designations of these ACECs are currently subject to a 60-day comment period. However, the BLM's proposed so-called "Conservation and Landscape Health" Rule proposed to remove the requirement to publish ACECs in the Federal Register for public comment.<sup>40</sup>

Alternative B would also eliminate the possibility of fluid mineral leasing on roughly 2.5 million acres of the 3.7 million subsurface acres managed in the planning area.<sup>41</sup> For comparison, the

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<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> Draft RMP and EIS for the Rock Springs RMP Revision, Wyoming, 88 Fed. Reg. 56654, August 18, 2023, <https://www.federalregister.gov/d/2023-17787>.

<sup>35</sup> *Id.*

<sup>36</sup> Governor Gordon Calls for Complete Withdrawal of BLM's Rock Springs RMP Draft, September 27, 2023, <https://governor.wyo.gov/news-releases/governor-gordon-calls-for-complete-withdrawal-of-blm-s-rock-springs-rmp-draft>.

<sup>37</sup> Governor Mark Gordon, Letter to The Honorable Tracy Stone-Manning, September 26, 2023, [https://drive.google.com/file/d/19XiK4N7L3pej\\_bZ-jlTDMxZNkJDCJxJt/view](https://drive.google.com/file/d/19XiK4N7L3pej_bZ-jlTDMxZNkJDCJxJt/view).

<sup>38</sup> Federal Land Designations: A Brief Guide, Congressional Research Service, May 19, 2023, <https://www.crs.gov/Reports/R45340>.

<sup>39</sup> BLM National Data, BLM-EGIS, Accessed June 6, 2023,

<https://blm-egis.maps.arcgis.com/apps/webappviewer/index.html?id=6f0da4c7931440a8a80bfe20eddd7550>.

<sup>40</sup> Federal Register, Conservation and Landscape Health, Proposed Rule, RIN 1004-AE92, Bureau of Land Management, Department of the Interior, April 3, 2023.

<sup>41</sup> Bureau of Land Management, Rock Springs Field Office, Draft Resource Management Plan Revision and Draft Environmental Impact Statement, Table 2-5 P. V-11,

current RMP sets aside only 540,021 acres as incompatible with oil and natural gas development. Likewise, over 800,000 acres would be managed as no surface occupancy areas, representing a 412 percent increase from current practice.<sup>42</sup> With the limit on oil and gas production, 2,900 jobs will be lost in a state with a population of less than 600,000.<sup>43</sup>

The analysis BLM relied on to shut off these lands is deeply flawed. Specifically, the BLM's reasonably foreseeable development (RFD) forecast in the Draft RMP projects that during the 20-year life of the RMP, 6,719 new wells would be drilled in the planning area, at an average of roughly 336 wells per year.<sup>44</sup> The BLM's own data shows in fiscal year 2022, a mere 18 wells were spud (initiated), and only 29 were completed in the planning area. The BLM's projection overestimates oil and natural gas development by 1,867 percent, which is hugely problematic since the RFD is used to project outcomes from management actions on everything from air quality to wildlife habitat. The Draft RMP would also impose significant and unnecessary burdens on existing oil and gas leases, including instituting restrictive right-of-way policies, which impede a lessee's ability to access and develop their lease.<sup>45</sup> These burdens make the Draft RMP legally vulnerable since it threatens valid and existing property rights.

An RMP should offer a balanced management plan for all multiple uses and interested stakeholders. The lack of stakeholder engagement and overwhelming local opposition to the Draft RMP and EIS prompted the introduction of H.R. 6085. This legislation would prevent the finalization and implementation of the Draft RMP and EIS for the Rock Springs RMP Revision, Wyoming.<sup>46</sup> By halting the administration's blatant land grab, H.R. 6085 would protect domestic energy production and allow the BLM to restart a new RMP process that more appropriately balances multiple uses and provides stakeholders with greater levels of engagement.

### **H.R. 6209 (Rep. Titus), "Sloan Canyon Conservation and Lateral Pipeline Act"**

In recent decades, Southern Nevada has experienced a rapid increase in population, which shows no signs of decelerating. A study from the University of Nevada, Las Vegas, predicts that the region's population will rise to 3.4 million by 2060, up from the 2.3 million recorded in 2022.<sup>47</sup> Currently, 40 percent of the region's drinking water is delivered through a single pipeline known as the South Valley Lateral, which was constructed in the 1990s.<sup>48</sup> In response to the recent influx of residents to the region and a marked increase in water demand, the Southern Nevada Water Authority (SNWA) engaged in years of study and coordinated with local stakeholders to ensure reliable water sources are accessible to all residents and visitors in the Las Vegas Valley.

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[https://eplanning.blm.gov/public\\_projects/13853/200030619/20084068/250090250/Volume%20Rock%20Springs%20RMP%20Revision%20Draft%20EIS.pdf](https://eplanning.blm.gov/public_projects/13853/200030619/20084068/250090250/Volume%20Rock%20Springs%20RMP%20Revision%20Draft%20EIS.pdf).

<sup>42</sup> *Id.*

<sup>43</sup> Wyomingites Angered Over Biden's Land Grab, Institute for Energy Research, November 1, 2023,

<https://www.instituteforenergyresearch.org/regulation/wyomingites-angered-over-bidens-land-grab/>.

<sup>44</sup> Bureau of Land Management, Final Reasonable Foreseeable Development Scenario for Oil and Gas, Table 20,

[https://eplanning.blm.gov/public\\_projects/lup/13853/46225/49886/RSFO\\_RFD\\_FINAL-resized.pdf](https://eplanning.blm.gov/public_projects/lup/13853/46225/49886/RSFO_RFD_FINAL-resized.pdf).

<sup>45</sup> Draft Resource Management Plan Revision and Draft Environmental Impact Statement at V-22.

<sup>46</sup> Draft RMP and EIS for the Rock Springs RMP Revision, Wyoming, 88 Fed. Reg. 56654, August 18, 2023,

<https://www.federalregister.gov/d/2023-17787>.

<sup>47</sup> Staying on Track: UNLV's Population Forecast Continues to Predict 1M More Residents in Southern Nevada, University of Nevada, Las Vegas, August 12, 2022,

<https://www.unlv.edu/news/release/staying-track-unlvs-population-forecast-continues-predict-1m-more-residents-southern>.

<sup>48</sup> Southern Nevada Water Authority, "Horizon Lateral",

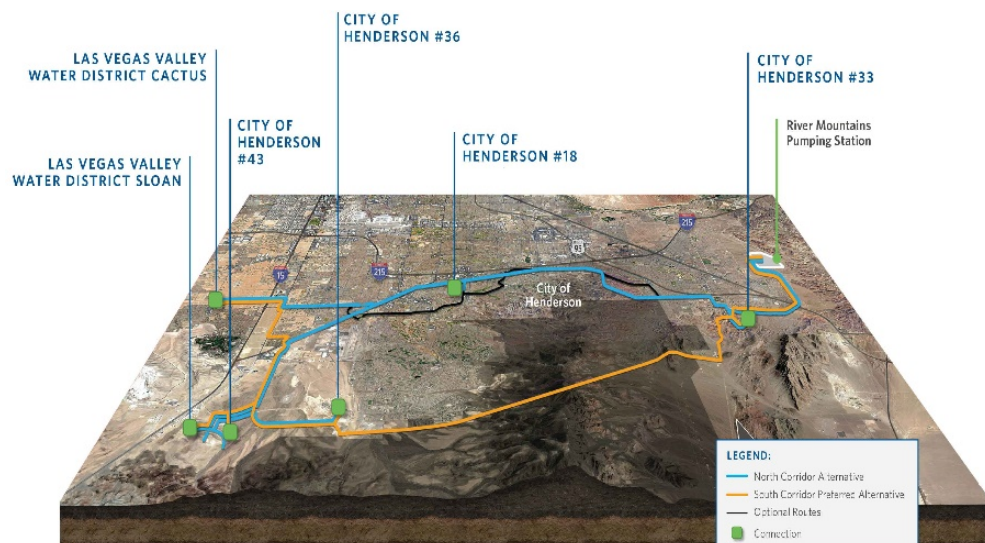
<https://www.snwa.com/infrastructure-improvements/horizon-lateral/index.html>.



As a result of that study and coordination, SNWA is proposing to construct a new water pipeline to meet the demands of reliable drinking water for current and future residents. A new water pipeline would help maintain water deliveries if the South Valley Lateral suffered an outage or required repairs.<sup>49</sup> The preferred southern route would be constructed in less-developed areas of the region, including a portion running underneath the Sloan Canyon National Conservation Area (NCA).

Established by Congress in November 2002, the NCA is one of 19 national conservation areas managed for conservation and restoration and provides for multiple uses, including mining, oil and gas leasing, and grazing.<sup>50</sup> The Sloan Canyon NCA currently encompasses 48,438 acres surrounding the Cities of Las Vegas and Henderson, Nevada.<sup>51</sup> The preferred route through the NCA, when

compared to a northern alternative route, would save taxpayers an estimated \$200 million and minimize disturbances to residents. The proposed water pipeline would be underground, causing minimal surface disturbance through the proposed route.



View of proposed route of SNWA water pipeline.  
**Source:** Southern Nevada Water Authority, no date.

H.R. 6209, the “Sloan Canyon Conservation and Lateral Pipeline Act,” contains two major provisions. First, the bill grants authority to the SNWA for the construction of a water pipeline project under the Sloan Canyon NCA. Second, the bill increases the size of the Sloan Canyon NCA area by over 9,000 acres to 57,728 total acres. The bill allows for the use of gravel, sand, and minerals obtained from tunneling for parking lots and other infrastructure in the NCA. The BLM currently administers the additional acres; thus, the legislation would not add to the federal estate. A companion bill introduced by Senator Cortez Masto was reported favorably out of the Committee on Energy and Natural Resources in December 2023.<sup>52</sup>

<sup>49</sup> *Id.*

<sup>50</sup> BLM, “Monuments, Conservation Areas and Similar Designations”, <https://www.blm.gov/programs/national-conservation-lands/monuments-ncas>.

<sup>51</sup> BLM, “Sloan Canyon National Conservation Area”, <https://www.blm.gov/programs/national-conservation-lands/nevada/sloan-canyon-ncas#:~:text=In%20November%202002%2C%20Congress%20designated,and%20the%20City%20of%20Henderson.>

<sup>52</sup> S. 2042, Sloan Canyon National Conservation Area Act. See accompanying Senate Committee Report 118-147.

**H.R. 6547 (Rep. Boebert), “Colorado Energy Prosperity Act”**

Colorado is one of the states under attack from the Biden administration’s preservationist policies. Over 36 percent of Colorado is federal land, and much of that area is under restrictive land use designations such as wilderness areas, national monuments, and ACECs.<sup>53</sup> During the Obama administration, the BLM finalized an RMP for the Colorado River Valley Field Office (CRVFO) and Grand Junction Field Office (GJFO) on the Western Slope in Colorado. In October 2018, a federal judge in Colorado ruled in *Wilderness Workshop v. BLM* that the BLM “did not closely study an alternative that closes low and medium potential lands when it admits there is an exceedingly small chance of them being leased... therefore, BLM’s failure to consider reasonable alternatives violates NEPA.”<sup>54</sup> On September 16, 2019, BLM entered into a settlement agreement with the petitioners in *Wilderness Workshop* where BLM agreed to “prepare a Supplemental EIS, which will address the deficiencies identified by the Court.”<sup>55</sup>

**Comparison of the USGS 2002 and 2016 Resource Assessments<sup>56</sup>**

Resource	2002 USGS Assessment	2016 USGS Assessment	% Increase
Natural Gas	21 trillion cubic feet	66.3 trillion cubic feet	318%
Oil	60 million barrels	74 million barrels	23%
Natural Gas Liquids	43 million barrels	45 million barrels	5%

In August, the BLM published an updated Draft RMP and EIS for the CRVFO and GJFO.<sup>57</sup> The preferred alternative (Alternative E) for the Draft RMP proposes restricting oil and gas leasing on 1.6 million acres and designating nine areas as ACECs, totaling over 100,000 acres.<sup>58</sup> While the decision in *Wilderness Workshop v. BLM* found BLM failed to adequately examine a preservation-heavy alternative under NEPA, it did not require BLM to choose it. Specifically, Alternative E of the Draft RMP would close areas with no known, low, or medium potential for future oil and gas leasing. Unfortunately, the Draft RMP relies on a severely outdated USGS Resource Assessment instead of a more recent assessment done in 2016, which found that Colorado’s Piceance Basin holds about 66.3 trillion cubic feet of gas, up from the 21 trillion estimated in 2002.<sup>59</sup> Oil and gas extraction technology has evolved drastically since 2002, which

<sup>53</sup> Hardy Vincent, Carol. Federal Land Ownership: Overview and Data, Congressional Research Service, February 21, 2020, <https://www.crs.gov/Reports/R42346>.

<sup>54</sup> *Wilderness Workshop v. BLM*, 342 F. Supp. 3d 1145 (D. Colo. 2018), [https://www.nrdc.org/sites/default/files/36\\_-\\_memorandum\\_opinion\\_and\\_order.pdf](https://www.nrdc.org/sites/default/files/36_-_memorandum_opinion_and_order.pdf).

<sup>55</sup> Settlement Agreement, Case No. 16-cv-01822 (Sept. 16, 2019), <https://westernlaw.org/wpcontent/uploads/2019/09/2016.09.16-CRV-RMP-Settlement.pdf>.

<sup>56</sup> Western Energy Alliance, Colorado Oil and Gas Association: West Slope and Colorado Oil and Gas Association, Comments on the Draft Resource Management Plan and Supplemental Environmental Impact Statement for the Colorado River Valley Field Office and Grand Junction Field Office Resource Management Plans, Colorado, November 1, 2023, [https://www.westernenergyalliance.org/uploads/1/3/1/2/131273598/alliance\\_wscoga\\_and\\_coga\\_comments\\_on\\_blm\\_crv\\_gj\\_rmp.pdf](https://www.westernenergyalliance.org/uploads/1/3/1/2/131273598/alliance_wscoga_and_coga_comments_on_blm_crv_gj_rmp.pdf).

<sup>57</sup> Notice of Availability of the Draft Resource Management Plan and Supplemental Environmental Impact Statement for the Colorado River Valley Field Office and Grand Junction Field Office Resource Management Plans, Colorado, 88 FR 51855, August 4, 2023, <https://www.federalregister.gov/d/2023-16598>.

<sup>58</sup> *Id.*

<sup>59</sup> BLM, Appendix S – Reasonable Development Scenario: Oil and Gas in the Glenwood Springs Field Office,

has significantly expanded the minerals, oil, and gas that operators are able to reach and makes the use of the most up-to-date data critical to the BLM's decision-making.

Given BLM's egregious use of out-of-date information, H.R. 6547 was introduced by Representative Boebert. H.R. 6547 would prevent the finalization and implementation of the Draft RMP and EIS for the Colorado River Valley Field Office and Grand Junction Field Office. Similar to H.R. 6085, this legislation prevents the Biden administration from locking up hundreds of thousands of acres of land, denying access to American energy resources, and making our nation more dependent on foreign sources of energy. The legislation would also protect the thousands of jobs in Colorado that rely on the oil and gas industry and safeguard access to public lands to develop and produce energy.

**[H.R. 7006 \(Rep. Curtis\), 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.](#)**

Natural asset companies (NACs) are a proposed new form of company “whose primary purpose is to actively manage, maintain, restore . . . and grow the value of natural assets and their production of ecosystem services.”<sup>60</sup> Developed by the Intrinsic Exchange Group (IEG), NACs would operate by utilizing the natural capital accounting standards set forth in the United Nations’ “System of Environmental-Economic Accounting—Ecosystem Accounting Framework.”<sup>61</sup> To “protect” natural assets, NACs would “hold the rights to the ecological performance” of prescribed areas, including public lands, for “conservation, restoration, or sustainable management.”<sup>62</sup> This is clearly problematic, as public lands should be managed under statutory multiple-use mandates, not locked up in perpetuity by a private company under a made-up scheme of natural asset accounting.<sup>63</sup>

On September 27, 2023, the New York Stock Exchange (NYSE) filed a proposed rule change with the Securities and Exchange Commission (SEC) that would allow NACs to be listed on the NYSE.<sup>64</sup> The SEC published the proposed rule on October 4, 2024.<sup>65</sup> The rule prompted massive opposition and widespread confusion, as stakeholders and members of the general public raised obvious questions about how these companies would function and whether they could be used as a tool to stop multiple uses of public lands.<sup>66</sup> Opponents of the proposed rule raised doubts over how the “ecological services” rendered by NACs could be accurately and transparently

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[https://eplanning.blm.gov/public\\_projects/lup/68506/110860/135765/34\\_Appendix\\_R\\_RFDS\\_Oil\\_and\\_Gas.pdf](https://eplanning.blm.gov/public_projects/lup/68506/110860/135765/34_Appendix_R_RFDS_Oil_and_Gas.pdf). Assessment of Continuous (Unconventional) Oil and Gas Resources in the Late Cretaceous Mancos Shale of the Piceance Basin, Uinta-Piceance Province, Colorado and Utah, USGS, 2016. The Associated Press, 40 Times More Natural Gas Underground In Colorado's Piceance Basin, USGS Report Finds, June 9, 2016,

<https://www.cpr.org/2016/06/09/40-times-more-natural-gas-underground-in-colorados-piceance-basin-usgs-report-finds/>.

<sup>60</sup> 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, Securities and Exchange Commission, 88 Fed. Reg. 68811, October 4, 2023, <https://www.federalregister.gov/d/2023-22041>.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> Spike Jordan, “Natural Asset Companies latest in land schemes,” Tri-State Livestock News, January 5, 2024,

<https://www.tsln.com/news/natural-asset-companies-latest-in-land-schemes/>. Shad Sullivan, “Natural Asset Companies Proposed Rule Threatens Property Rights,” Capital Press, January 9, 2024, [https://www.capitalpress.com/free/commentary-natural-asset-companies-proposed-rule-threatens-property-rights/article\\_907699a2-af1d-11ee-8dc1-2f7482e6dd46.html](https://www.capitalpress.com/free/commentary-natural-asset-companies-proposed-rule-threatens-property-rights/article_907699a2-af1d-11ee-8dc1-2f7482e6dd46.html).

monetized.<sup>67</sup> NACs would allow the company to hold rights to U.S. land and could prevent the land from being used to produce natural resources, including fossil fuels, mining, timber harvesting, and grazing. Further, it became clear that NACs could enable private and foreign entities to wield managerial authority over the natural assets held in their private investment portfolios.<sup>68</sup> In part, because these natural assets could be on public lands, Committee Republicans sent a letter to the SEC expressing deep concern over the rule’s potential impact.<sup>69</sup> Facing backlash from Congress and stakeholders, the SEC announced on January 17, 2024, that the NYSE had withdrawn the proposed rule change involving NACs.<sup>70</sup>

The proposed rule revealed that NACs are a component of a larger set of radical environmental policies the Biden administration is stubbornly pushing on the American public. In fact, President Biden’s “National Strategy for Natural Capital Accounting” extolled NACs for their ability to “facilitate liquidity between natural capital and financial capital.”<sup>71</sup> Despite the proposed rule being withdrawn, IEG maintains it will continue to pursue “different options” for introducing NACs into financial markets.<sup>72</sup> On February 18, 2024, for example, the New York Times reported that IEG is working to fund NACs through private markets and is already planning a project with a tribal entity that would involve 1.6 million acres.<sup>73</sup> Therefore, it remains clear that proactive steps must be taken to prevent legally dubious companies from operating as NACs to gain controlling interests in, and purposefully lock up, federal lands.

H.R. 7006 would protect Utah’s residents and landscapes from the considerable risks posed by NACs. Specifically, this legislation would prohibit NACs from entering into any agreements involving Utah’s lands or natural assets related to those lands. The bill would extend these prohibitions to any company that is substantially similar to a NAC, as defined in the NYSE’s proposed rule. H.R. 7006 would thus take firm steps to ensure that Utah’s natural resources are not subjected to the inappropriate foreign influences and lack of accountability that would inevitably result from granting NACs unfettered access to the state’s resources. While this legislation is specific to Utah, it serves as a model for how NACs can be barred from operating in any Western state with a sizable footprint of federal land.

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<sup>67</sup> “Companies That Can’t Make Money: The SEC Pushes a Plan to Misallocate Capital by Buying Land and Taking It Out of Productive Use,” Marlo Oaks, Wall Street Journal, November 15, 2023, <https://www.wsj.com/articles/biden-administration-invents-companies-that-cant-make-money-ad71f8f3>.

<sup>68</sup> Letter to the U.S. Securities and Exchange Commission, Senators Pete Ricketts, Mike Crapo, and James E. Risch, November 2, 2023, <https://www.risch.senate.gov/public/cache/files/2/6/26ede68e-ff87-4f69-b00d-789beab76417/FD5F7F980A061BC97348F90EDE03593D.letter-to-sec-natural-asset-companies-final.pdf>.

<sup>69</sup> Members Initiate Probe Into SEC’s Rule Change Permitting Foreign Agents and Radical Activists to Control America’s National Parks and Lands, House Natural Resources Committee, January 11, 2024, <https://naturalresources.house.gov/news/documentsingle.aspx?DocumentID=415387>.

<sup>70</sup> Division of Trading and Markets, Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Withdrawal of Proposed Rule Change To Amend the NYSE Listed Company Manual To Adopt Listing Standards for Natural Asset Companies, Securities and Exchange Commission, 89 Fed. Reg. 4354, January 17, 2024, <https://www.sec.gov/files/rules/sro/nyse/2024/34-99355.pdf>.

<sup>71</sup> Office of Science and Technology Policy, Office of Mgmt. & Budget, and Dep’t of Commerce, “National Strategy to Develop Statistics for Environmental-Economic Decisions: A U.S. System of Natural Capital Accounting and Environmental Economic Statistics,” The White House, January 2023, <https://www.whitehouse.gov/wp-content/uploads/2023/01/Natural-Capital-Accounting-Strategy-final.pdf>.

<sup>72</sup> Jennifer Yachnin, “Natural asset companies’ felled by critics,” E&E News, January 18, 2024, <https://subscriber.politicopro.com/article/eenews/2024/01/18/natural-asset-companies-felled-by-critics-00136273>.

<sup>73</sup> Lydia DePillis, “Nature Has Value. Could We Literally Invest in It?” The New York Times, February 18, 2024, <https://www.nytimes.com/2024/02/18/business/economy/natural-assets.html>.

#### IV. MAJOR PROVISIONS & SECTION-BY-SECTION

##### [H.R. 5015 \(Rep. Leger Fernandez\), “Seedlings for Sustainable Habitat Restoration Act of 2023”](#)

###### **Section 2. Contracts, Grants, and Agreements to Carry Out Certain Ecosystem Restoration Activities.**

- Amends Section 40804 of the Infrastructure Investment and Jobs Act by allowing the Secretary of Agriculture, acting through the Chief of the Forest Service, to enter into contracts, grants, or agreements with state forestry agencies, local private or nonprofit entities, institutions of higher education and multistate coalitions. The contracts, grants, or agreements would support the collection and maintenance of native seeds and the production of seedlings for revegetation.
- Adds language to the Collaborative Forest Landscape Restoration Program to allow the collection and maintenance of native seeds and the production of seedlings for revegetation.

##### [H.R. 5499 \(Rep. Miller-Meeks\), “Congressional Oversight of the Antiquities Act”](#)

###### **Section 2. Amendment to Antiquities Act.**

- Requires Congressional approval of national monument designations within six months of the designation or before the last day of the sitting Congress during which the national monument was established, whichever comes first.
- Restricts the ability to designate a national monument that is not approved by Congress on the same parcel of land for a period of 25 years.

##### [H.R. 6085 \(Rep. Hageman\), To prohibit the implementation of the Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revision, Wyoming.](#)

###### **Section 1. Restriction on Draft RMP and EIS for Rock Springs RMP Revision, Wyoming.**

- Restricts the Secretary of the Interior from finalizing, implementing, administering, or enforcing the Draft Resource Management Plan and Environmental Impact Statement for the Rock Springs RMP Revision, Wyoming, as noticed in the Federal Register on August 18, 2023.

##### [H.R. 6209 \(Rep. Titus\), “Sloan Canyon Conservation and Lateral Pipeline Act”](#)

###### **Section 3. Sloan Canyon National Conservation Area Boundary Adjustment.**

- Adjusts the boundary of the Sloan Canyon NCA by an additional 9,290 acres.
- Requires the BLM to grant SNWA access to rights-of-way in the Sloan Canyon NCA for operating permanent water pipeline infrastructure.
- Authorizes the SNWA to use or dispose of sand, gravel, minerals, or other materials obtained from tunneling of the water pipeline. It requires the Secretary and SNWA to enter into a memorandum of understanding within 30 days of the approval of the use or disposal of certain materials within the right-of-way.

- Clarifies that the expansion of the NCA boundary is subject to valid existing rights-of-way and operations, as well as future rights-of-way within existing corridors for both transmission and other utilities.

**[H.R. 6547 \(Rep. Boebert\), “Colorado Energy Prosperity Act”](#)**

**Section 2. Prohibition on Implementation of Draft Resource Management Plan and Draft Supplemental Environmental Impact Statement.**

- Restricts the Secretary of the Interior from finalizing, implementing, administering, or enforcing the Draft Resource Management Plan or Draft Supplemental Environmental Impact Statement for the Colorado River Valley Field Office and Grand Junction Field Office Resource Management Plans, as noticed in the Federal Register on August 4, 2023.

**[H.R. 7006 \(Rep. Curtis\), 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.](#)**

**Section 1. Prohibition.**

- Restricts a natural asset company from entering into any agreement regarding land or natural assets in Utah.
- Defines a natural asset company to be consistent with the definition from the Securities and Exchange Commission noticed in the Federal Register on October 4, 2023.

**V. COST**

None of the bills have received a formal cost estimate from the Congressional Budget Office (CBO).

**VI. ADMINISTRATION POSITION**

The administration previously testified on the Senate companion to the “Sloan Canyon Conservation & Horizon Lateral Pipeline Act” but did not take a position on the legislation.<sup>74</sup> The administration's position on the remaining bills is unknown at this time.

**VII. EFFECT ON CURRENT LAW (RAMSEYER)**

**[H.R. 5499](#)**

**[H.R. 5015](#)**

**[H.R. 6209](#)**

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<sup>74</sup> Statement of Thomas Heinlein before Senate Energy and Natural Resources Committee on S. 2042, July 12, 2023, <https://www.energy.senate.gov/services/files/B8457F24-39DA-45D1-9A8F-1E960C7501E0>.