



PAUL J. SPITLER
DIRECTOR OF WILDERNESS CAMPAIGNS
THE WILDERNESS SOCIETY

TESTIMONY ON H.R. 4901,
THE ADVANCING CONSERVATION AND EDUCATION ACT

SUBMITTED TO THE
HOUSE NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS AND ENVIRONMENTAL REGULATION

TUESDAY, JULY 29, 2014

Chairman Bishop, Ranking Member Grijalva, and Members of the Subcommittee, thank you for the opportunity to testify on behalf of The Wilderness Society in regards to H.R. 4901, the Advancing Conservation and Education Act. I would also like to thank Chairman Bishop and Ranking Member DeFazio for their leadership on this important issue. I ask that my written testimony be made a part of the hearing record.

The Wilderness Society works on behalf of its 500,000 members and supporters to protect wilderness and inspire Americans to care for our wild places. We work to promote the preservation of public land in a way that provides opportunities for economic development of rural communities.

H.R. 4901 is classic “win-win” legislation. It will preserve lands with outstanding ecological and recreational values, improve local economies, and provide new resources to states for the benefit of public schools. The Wilderness Society supports this legislation and urges the committee to advance it.

FEDERAL CONSERVATION AREAS AND STATE TRUST LANDS: A NEW APPROACH IS NEEDED

This year is the 50th anniversary of the Wilderness Act. In the past 50 years, Congress has protected 110 million acres of America’s most scenic and vital landscapes as wilderness, and the National Wilderness Preservation System stands as a beacon to the world as a premier system of protected lands.

Across the western United States, Congress has also established numerous parks, conservation areas and other protected lands. These lands preserve some of America's most iconic natural treasures. These include such well-known gems as the Grand Canyon, Yellowstone, and Yosemite, as well as lesser known jewels like the Owyhee Canyonlands, Mt. Hood, and Cabeza Prieta.

These lands serve many purposes, including protecting ecologically significant habitats and cultural resources, providing wonderful outdoor recreational opportunities, and benefiting local economies. Their preservation is a gift to all Americans as well as future generations.

However, within these wonderful protected lands are millions of acres of state inholdings. These state lands were granted to states to provide revenue for public education. These "state trust lands" are managed to maximize revenue and activities like mining, oil and gas development, resource extraction, logging, and other forms of development are encouraged.

The inclusion of these lands in Federal conservation areas is detrimental both to the states, and to the Federal government. The development of these lands is often difficult due to their remote location, leaving states fewer opportunities to secure additional revenue. Further, the development of these inholdings could undermine the protected areas within which they are located.

There are numerous examples of state inholdings in Federal conservation areas, where development would be detrimental to the surrounding lands. In Grand Teton National Park, for example, the State of Wyoming owns two sections of land that, if developed, would lead to increased traffic, water and air pollution, and habitat degradation. Such development, if it were to take place, would forever mar one of America's premier national parks. Similar developments on state inholdings elsewhere threaten similar results.

Therefore, it is in the interest of the states, and the public interest, to ensure that the state lands within existing Federal conservation areas are exchanged for other lands better suited to economic development. Facilitating such exchanges will help protect the values of the Federal conservation areas, while providing states with new sources of revenue from its lands.

States, Federal agencies, conservation organizations, and others support removing state inholdings from Federal conservation areas. However, current mechanisms are deeply flawed. While Federal law permits land exchanges to be completed administratively, administrative land exchanges are exceedingly cumbersome, costly, and time-consuming. Because administrative land exchanges are so difficult and time-consuming to undertake, such exchanges are rarely completed. Land exchanges may also be completed through an Act of Congress. However, legislation is also a time-consuming process and can take many years to accomplish.

As a result of the inadequacies of current land exchange mechanisms, state-Federal land exchanges do not take place on the scale necessary to protect Federal conservation areas or provide needed benefits to states. A new approach is needed.

THE ADVANCING CONSERVATION AND EDUCATION ACT

The Advancing Conservation and Education Act presents a practical approach to expedite the exchange of state inholdings from Federal conservation areas for Federal lands with lower conservation value and higher economic development potential.

Under the legislation, states would identify the inholdings they wish to convey to the Federal government, with a special priority on inholdings within national parks and wilderness. After identifying lands to transfer to the Federal government, a state would then identify Federal lands it wished to acquire.

States would likely seek to acquire lands with low conservation value and high economic development potential in order to maximize revenue. A state may only select from certain lands within the state that are managed by the Bureau of Land Management, and the legislation includes important sideboards to ensure that lands with high ecological and recreational value are not conveyed.

After identifying lands to exchange, the state would negotiate with the Federal government the exact Federal and state parcels to be exchanged and the terms of the exchange. The Secretary of the Interior would retain the authority to accept or reject any proposed parcels to receive or convey. After the parties reach agreement, the actual exchange would take place only after compliance with the National Environmental Policy Act and consideration of public input. Timelines would govern the entire process, ensuring that State-Federal land exchanges proceed at a timely pace.

The approach is significantly better than the current administrative or legislative land exchange processes. Upon enactment of the legislation, states would have a set time period to initiate the land exchange process for their inholdings. Strict timelines would help ensure the process stays on track and is completed expeditiously. No further action from Congress would be required.

BENEFITS OF THE ADVANCING CONSERVATION AND EDUCATION ACT

H.R. 4901 will help to expedite the elimination of state inholdings in wilderness areas, national parks, and other Federal conservation areas. It will help prevent incompatible development within these areas, afford new economic development opportunities for states, and provide new sources of revenue for schools. By benefiting conservation, state economies, and public schools, the approach is a classic win-win solution. Here is who will benefit from H.R. 4901:

- **Public**—Through their elected representatives, the public have protected some of America's most spectacular landscapes as parks, wilderness, monuments, and other Federal conservation areas. These areas enjoy broad public support and provide important benefits to the American people. The public expects that these scenic wonders—like Yosemite and Yellowstone—will not be marred by inappropriate development within their boundaries.

By removing state lands that are managed to maximize revenue production—not conservation—H.R. 4901 will help ensure that America’s scenic treasures are well-protected and secure. This will benefit the American public who has come to rely on these special places for recreation, enjoyment, and relaxation.

- **State Economies**—State trust lands within existing Federal conservation areas are not currently maximizing revenue. By facilitating the exchange of these lands for lands that have greater economic potential and are appropriate for economic development, H.R. 4901 will provide new sources of revenue for states, as well as providing new jobs and revenue to local economies.
- **Public Schools**—A portion of the revenue from state trust lands is dedicated to support for public education. By facilitating the exchange of state inholdings in Federal conservation areas for lands that have greater economic potential and are appropriate for economic development, H.R. 4901 will provide new sources of revenue for states, which will, in turn, benefit public schools.
- **Land Management**—By consolidating state and Federal holdings and eliminating state inholdings in Federal conservation areas, H.R. 4901 will benefit state and Federal land management.

We have several technical amendments to the legislation regarding sections 4(b) and 8(e) that we would like to address, and look forward to working with Chairman Bishop, Ranking Member DeFazio, and the Committee to address these technical amendments as the legislation moves forward.

CONCLUSION

H.R. 4901 is classic “win-win” legislation. It will preserve lands with outstanding ecological and recreational values, improve local economies, and provide new resources to states for the benefit of public schools. The Wilderness Society supports this legislation and urges the committee to advance it.