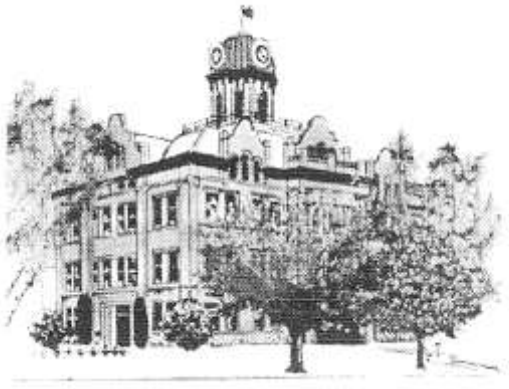


FERGUS COUNTY

House Committee on Natural Resources

Subcommittee on Oversight and Investigations

"Monetizing Nature and Locking up Public Land: The Implications of Biden's Strategy for Natural Capital Accounting"
March 7, 2024

Testimony of Ross Butcher
County Commissioner, Fergus Co MT

Thank you Mr. Chairman and Members of the House Subcommittee on Oversight and Investigations for the opportunity to address concerns of federal agency actions that are putting our public lands in jeopardy.

My name is Ross Butcher and I am testifying today representing Fergus County MT BOCC, The Boundary Line Foundation, The Montana Natural Resource Coalition of Counties, and the Coalition of AZ\NM Counties.

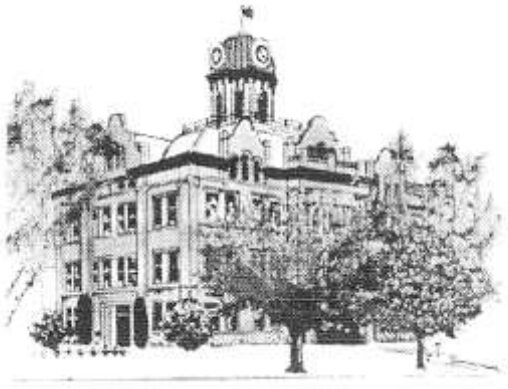
In April, 2023 the Bureau of Land Management proposed a rule change of such deep significance, that the public lands counties in the Montana, Arizona, and New Mexico coalitions were compelled to provide substantive comments titled "*Survey of the History, Background, and Compliance of the Proposed BLM Conservation and Landscape Health Rule (CLHR) with The Public Land Laws of the United States*" demonstrating the BLM's departure from their congressionally delegated authority.

A century of US public land statutes and policies enacted by the Taylor Grazing Act (TGA), the Federal Land Policy Management Act (FLPMA), and the Public Rangelands Improvement Act (PRIA) demonstrate that BLM's core mission is to manage the Taylor Grazing Act CVG District lands for the Principal Use of domestic livestock grazing, range development, and stabilization of the US livestock industry dependent on range access – not wildlife conservation.

Fergus County Commissioners
712 W. Main St., Suite 210
Lewistown, MT 59457

Ross Butcher, District 1
Jennifer Saunders, District 2
Carl Seilstad, District 3

commissioners@co.fergus.mt.us



FERGUS COUNTY

The Landscape, Conservation and Health Rule proposed by the BLM has irreconcilable flaws and should not be adopted. Fergus County and our coalition partners point this out in the above-mentioned report which is filed in the administrative record as official government comments to the proposed BLM rule. The purpose of this testimony is to bring the Boundary Line Foundation report to the attention of the subcommittee, and give context to the gravity of the situation to all those who live and work on these lands in the west.

We point out that one central mandate of the Federal Land Policy and Management Act (FLPMA) is the requirement for the BLM to coordinate land use management activities with local governments, and that statute even requires the BLM to attempt consistency with county land use plans. It is also important to note that during enactment of FLPMA the Taylor Grazing Act was adopted **in its entirety** by the Congress, and this includes all the policies, procedures and the 135 million acres of mapped grazing districts throughout the western United States.

On two separate occasions the TGA lands were determined by the Solicitor of the Interior to be classified as Reservations under the Federal Power Act of 1920. FPA provides the authority to retain TGA lands under reservation status, verses setting them aside as "public lands," which would make them subject to appropriation and disposal under the public land laws of the United States. The actions of agencies tasked with managing TGA lands held in reservation are limited to the original purpose and intent for which those lands were reserved.

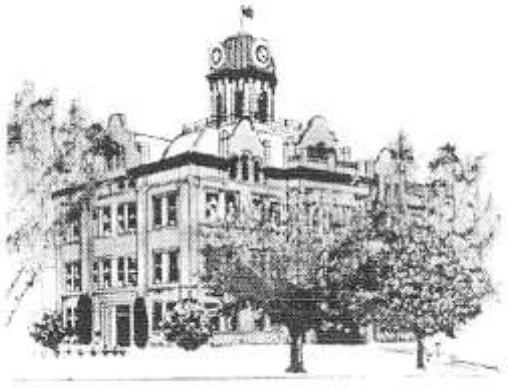
The CLH Rule is substantively the same as the 2016 BLM Resource Management Planning (Planning 2.0) Rule that was determined by Comptroller General to be a Major Federal Action and that was rejected by the Congress under the Congressional Review Act (CRA). Once a Rule has been rejected by Congress under CRA, federal agencies are prohibited under the Administrative Procedures Act from adopting a similar or new rule. This fact alone makes the adoption of the CLH Rule illegitimate.

A certification by the Secretary of the Interior and the Office of Information and Regulatory Affairs that the CLH Rule would not have an impact on a significant number of small entities is arbitrary, not publicly verifiable, and erroneous. A Regulatory Flexibility Act impact analysis is required to determine if the CLHR would have a significant impact on small business or entities. The implications of landscape level conservation would have a dramatic impact on communities

Fergus County Commissioners
712 W. Main St., Suite 210
Lewistown, MT 59457

Ross Butcher, District 1
Jennifer Saunders, District 2
Carl Seilstad, District 3

commissioners@co.fergus.mt.us



FERGUS COUNTY

whose economies rely on the multiple use sustained yield model defined in FLPMA. The position that there would be little impact is absurd on its face.

The first step in monetizing and selling natural assets requires the development of a natural asset inventory and a mechanism to hold those assets for their conservation value. The introduction of a 7th principal use, conservation, for these reserved federal lands aligns well with the scheme of monetizing our public lands. Not only does this scheme lack any authority for its action it is in direct conflict with the statutory intent that public lands be used for productive pursuits.

These are just a few of the specific and irreconcilable flaws in this rule, I once again point to the report filed, and on record, in comments to the BLM. I encourage the Committee to review the report submitted by Boundary Line Foundation and the Counties represented in the Coalitions. Thank you for the opportunity to comment on these important issues. I will stand for questions.

Fergus County Commissioners
712 W. Main St., Suite 210
Lewistown, MT 59457

Ross Butcher, District 1
Jennifer Saunders, District 2
Carl Seilstad, District 3

commissioners@co.fergus.mt.us