

**Statement of Governor Mark Gordon of Wyoming  
Before the House Committee on Natural Resources  
Legislative Hearing on H.R. 3397  
Thursday, June 15, 2023**

Chairman Westerman, Ranking Member Grijalva, and members of the Committee, good morning. On behalf of the people of Wyoming, and as a rancher, outdoorsman and conservationist, let me thank you for the opportunity to discuss H.R. 3397 and the BLM's proposed Conservation and Land Use rule with you today.

Wyoming is no stranger to federal lands. More than 48 percent of Wyoming is federal surface estate, including the first national park, the first national monument, and the first national forest. The Bureau of Land Management's footprint in Wyoming is substantial. The BLM manages approximately 18.4 million acres of public lands and 42.9 million acres of federal mineral estate. This equates to over 29 percent of Wyoming's surface land, covering an area larger than the state of West Virginia. It is important to note Wyoming's top three economic drivers, energy, tourism, and agriculture, have developed successful industries and contributed meaningfully to conservation across the state under the multiple-use principle of the federal law and BLM's existing rules.

Wyoming routinely ranks first in the nation for gas production from onshore federal minerals and second for oil production from onshore federal minerals. Approximately 65 percent of Wyoming's oil and 79 percent of gas production are from federal minerals.

In 2022, seven and a half million tourists visited the Equality State, spending \$4.5 billion. Recreation, largely on public lands, contributed \$1.5 billion to the state's economy. More than five percent of our employment stems from the recreation industry.

For food production, in Fiscal Year 2021, the BLM authorized over 1.4 million Animal Unit Months or AUMs on public lands, more than any other state. Agriculture is the third largest sector of our economy, and grazing is done under tight regulation and with dedication to personal responsibility to ensure land stewardship while supporting a domestic food supply.

Mr. Chairman and members of the Committee, as a rancher, I was proud when my ranch received the Society for Range Management Wyoming Section's Excellence

in Range Management award. My ranch management team followed up with another on the Ucross Ranch the following year. Because of our work on that ranch, Apache Corporation, an oil and gas company associated with Ucross, demonstrated the ability to sequester 2,640 metric tons of carbon per year from grazing management alone.

My ranch lies in core sage-grouse habitat. In 2014, my wife and I stood alongside eight other ranchers who signed Candidate Conservation Agreements with Assurances (CCAAs) with then Secretary of the Interior Jewell. I remember her comments that day, “We have going on here in Wyoming the most effective example of the state and private landowners working in cooperation with multiple federal agencies to protect these ecosystems in perpetuity. I will say that Wyoming was way ahead of the curve.”

Mr. Chairman and committee members, my point here is not specifically what we have done for conservation but the fact that Wyoming ranchers, industries, and sportsmen are conservation-minded. In the words of Teddy Roosevelt, “Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us.”

Cooperation has enabled Wyoming to be one of the first states to recognize and manage wildlife migration corridors essential to healthy mule deer and antelope. We also successfully manage the nation's largest population of the Greater Sage-grouse. We have known and respected the importance of conservation from the early days of our statehood when we established the nation's first game and fish agency. And without hesitation, Mr. Chairman and committee members, I can say the investment from energy development in natural resource management would be a fraction of what we have now to protect and enhance habitat. Wyoming ranchers are stewards of public lands and have worked well with agencies on grazing issues. Wyoming is a haven for outdoor recreation. All of these practices are complementary and envisioned in a multiple-use sustained yield approach to managing public lands. So when it comes to this proposed rule, simply put: It isn't broken, so don't fix it.

This proposed rule was rushed forward without material input from Wyoming or other states. It did not have the benefit of the views of impacted public land users. The proposed rule mischaracterizes conservation, seeks to preempt wildlife management from the States, and oversteps the Bureau's statutory authority.

The best solution is to rescind the rule.

I fully support Representative Curtis's H.R. 3397, co-sponsored by Wyoming's Congresswoman Harriet Hageman. I also note that Wyoming Senator John Barrasso brought a companion bill in the U.S. Senate.

Barring the rescission of the proposed rule, I call for the DOI and BLM to extend the comment period for a thorough review and for additional public meetings in Wyoming and other affected states—enough of management by windshield, model, or fantasy. If one wants true conservation, it must come from working with people on the ground.

This proposed rule caught state governments, agriculture, industry, recreationists, and even local BLM offices entirely by surprise – seemingly disdaining any input from those with the most knowledge and expertise to craft a useful policy.

Let me be clear; my administration values the relationships we have with the Wyoming State BLM Office and the District and Field Office staff throughout the state, which is why it seems so boneheaded not to include their on-the-ground knowledge and ability to work with local partners in crafting this proposed rule. One is left to assume from the broad, sweeping statements in the rule that it was pushed from the top down to serve an agenda rather than improve the management of public lands. Hosting public “information sessions” in hand-picked locations with no opportunity to comment is not a responsible way to seek input and will be counter-productive.

I have to question the need and the occasion to create a separate conservation category, essentially overriding other statutory multiple uses. The Federal Land Policy and Management Act of 1976 (FLPMA) requires the full consideration and multiple-use of federal lands, as directed by Congress, not the interpretation of D.C. bureaucrats. This rule's potential to upend decades of management practices across the BLM's 245 million acres requires extensive review and contributions from those standing to be impacted. Abrogating the responsibility the BLM bears to analyze the full range of impacts this rule will have on communities, businesses, and the environment is the height of arrogance. Meetings with the opportunity for engagement and comments must be held in our state. Analysis of the implications is critical so the public may have a say on their lands.

This proposal is wallpaper to cover a federal management grab. It would likely elevate a mischaracterization of conservation as a single-use on BLM lands. Currently, the proposed rule's definition of conservation is a major consideration in every land-use decision on BLM lands. This rule pits the productive use of public lands as diametrically opposed to conservation, a gross misstatement. I have already shown that Wyoming exemplifies how grazing, energy development, and recreation are not mutually exclusive to conservation.

The BLM, in its June 5th virtual public meeting, justified this proposed rule by claiming there are “pressures” to review FLMPA authorities to fill in gaps in implementation. That is the role of Congress.

If the BLM has not managed under FLMPA “to sustain the health, diversity, and productivity of the public lands” without this rule since 1976, what has the agency been doing for the last 47 years? Why now this heavy-handed rewrite of Congressional authority?

Ranchers, companies, and organizations have achieved remarkable conservation benchmarks throughout the years under this authority, and it does not need to be tweaked. Responsible local management makes our public lands productive and an enduring attraction to people worldwide. The impetus for this rule exists because of the good work of these entities. And yet, this proposed rule gives the BLM a checklist when evaluating “intact landscapes” outside their normal planning process. This can be read as a designation of entire segments of land to exclude multiple uses in the name of keeping a landscape “intact.” Succession, erosion, and competition are not static processes – something that Aldo Leopold noted over and over again.

Let me also state clearly; wildlife management is the responsibility and within the authority and purview of the states – not the federal Government. State agencies lead in the conservation and stewardship of all fish and wildlife species except for a few cases where specific species fall under federal jurisdiction. And sadly, the federal government's ability to recover species is not all that compelling.

This rule seeks to circumvent State authority to define, analyze, and manage wildlife within our borders. Instead of furthering the collaborative work our State wildlife agencies currently do with local BLM offices daily, this rule would drive a wedge while most likely undermining local conservation efforts. As such, progress towards achieving our shared goal of thriving populations of the public's wildlife, healthier ecology, thriving local communities, and a better understanding of

management would be stymied. Communities would be crippled, management compromised, riparian systems impacted, and invasives left unchecked. This rule is wrongheaded.

Using tools like Areas of Critical Environmental Concern, or ACECs, outside of their intended capacities is also misguided. The well-established framework that includes public input through Resource Management Plans should not be tampered with, yet, this rule opens the door for interim evaluations and implementations, excluding any input from the states, tribes, local governments, land users, and the affected public. The authority to make management designations of BLM land of this magnitude must be made by Congress and not left to unelected officials. Land management is best when it is stable and is most stable when management agencies respect those closest to the managed area. Wild, whimsical policy swings like this rule have far more potential to do lasting harm than working with people who know what they are managing.

By now, it is probably pretty clear that I believe this proposed rule is an inappropriate expansion of the BLM's Congressional mandate and statutory authority. FLPMA charges the BLM with managing for "multiple use and sustained yield unless otherwise specified by law." Congress has not granted the BLM any authority to define conservation nor included it as an additional mandate with the ability to exclude existing uses. How can I be so certain? Because I was here in 1976 and remember conversations with former Assistant Secretary of the Interior Jack Horton about FLPMA and the intent of Congress at that time. I remember conversations with former Senator Cliff Hansen, for whom my sister interned, and his views about FLPMA. It is up to the Legislative Branch to write the laws, not the Executive Branch to take them out joyriding. As a Governor, I have learned that much.

The language in this proposed rule selectively picks out and expands on the BLM's Organic Act in a manner that is both wrong and questionably constitutional. This rule encroaches on State's rights and priorities and may violate federal law. The best thing for a bad idea like this rule is to rescind it. Failing that, for the sake of the American public, we need additional time to thoroughly analyze how the BLM is going beyond its statutory scope of authority. What this rule proposes is not trivial. It appears to have the potential to completely undermine how public lands are managed in our country and upend major pillars of my state's – indeed, the country's economy, our people's standard of living, and the viability of far too many local communities. I urge the BLM to reconsider the need for the

Conservation and Landscape Health proposed rule and reiterate my support for HR. 3397.

Mr. Chairman and Members of the Committee, I am happy to stand for any questions.