

**Statement of
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House Committee on Natural Resources
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**H.R. 5499, Congressional Oversight of the Antiquities Act
H.R. 6209, Sloan Canyon Conservation & Lateral Pipeline Act
H.R. 6085, Prohibiting Implementation of the Rock Springs RMP Revision
H.R. 6547, Colorado Energy Prosperity Act
H.R. 7006, Prohibiting Natural Asset Companies in Utah
H.R. 5015, Seedlings for Sustainable Habitat Restoration Act**

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Introduction

Thank you for the opportunity to provide testimony on the bills on the hearing agenda related to the Bureau of Land Management (BLM).

The BLM manages approximately 245 million surface acres, located primarily in 12 western states, and approximately 700 million acres of subsurface mineral estate. The Federal Land Policy and Management Act (FLPMA) sets forth the BLM’s multiple-use mission, directing that public lands generally be managed for a broad range of uses, such as renewable and conventional energy development, livestock grazing, timber production, hunting and fishing, recreation, wilderness, and conservation – including protecting cultural and historic resources. FLPMA also requires the BLM to manage public land resources on a sustained-yield basis for the benefit of current and future generations.

This multiple-use, sustained yield mission enables the BLM to make tremendous contributions to economic growth, job creation, and domestic energy production, while generating revenues for Federal and State treasuries and local economies and allowing for a thoughtful, science-based approach to management of our public lands and waters. Lands managed by the BLM also provide vital habitat for more than 3,000 species of wildlife and support fisheries of exceptional regional and national value. In addition, as recognized by the Biden-Harris Administration’s America the Beautiful initiative, many uses of our lands and waters, including working lands, are consistent with the conservation of the nation’s natural resources, contributing to the long-term health and sustainability of natural systems.

H.R. 5499, Congressional Oversight of the Antiquities Act

H.R. 5499 would require congressional approval of presidential proclamations of national monuments, and reservations of parcels of land as a part of national monuments, within six months of a monument’s establishment or before the end of the current session of Congress, whichever is earlier. Under the bill, if the designation or reservation is not extended or modified by statute during this limited timeframe, or the designation or reservation is otherwise rejected

by statute, the lands in question cannot be designated as or added to an existing monument by a President for a period of 25 years. The Administration strongly opposes H.R. 5499.

Analysis

Enacted over 100 years ago, the Antiquities Act has repeatedly been used by 18 presidents of both political parties as an instrument to preserve and protect critical cultural, historical, and scientific resources on Federal lands for future generations. The Antiquities Act authorizes presidents to establish national monuments on Federal lands to protect historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest on those lands and to reserve lands as part of such monuments to ensure the proper care and management of the objects to be protected. Designations under the Act apply only to lands owned or controlled by the Federal government; they place no restrictions on private property or lands owned by State or local governments. Designations are also subject to valid existing rights. Several of the nation's most treasured national parks, including Grand Canyon, Joshua Tree, and Death Valley, were first protected as national monuments through presidential action under the Antiquities Act.

Congress already has effective tools to modify or even eliminate a national monument it deems inappropriate. For example, in 1926 Congress enacted legislation removing certain lands from the Casa Grande National Monument. Congress has also eliminated national monuments when it determines that they are no longer necessary, as it did when it eliminated the Old Kasaan National Monument in Alaska. These actions demonstrated the efficacy of this approach. Under well-established principles of law, a national monument proclamation is effective unless and until Congress modifies or revokes a monument proclamation. H.R. 5499 would turn this approach on its head – instead of allowing the president to act quickly in order to allow Congress the opportunity to deliberate and refine a monument, it would make new monument proclamations contingent on congressional ratification in six months or less.

Within the Department of the Interior, the BLM currently manages 30 national monuments designated by presidential proclamation, three of which are co-managed with the National Park Service (NPS) and six of which are co-managed with the U.S. Department of Agriculture Forest Service (USFS). The most recently designated national monument, Baaj Nwaavjo I'tah Kukveni - Ancestral Footprints of the Grand Canyon National Monument in Arizona, protects approximately 900,000 acres of plateaus, canyons, and tributaries supporting a remarkable diversity of wildlife and plants, and preserves the area's spiritual, cultural, prehistoric, and historic legacy. The NPS currently manages 55 national monuments established by presidential proclamation, including the iconic Devils Tower, Muir Woods, and the Statue of Liberty. Finally, the U.S. Fish and Wildlife Service administers eight presidentially proclaimed national monuments, two of which are co-managed with the NPS. Though some national monuments may have been established amidst controversy, they are now recognized as renowned symbols of America's beauty and legacy, exemplifying the wisdom of retaining the Antiquities Act in its current form.

The designation of national monuments regularly builds upon decades of efforts from Tribal Nations; State and local officials; conservation, civil rights, and outdoor recreation advocates; local business owners; and members of Congress to recognize and conserve objects of historic or

scientific interest in perpetuity. Historical data demonstrates an increase in economic growth in communities near national monuments.

Without the President's authority under the Antiquities Act, it is unlikely that places like Petrified Forest National Monument or Navajo National Monument, both of which faced imminent threat of destruction, would have been protected. The Antiquities Act provides the necessary flexibility to respond expeditiously to impending threats to historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest, while striking an appropriate balance between legislative and executive decision making. Maintaining the established balance is critical to protecting our shared national resources for future generations.

H.R. 6209, Sloan Canyon Conservation & Lateral Pipeline Act

H.R. 6209 would amend the Clark County Conservation of Public Land and Natural Resources Act of 2002 by expanding the Sloan Canyon National Conservation Area (NCA) in Clark County, Nevada, to include approximately 9,000 additional acres of public land managed by the BLM. The bill would also require the Secretary of the Interior (Secretary) to grant a free, permanent right-of-way (ROW) to the Southern Nevada Water Authority (SNWA) for a water pipeline through the Sloan Canyon NCA within one year of enactment. The bill would also allow SNWA to use any displaced sand and gravel resources generated by the installation of an underground water pipeline within the ROW without cost. Finally, the bill would permit additional activity within existing transmission and utility corridors or transmission ROWs, including authorizing new utility facility ROWs.

Analysis

Clark County, located in southern Nevada, is home to over 2.2 million people, as well as significant historic, cultural, and paleontological treasures. The BLM manages approximately 2.6 million acres of public lands within Clark County for a wide range of uses. These include various recreational activities, such as hiking, camping, horseback riding, and off-highway vehicle (OHV) riding, renewable energy projects, rights-of-ways for utilities, and mineral development. Notably, Clark County contains iconic BLM-managed national conservation lands, including the Red Rock Canyon NCA, Sloan Canyon NCA, Gold Butte National Monument, and Avi Kwa Ame National Monument.

Sloan Canyon National Conservation Area

In 2002, Congress designated 48,438 acres of BLM-managed lands in southern Nevada as the Sloan Canyon NCA to preserve and protect the natural and cultural resources located in the southern Mojave Desert. The Sloan Canyon NCA provides outstanding opportunities for visitors who wish to experience the unique scenic and geologic features, remarkable cultural resources, and diverse recreation possibilities within the area.

In addition, the Sloan Canyon NCA includes the Sloan Canyon Petroglyph Site and the North McCullough Wilderness. The Sloan Canyon Petroglyph site is one of the most significant, scenic, and important cultural resources in southern Nevada, containing more than 300 rock art panels and nearly 1,700 designs representing native cultures dating from the Archaic period to the modern era. The 14,763-acre North McCullough Wilderness lies entirely within the Sloan Canyon NCA and contains unique and spectacular natural resources, including thousands of

acres of land that remain in a natural condition. The wilderness is located only a few miles from Las Vegas and the City of Henderson, Nevada, and provides opportunities for solitude and a primitive and unconfined type of recreation in close proximity to two of the busiest and most densely populated cities in the state.

H.R. 6209 would expand the existing NCA by adding over 9,000 acres of BLM-managed public lands. The BLM notes that the majority of the lands identified for inclusion in the NCA are currently being used for dispersed recreation, OHV use, and recreational shooting. The BLM generally supports expanding this NCA but would like to work with the sponsor to ensure use of any lands included would be consistent with the stated purpose of the NCA.

Rights-of-Way

Under FLPMA, the BLM issues ROWs for a variety of uses that are in the public interest. A ROW grant authorizes certain uses of public lands for a specified period appropriate for the life of the project. FLPMA also generally requires the BLM to charge rental fees that reflect the value of the uses authorized by the ROW. Pursuant to the Southern Nevada Public Land Management Act of 1998, upon application, SNWA, defined as a regional governmental entity in that Act, shall be issued a ROW on Federal lands in Clark County, Nevada, that is valid in perpetuity and shall not require the payment of rental or cost recovery fees.

H.R. 6209 would grant a permanent, free ROW to SNWA to construct and maintain an underground water pipeline. The bill would further authorize the Secretary to include reasonable terms and conditions as necessary to protect the resources in the NCA, prohibits construction activities that would permanently adversely affect surface resources, and prohibits locating the ROW in or under any area designated as wilderness. In 2021, BLM rejected a similar ROW request from SNWA for the construction of an underground water pipeline in the Sloan Canyon NCA as inconsistent with the purposes of the NCA as designated by Congress.

The Department appreciates the inclusion of language in the bill that could help reduce impacts from the construction of the water pipeline but is still concerned that the bill's mandate for a permanent ROW could compromise the natural values that the NCA was specifically designated to protect, despite what we understand to be the Sponsor's intent. The permanent ROW granted by the bill is for the underground water pipeline and associated infrastructure, which would involve surface-disturbing activities. In addition, the BLM is concerned that the language in section 3(c) of the bill could be interpreted as allowing for significant expansion and authorization of surface-disturbing activities within the NCA, and notes that this section does not include some of the protective language provided with the authorization of the ROW in section 3(b). The Department would like to work with the Sponsor to clarify their intent as to the provisions in section 3(c) and to ensure that the bill as written does not inadvertently allow for activities beyond the envisioned scope, as the Department remains committed to ensuring the core values and resources identified for protection by the creation of the Sloan Canyon NCA remain protected.

If the bill moves forward, the Department would like to work with the Sponsor to ensure that any ROW issued by the BLM follows the established requirements for ROWs, and that the legislative map referred to in the bill is updated to reflect current utility corridors and related

authorizations in the area and to clarify where the proposed access road ROW will be located. The Department also notes that the one-year timeframe to issue the ROW provided by the bill is insufficient to complete adequate Tribal consultation and environmental analysis.

Federal Minerals

The Materials Act of 1947 authorized the disposal of certain widespread minerals of common occurrence, such as sand and gravel, and made them subject to disposal through sale or permit. The Materials Act established a process to provide the taxpayer with a fair return for those minerals that are disposed of through sale. The BLM shares a portion of the revenues from the sale of mineral materials with the state where the minerals are produced.

H.R. 6209 would allow SNWA to use any displaced sand and gravel resources generated by the tunneling of the water pipeline in the ROW created by the bill without cost. The Department would like to work with the Sponsor on modifications to ensure that taxpayers receive a fair return for the use of mineral materials by the SNWA.

H.R. 6085, Prohibiting Implementation of the Rock Springs RMP Revision

H.R. 6085 would prohibit the Secretary from finalizing, implementing, administering, or enforcing the Draft Rock Springs Resource Management Plan (RMP) Revision and associated Draft Environmental Impact Statement (EIS). The BLM strongly opposes H.R. 6085.

Rock Springs Planning Area & RMP Revision

The BLM manages approximately 3.6 million acres of surface land and 3.7 million acres of mineral estate in the Rock Springs Field Office (RSFO) planning area, which encompasses portions of Lincoln, Sweetwater, Uinta, Sublette, and Fremont counties in southwestern Wyoming. The agency administers various programs within the planning area, including mineral exploration and development, renewable energy, wildlife habitat, outdoor recreation, wild horses, livestock grazing, and historic trails. Resources on lands within the RSFO are currently managed under the 1997 Green River RMP, as amended. In the 26 years since the completion of that plan, new laws have been enacted and there have been considerable changes to development patterns and technology used for the development of oil and gas, renewable energy, coal, and trona resources, which have led to conflicts with other multiple uses. These changes, along with emerging issues and management concerns (*e.g.*, renewable energy and transmission corridors, impacts of other activities on wildlife migration, and increased interest in recreation), have culminated in a years-long effort to revise the outdated existing plan, informed by public input and extensive work with cooperating agencies, including the State of Wyoming and affected counties.

When completed, the Rock Springs RMP Revision will provide an updated, comprehensive, and environmentally sound framework for managing and allocating uses of public lands and resources administered by the RSFO. The revised plan will address the changing needs of the planning area by updating information and revising management goals, objectives, and decisions while ensuring that public lands are managed according to the principles of multiple use and sustained yield. Further, the revised plan will account for valid existing rights and other obligations already established in the area. The revised RMP will address issues that have been

identified through extensive input from other Federal agencies; State, local, and Tribal governments; and members of the public.

The BLM released the Draft RMP Revision and associated Draft EIS (Draft RMP/EIS) for a 90-day public comment period on August 18, 2023, and extended the comment period for an additional 60 days to ensure that the public had ample time for review. The BLM received valuable and specific feedback during the extended comment period and through a series of public meetings. Additionally, on January 10, 2024, the Governor of Wyoming's *Task Force on the Rock Springs RMP* (Task Force) provided a detailed set of recommendations regarding the draft revision. The BLM is carefully reviewing the Task Force's recommendations, as well as other comments received during the public comment period. Once all the comments received are considered, the BLM will prepare the Final EIS and Proposed RMP.

Finally, it is important to note that in developing a proposed land use plan, the BLM may modify the alternatives presented – or may develop a new alternative from within the range of alternatives considered – in the draft plan. In preparing a proposed RMP, the BLM considers public comments on the draft plan and feedback from cooperating agencies. The identification of a preferred alternative in a draft RMP does not constitute a commitment or a decision in principle. It is required in BLM's planning regulations and serves as the most useful starting point from which the BLM could construct the proposed plan. As a result, proposed RMPs may differ significantly from the preferred alternative identified in the draft.

Analysis

H.R. 6085 is contrary to FLPMA, which requires the BLM to “develop, maintain, and, when appropriate, revise” RMPs to manage a wide range of public land resources under the principles of multiple use and sustained yield. RMPs serve as blueprints for keeping public landscapes healthy and productive for current and future generations, and along with planning decisions, they are the basis for every on-the-ground action that the BLM takes. The BLM's RMPs allocate resources and determine appropriate multiple uses for the public lands; provide a strategy to manage and protect resources; and establish systems to monitor and evaluate the health of resources and effectiveness of management practices over time.

As plans are prepared, the BLM invites and values local voices and diverse views; respects the ties that native and traditional communities have to the land; and develops partnerships that lead to successful resource stewardship. As a result, we have a strong history of ensuring opportunities for and the balance of commercial, recreational, and conservation activities on public lands, including in the RSFO. The BLM is committed to achieving the balance between its multiple use and sustained yield mandate and addressing local conditions and concerns through continued collaboration with the public and our many partners. We appreciate the Task Force's recommendations on the Draft RMP Revision and are incorporating them into the plan, where appropriate. If enacted, H.R. 6085 would preclude these efforts and undermine the public's right to provide input on management of public lands.

H.R. 6547, Colorado Energy Prosperity Act

H.R. 6547 would prohibit the Secretary from finalizing, implementing, administering, or enforcing the Draft RMPs and associated Supplemental EIS for the Colorado River Valley Field

(CRVFO) Office and the Grand Junction Field Office (GJFO) in Colorado or any substantially similar documents. The BLM strongly opposes H.R. 6547.

Background

The BLM manages approximately 494,200 surface acres and approximately 695,200 acres of Federal mineral estate in the CRVFO planning area, which includes portions of Eagle, Garfield, Mesa, Pitkin, and Routt Counties. In the GJFO planning area, which includes portions of Garfield, Mesa, Montrose, and Rio Blanco Counties, the BLM manages approximately 1.06 million acres of surface lands and approximately 1.23 million acres of Federal mineral estate. Combined, these planning areas total approximately 1.56 million acres of BLM-managed public lands and approximately 1.92 million acres of Federal mineral estate. Both field offices currently manage resources on lands within their respective planning areas under RMPs approved in 2015.

The BLM is currently preparing a Supplemental EIS to comply with an adverse 2018 Federal District Court ruling and subsequent settlement agreement for litigation of the CRVFO RMP and with a settlement agreement for litigation of subsequent oil and gas leasing in both the CRVFO and GJFO. The BLM is also developing the Supplemental EIS to respond to a court-approved voluntary remand of the GJFO RMP to address the same deficiencies identified by the Court in the 2018 court ruling. The Supplemental EIS, developed with input from the public and cooperating agencies (including the State of Colorado and affected counties), considers an expanded range of alternatives for oil and gas leasing throughout the two field offices and provides additional air quality analysis for the fluid mineral management alternatives considered in the original plans. Decisions in both RMPs unrelated to fluid mineral leasing remain in effect as the BLM prepares the Supplemental EIS. The BLM released the Draft Supplemental EIS for a 90-day public comment period on August 4, 2023. The BLM is currently considering comments received during the public comment period. Once all the comments received are considered, the BLM will prepare the Final Supplemental EIS.

Analysis

As directed by the 2018 Federal court ruling and the court-approved voluntary remand, the BLM must complete the Supplemental EIS to rectify issues with the environmental analysis associated with the 2015 RMPs. Additionally, the BLM committed as part of the settlement agreements to resolve the litigation involving the 2015 RMPs and subsequent oil and gas lease sales to consider new information. The bill, as currently drafted, would not obviate the BLM's need to comply with issues identified in the Federal court ruling, nor would it relieve the BLM from its obligation to meet the commitments outlined in the settlement agreements to resolve that and other litigation. Rather, it would undermine the efforts of the BLM and cooperating agencies, along with the right of the public to provide input on the management of public lands.

H.R. 6547 is also contrary to FLPMA, which requires the BLM to “develop, maintain, and, when appropriate, revise” RMPs to manage public lands under the principles of multiple use and sustained yield. The BLM opposes efforts to limit the agency's ability to allocate resources and determine appropriate multiple uses for public land resources so that they remain available to present and future generations.

Finally, the BLM notes the Records of Decision for the CRVFO and GJFO RMPs were signed in June 2015. All the management decisions and actions outlined in the 2015 RMPs – with the

exception of their oil and gas leasing decisions – are currently in effect. The bill’s language appears to prevent the implementation of any new decisions that would be informed by the Supplemental EIS or substantially similar documents. If enacted, H.R. 6547 would prevent State and local governments and members of the public from providing any input on the management of resources within the CRVFO or GJFO for both current and future planning efforts. The bill would also result in the BLM being unable to implement any oil and gas leasing within either field office going forward.

H.R. 7006, Prohibiting Natural Asset Companies in Utah

H.R. 7006 would prohibit “natural asset companies,” as defined in the Security and Exchange Commission’s (SEC) withdrawn proposed rule regarding the New York Stock Exchange, or substantially similar companies, from entering into any agreement with respect to land in the State of Utah or natural assets on or in such land. The Department was not involved in the withdrawn SEC proposal and defers to the SEC on the potential impacts associated with H.R. 7006.

H.R. 5015, Seedlings for Sustainable Habitat Restoration Act

H.R. 5015 would support USFS ecosystem restoration activities and modify the U.S. Department of Agriculture’s (USDA) Collaborative Forest Landscape Restoration Program to expand opportunities for the collection and maintenance of native seeds. The Department defers to the USDA regarding the potential impacts associated with H.R. 5015.

Conclusion

Thank you again for the opportunity to provide testimony on these bills.