

RESTORING LOCAL INPUT AND ACCESS TO PUBLIC
LANDS ACT OF 2018

DECEMBER 20, 2018.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 6939]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6939) to protect and ensure multiple use and public access to public lands in Wyoming per the request of the respective counties, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 6939 is to protect and ensure multiple use and public access to public lands in Wyoming per the request of the respective counties.

BACKGROUND AND NEED FOR LEGISLATION

The Wilderness Act of 1964 (16 U.S.C. 1131 et seq.) established the National Wilderness Preservation System to maintain some of America's wildest areas for the "use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness."¹ The Act described wilderness lands as areas "where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not

¹ 16 U.S.C. 1131.

remain.”² It required that the Secretaries of Agriculture and Interior review within 10 years most of the public lands under their purview and evaluate “primitive” roadless areas greater than 5,000 acres in size for their wilderness character and prepare suitability recommendations for the President to share with Congress. Under the Act, Congress reserves the sole authority to designate federal lands as wilderness. Generally, the Wilderness Act prohibits commercial activities, motorized uses, and the building of roads, structures and facilities in designated wilderness areas. In general, even though they have not been designated by Congress as part of the National Wilderness Preservation System, lands identified as wilderness study areas (WSAs) are managed as if they were wilderness.

Pursuant to the Wilderness Act, the Bureau of Land Management (BLM) completed its wilderness inventories in Wyoming in 1981³ and made wilderness suitability recommendations in 1984⁴ and 1991.⁵ The Wyoming Wilderness Act of 1984 designated wilderness on U.S. Forest Service (USFS) parcels and released other areas from study. It also established new WSAs on USFS-managed land.⁶ Currently, there are more than 750,000 acres of federally-managed WSAs in Wyoming. In Lincoln, Big Horn, and Sweetwater Counties alone, there are more than 400,000 acres in 21 WSAs.⁷ Without Congressional action, these areas will remain in limbo and will be managed as de facto wilderness, despite agency recommendations that many of the areas be released.

H.R. 6939 intends to release all WSAs in Lincoln, Big Horn, and Sweetwater Counties. If enacted, this bill would release approximately 400,000 acres of BLM and USFS land for broader multiple use, ensuring greater diversity of access to public lands and a wider array of management options available to land managers. This bill would also prohibit any future wilderness designation in Wyoming, unless enacted by law. The bill also directs that any BLM or USFS land in Wyoming inventoried as “Land With Wilderness Characteristics” or that was identified as having wilderness characteristics will no longer be inventoried or identified as such and shall be managed under multiple use and sustained yield mandates. Finally, the bill prohibits BLM and USFS from conducting any new wilderness inventories or identifying land as having wilderness character in Wyoming.

H.R. 6939 is supported by Lincoln, Big Horn, and Sweetwater Counties. It also enjoys support from the following organizations: Wyoming Stock Growers Association, Advocates for Multiple Use of Public Lands, Wyoming Mining Association, Petroleum Association of Wyoming, American Farm Bureau, Sweetwater Snow Pokes Snowmobile and ATV Club, Wyoming State Snowmobile Association, and Teton Freedom Riders.

² Ibid.

³ Bureau of Land Management. *Wyoming Wilderness Study Areas: A Final Inventory Report*. 1981.

⁴ Bureau of Land Management. *Rock Springs District, Wyoming, Wilderness Study Report*. 1984.

⁵ Bureau of Land Management. *Wyoming Statewide Wilderness Study Report: Wilderness Study Area Specific Recommendations*. 1991.

⁶ Public Law 98-550.

⁷ One of the WSAs is managed by the U.S. Forest Service with the remaining 20 managed by the Bureau of Land Management.

COMMITTEE ACTION

H.R. 6939 was introduced on September 27, 2018, by Congresswoman Liz Cheney (R-WY). The bill was referred to the Committee on Natural Resources and within the Committee to the Subcommittee on Federal Lands. On November 15, 2018, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by a roll call vote of 19 yeas and 11 nays as follows:

Committee on Natural Resources
U.S. House of Representatives
115th Congress

Date: 11.15.18 9:30 a.m.

Recorded Vote #:1

Meeting on / Amendment on: FC Markup Favorably Report HR 6939 (Rep. Liz Cheney)

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Bishop, UT, Chairman	X			Mr. Cook, CA	X		
<i>Mr. Grijalva, AZ, Ranking Member</i>		X		<i>Mr. McEachin, VA</i>			
Mr. Young, AK, Chairman Emeritus				Mr. Westerman, AR	X		
<i>Mrs. Napolitano, CA</i>		X		<i>Mr. Brown, MD</i>			
Mr. Gohmert, TX, Vice Chairman	X			Mr. Graves, LA	X		
<i>Ms. Bordallo, Guam</i>		X		<i>Mr. Clay, MO</i>			
Mr. Lamborn, CO	X			Mr. Hice, GA	X		
<i>Mr. Costa, CA</i>				<i>Mr. Gomez, CA</i>		X	
Mr. Wittman, VA				Mrs. Radewagen, AS	X		
<i>Mr. Sablan, CNMI</i>				<i>Ms. Velázquez, NY</i>		X	
Mr. McClintock, CA	X			Mr. Webster, FL	X		
<i>Ms. Tsongas, MA</i>				Mr. Bergman, MI	X		
Mr. Pearce, NM				Ms. Cheney, WY	X		
<i>Mr. Huffman, CA</i>		X		Mr. Johnson, LA	X		
Mr. Thompson, PA	X			Ms. González-Colón, PR			
<i>Mr. Lowenthal, CA</i>		X		Mr. Gianforte, MT	X		
Mr. Gosar, AZ	X			Mr. Curtis, UT	X		
<i>Mr. Beyer, VA</i>		X					
Mr. Labrador, ID							
<i>Mr. Gallego, AZ</i>							
Mr. Tipton, CO	X						
<i>Ms. Hanabusa, HI</i>		X					
Mr. LaMalfa, CA	X						
<i>Ms. Barragán, CA</i>		X					
Mr. Denham, CA							
<i>Mr. Soto, FL</i>		X		TOTAL:	19	11	

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND
CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for the bill from the Director of the Congressional Budget Office.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to protect and ensure multiple use and public access to public lands in Wyoming per the request of the respective counties.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

DISSENTING VIEWS

Despite its name, H.R. 6939 has little to do with restoring access to public lands or listening to local input.

The bill would eliminate all Wilderness Study Areas (WSA) in three Wyoming Counties—effectively rolling back protections for nearly 400,000 acres of public land. A sober minded process for releasing WSAs would typically follow a deliberate process and release some lands to multiple-use management while protecting those most worthy of wilderness designation; however, this bill paints with a broad brush, removing all study areas regardless of their worthiness for protection.

This is especially egregious as Bureau of Land Management (BLM) surveys in the mid-eighties and early-nineties determined that nearly half of the lands H.R. 6939 would release are worthy of wilderness designation. While we understand the bill-sponsor's frustration that Congress has failed to formalize these protections, there is abundant and long-standing evidence that these areas merit increased protection rather than release from further study.

In addition to releasing the WSAs, H.R. 6939 removes protections from approximately 3.3 million acres of US Forest Land managed under the 2001 national roadless rule and an additional 700,000 acres of BLM land managed to maintain wilderness characteristics. The bill also restricts either agency from future inventories to determine the wilderness and conservation value of these lands, shifting all the land covered by the bill to a management framework that would permit oil and gas development, mining, commercial timber operations and other potentially harmful activities. Taken together this would turn back the clock on years of conservation success and potentially decrease access for users like hunters, fishermen, and outdoor enthusiasts, who rely on functional, unimpaired ecosystems.

Furthermore, during the hurried effort to repeal these protections, the bill's sponsor has done little to incorporate local input. Only one of the three counties impacted had even a semblance of a public engagement process, which culminated in a hasty endorsement along a split, 3–2 vote. In this vote, the Chairman of the County Board of Commissioner's voted against the bill, noting in the press that this type of process requires "a lot of public comment to make it right." This bill was clearly rushed through public comment: a haste mirrored in its incorporation into a lame-duck markup without receiving a hearing. That's just one of the reasons why organizations representing public land users across Wyoming—from a group of state legislators to prominent outfitters and guides—oppose H.R. 6939.

While we recognize the important role Congress plays in providing certainty for Federal lands management, this process ought to involve significant public and agency input. We cannot hastily

undo decades worth of work and protection for wilderness-quality lands simply because it is easy. There is a deliberate process for handling Wilderness Study Areas and by following it we can come to a consensus-based bill that meets the needs of all stakeholders.

RAÚL M. GRIJALVA,
*Ranking Member, Committee
on Natural Resources.*

GRACE F. NAPOLITANO.

ALAN LOWENTHAL.

