

Testimony of Pete Obermueller
Executive Director, Wyoming County Commissioners Association
Federal Lands Action Group
Forum on Local Government Solutions
October 26, 2015

Thank you Chairman Stewart, Chairman Bishop, Western Caucus Chairman Lummis, and members of the Federal Lands Action Group. It is my pleasure and honor to be with you here today.

My name is Pete Obermueller, I am the Executive Director of the Wyoming County Commissioners Association. The WCCA represents the Boards of County Commissioners in all 23 of Wyoming's counties, many of which are heavily dominated by federal lands.

From a purely philosophical standpoint, many of Wyoming's Commissioners are sympathetic to calls for the federal government to divest of lands in the West. After all, as this group, the Natural Resource Committee, the Western Caucus and others have already identified, the facts show that often states and local governments are better managers of the resources we care so deeply about in the West. It is frustrating to be charged by your constituents to manage the health and economic welfare of your county, but be stymied by federal agencies that do not always share those values.

When policy-makers ignore or dismiss the frustration simmering among many westerners regarding federal lands management, the frustration doesn't go away, it builds. To avoid the kinds of disruptive activities we've seen in recent years in the West, I believe it is incumbent upon us all to find ways to channel frustration toward meaningful, but also pragmatic ways to increase our ability to make our own decisions about our own counties and communities.

Today I will briefly outline three ways we are attempting to do that in Wyoming, and then suggest three legislative actions this group and Congress could take that will help us toward our goals.

First, and probably most tedious, we work diligently to make full use of the authority already granted to counties in FLPMA and NEPA. FLPMA requires agencies to "coordinate" with counties to the maximum extent possible, and NEPA established the "lead and cooperating" agency process. We have found that coordination and cooperating agency status are simultaneously misunderstood and underutilized tools in the West.

On the one hand, some believe, and pedal high-priced consulting services based on that belief, that these tools give counties equal footing with the federal government. The truth is that while never giving counties veto authority or complete equal footing with the federal government, these tools are nonetheless a specific authority granted to counties in federal law to participate in the federal land use decision-making process. I promise you the various advocacy groups would love to have that authority.

On the other hand, some in the federal agencies believe that cooperating and coordinating is merely a box to check, not a process to be taken seriously. This is wrong as well. Understanding the role of cooperating agencies and the duties of coordination is a federal obligation that is all too often diminished or outright ignored.

We spend a great deal of time ensuring that our Commissioners are prepared for their role and can offer meaningful input based on credible, defensible data, not anecdotes. We often say about this authority that it is one thing to be given a seat at the table; it's another thing to belong there. Belonging takes both a commitment to the tough slog of wading through mind-numbing environmental documents and years long meetings. It also requires a substantial amount of resources to collect data and compile legal and regulatory comments. These efforts have paid dividends, as we have been able to influence final decisions in ways not possible without this constructive engagement.

The State of Wyoming has helped us by setting up an account specifically dedicated for counties to help build local capacity to take part in federal land use and environmental planning. Wyoming's Federal Natural Resource Policy Account is a model that could be deployed in other states to assist their county officials in taking full advantage of their authority.

In addition to the never-ending, and sometimes soul-crushing effort of FLPMA and NEPA engagement, Commissioners in Wyoming are also working on two efforts to shift decision-making back to the state and local level: one administrative, the other legislative.

The first, initiated by Commissioners after a brainstorming session with Representative Lummis, is an attempt to identify targeted pilot projects where the state and the county could take management responsibility with the cooperation of the BLM or Forest Service. This is not a transfer of ownership, or a way for the federal agencies to get out of their funding obligations. Rather it is an attempt to recognize where the specific expertise of state and local officials could improve the management of certain areas – from recreation to agriculture and wildlife management to oil and gas permitting and inspections – for the benefit of all public lands users.

The second effort is focused on making long-term, locally driven decisions about Wyoming's Wilderness Study Areas. Wyoming is home to 45 Wilderness Study Areas that encompass well over 600,000 acres. These temporary designations have been managed as *de facto* wilderness for decades awaiting congressional action on a final determination.

In the coming weeks we plan to launch the Wyoming Public Lands Initiative. Using the philosophical framework of Chairman Bishop's highly collaborative Utah Public Lands Initiative, we are hopeful that we can decide for ourselves in Wyoming how best to treat these areas and advance to you in Congress a broadly supported, Wyoming-specific lands package, the first of its kind since the Wyoming Wilderness Act of 1984.

Which brings me to the three suggestions for members of this group to help us advance the three efforts I mentioned. As it relates to our work as cooperating agencies, Congress should help to minimize incentives for litigation that too easily overturn the hard work of planning, and shift decision-making out of the public realm and into the private confines of a courtroom. It is

difficult enough to convince Commissioners to remain engaged on these issues in light of the misunderstandings I mentioned, but if they know that all of their work and even compromises are jeopardized by litigious organizations masquerading as environmental stewards, it becomes impossible. Litigation should be the last resort, not the goal.

Second, Wyoming is exempt from the Antiquities Act. So while we do not need Congress to focus on this in our case, I am convinced that we in Wyoming are freer to undergo locally supported efforts like the WPLI without the sword of monument designations hanging over our heads. Quite simply, we in Wyoming begin with a stronger negotiating position than our counterparts in other states. As a result, those who support more restrictive land designations like wilderness have a greater incentive to collaborate. Every county in the West should be in the same position as we are.

Finally, the types of solutions we are contemplating under the pilot project idea will need resources to complete and adequately manage. Wyoming's State Parks Division does amazing work in coordination with counties using the tiny amount of money they receive under the state grant portion of the Land and Water Conservation Fund. Imagine the kind of locally driven projects that could occur if states had equal footing with federal land acquisition programs in the LWCF program. As you work to reauthorize LWCF, we urge you to resist calls to do so with no changes and instead craft a program like that suggested by the National Governors Association to focus a much greater share toward states programs.

Thank you again for the opportunity to speak with you today. We are grateful for this group's attention to public lands issues.