

**Written Testimony of Jack Waldorf, Executive Director
Western Governors' Association**

**Submitted to the United States Senate
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
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Fiscal Year 2024 Appropriations

Chair Merkley, Ranking Member Murkowski, and Members of the Subcommittee, the Western Governors' Association (WGA) appreciates the opportunity to provide written testimony on the appropriations and activities of the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), U.S. Forest Service (USFS) and Environmental Protection Agency (EPA). WGA is an independent organization representing the Governors of the 22 westernmost states and territories. The Association is an instrument of the Governors for bipartisan policy development, information sharing and collective action on issues of critical importance to the western United States.

The agencies within the Subcommittee's jurisdiction wield significant influence over vast areas of the American West. Ninety-four percent of all federal lands are located in the western states, and the federal government owns over 46 percent of the land within active WGA states. The work of this Subcommittee is of vital importance to Western Governors, as it affects public lands management and federal agency interaction with other levels of government and the public.

There is a natural tension between state and federal governments that is embedded in the fabric of the U.S. Constitution. These sovereign governments must have a close and productive working relationship to promote efficiency and maximize returns on taxpayer investments. Improving the partnership between states and the federal government is central to the mission of WGA and is reflected in WGA Policy Resolution 2021-01, Strengthening the State-Federal Relationship.

In last year's House committee report accompanying the Interior, Environment, and Related Agencies Fiscal Year (FY) 2023 appropriations bill (H. Rpt. 117-400), the federal agencies funded by the Interior bill were directed to provide appropriate feedback and decision rationale related to tribal input received by agencies through meaningful consultation in their decision-making processes. Similar direction to federal agencies for government-to-government consultation with states, which is required pursuant to Executive Order 13132, Federalism, would improve the co-sovereign relationship between states and the federal government.

Federal agencies should provide state, territorial, local, and tribal government officials with accessible and clear information on available federal resources and programs and the most effective utilization of those resources in disaster recovery. WGA has worked with federal partners to improve interagency coordination on post-wildfire restoration work, including a roadmap of assistance available to communities affected by wildfire and identification of "navigators" to help communities prioritize post-wildfire restoration needs. Western Governors

urge the federal government to prioritize the funding of these important needs, as they should have a positive effect on maximizing the value of restoration work and, more importantly, addressing the needs of communities affected by wildfire.

Reducing wildfire risk also requires conducting active forest management at an unprecedented pace and scale. This, in turn, relies on a handful of enabling factors including a qualified land management workforce and infrastructure to transport and capitalize on the value of extracted biomass. Western Governors support certain findings within the USFS' 2022 Wildfire Crisis Strategy Roundtables Synthesis Report, including that subsidies are needed along with 10- to 20-year agreements for forest products in order to expand existing forest product infrastructure and markets. Western Governors laud the USFS' investments in forest health as part of their ten-year strategy to confront the wildfire crisis, and request continued funding for all aspects of wildfire risk reduction.

Responsible land management can only occur when federal, state and local stakeholders collaborate to improve the health and resilience of our lands. Likewise, proactive fish and wildlife conservation is most effective when leveraging the cooperative efforts of state and federal officials across multiple disciplines. To this end, Western Governors support funding for reasonable proactive management efforts to conserve species, including engaging stakeholders to implement early, voluntary conservation measures. WGA also believes federal agencies should explore expanded use of detail positions and shared staff between state and federal agencies to increase interagency coordination.

States possess primary management authority over fish and wildlife within their borders, and they receive economic benefits associated with healthy species and ecosystems. At the same time, species listings can dramatically affect the efforts of western states to promote economic development, accommodate population growth, and maintain and expand infrastructure. Western Governors believe that states should be full partners in listing, critical habitat designations, recovery planning, recovery efforts, and delisting decisions. State agencies often have the best available science, expertise and other scientific and institutional resources such as mapping capabilities, biological inventories, biological management goals, state wildlife action plans and other important data. All listing, recovery and delisting decisions made by the federal government should recognize, consult, and employ these vast state resources and utilize objective, peer-reviewed scientific literature and scientific observations.

Fish and wildlife migration corridors and habitat are necessary to maintain healthy populations of species in the West. Western Governors applaud the past funding for federal agencies to advance state-supported programs and projects promoting voluntary migration corridor and habitat conservation and request that the Subcommittee continue to appropriate these funds. Western Governors note that any federal efforts to identify, regulate or conserve wildlife migration corridors through administrative or legislative action must involve coordination and consultation with states and should advance collaborative, locally driven initiatives to conserve key wildlife corridors and habitat.

WGA applauds the full funding for the Payment in Lieu of Taxes (PILT) program administered by the Department of the Interior for FY23 and recommends the enactment of a

permanent and stable funding mechanism for the program. PILT funding does not represent a gift to local jurisdictions; rather, it provides important compensation for the presence of non-taxable federal lands in the West. Similarly, payments under the Secure Rural Schools and Community Self-Determination Act (SRS) compensate communities whose timber industries have been negatively affected by actions and acquisitions of the federal government. Western Governors request that the Subcommittee continue to appropriate full funding annually for both PILT and SRS in the future.

Western Governors continue to be concerned about the number of wild horses and burros on BLM lands. This number is presently estimated to be more than triple the current Appropriate Management Level (AML). Overpopulation has resulted in the degradation of rangeland, negatively affecting wildlife and domestic livestock as well as the habitat of threatened and endangered species. WGA supports a process to establish, monitor and adjust AMLs for wild horses and burros that is transparent to stakeholders, supported by scientific information (including state data), and amenable to adaptation with new information and environmental and social change. Western Governors recognize BLM's 2019 Path Forward for Management of BLM's Wild Horses and Burros and 2020 Analysis of Achieving a Sustainable Wild Horse and Burro Program as examples of sensible alternatives to current wild horse and burro management practices. Western Governors encourage the Subcommittee to continue funding BLM's implementation of the recommendations contained in these proposals.

WGA remains concerned about the spread of invasive quagga and zebra mussels in the West, which continue to be a major threat to western water resources. Western Governors commend the inclusion of additional funding to address this ongoing threat in the FY23 Consolidated Appropriations Act and Inflation Reduction Act. Western Governors request that the BLM, FWS and NPS continue to be provided with the resources necessary to implement mandatory inspection of all high-risk watercraft and decontamination of watercraft infested with quagga and zebra mussels leaving waterbodies under their jurisdiction. Relevant to this matter, Western Governors acknowledge the addition of the BLM and NPS to the Aquatic Nuisance Species Task Force (ANSTF), and support funding to enable the ANSTF to carry out the report required in Sec. 11327 of H.R. 7776, the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Pub. L. 117-263). That report seeks to clarify federal authority to manage and control aquatic invasive species on lands and waters under their jurisdiction.

Western Governors applaud NPS for its efforts to preserve iconic landscapes, habitats and cultural resources. Western Governors are concerned, however, about the significant maintenance backlog affecting National Parks. Western Governors appreciate the funding authorized by the Great American Outdoors Act for priority deferred maintenance projects administered by federal land management agencies and support ongoing NPS operations to address critical infrastructure needs and restore staff capacity.

Data for water management and drought response planning is critical to western states. Western Governors appreciate the increased FY23 funding for the Groundwater and Streamflow Information Program administered by the U.S. Geological Survey and request continued funding for the program. The data generated by the program is integral to water supply management

decisions of states, utilities, reservoir operators, and farmers. It is also essential for risk management, disaster mitigation, and drought and flood forecasting throughout the West.

Infrastructure management is another crucial element of drought response, and federal investments in our nation's aging water and wastewater facilities are essential to our nation's continued economic prosperity and environmental protection. EPA's Clean Water and Drinking Water State Revolving Funds (SRFs) provide necessary support for communities to maintain and enhance their water infrastructure. Western Governors' Policy Resolution 2021-10, Water Quality in the West, encourages adequate funding for SRFs. Western Governors appreciate the SRF appropriations and authorizations included in the Infrastructure Investment and Jobs Act and FY23 Consolidated Appropriations Act, and encourage the Subcommittee to continue supporting these programs. Western Governors similarly support the funding of federal programs that promote non-federal water infrastructure investment, such as the Water Infrastructure Finance Innovation Act program. This important program provides flexible long-term, low-cost supplemental credit assistance for projects of national and regional significance.

States have exclusive authority over the allocation and administration of rights to groundwater located within their borders and are primarily responsible for protecting, managing, and otherwise controlling the resource. The regulatory reach of the federal government was not intended to, and should not, be applied to the management and control of groundwater resources. Western Governors encourage Congress to include express and unambiguous language protecting states' authority over groundwater resources in any water-related legislation, as well as clear direction to administrative agencies to respect such authority. Federal agencies should also work within existing state authorities to address their groundwater-related needs and concerns. Western Governors urge the Subcommittee to ensure that federal efforts involving groundwater recognize and respect state primacy and comply with all statutory authorities.

States also possess delegated authority from EPA to manage air quality within their borders. Congress and EPA should recognize state authority under the Clean Air Act (CAA) and accord states sufficient flexibility to create air quality and emissions programs tailored to individual state needs, industries and economies. State CAA programs require financial support from Congress, yet funding has declined since the CAA's enactment. In addition, given the unique character of the West and the region's attainment challenges, funding should be appropriated for EPA to assist western states in research on background, interstate, and transported ozone. This is especially important as smoke from an increasing number of wildfires causes air qualities to exceed the National Ambient Air Quality Standards for particulate matter and ozone, affecting public health, safety, and transportation. Western Governors' support full and consistent funding for federal and state land managers for prescribed fires when weather and site conditions are appropriate and public health is protected.

Western Governors and federal land management agencies deal with a complex web of interrelated natural resource issues. It is an enormous challenge to judiciously balance competing needs in this environment, and Western Governors appreciate the difficulty of the decisions this Subcommittee must make. The foregoing recommendations are offered in a spirit of cooperation and respect, and WGA is prepared to assist the Subcommittee in discharging these critical and challenging responsibilities.