

**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
April 22, 2024**

Fiscal Year 2025 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), the Environmental Protection Agency (EPA), and the Bureau of Indian Affairs (BIA). 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 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 WGA states and territories. This Subcommittee's work is vitally important 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 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 territories and the federal government is central to WGA's mission and is reflected in WGA Policy Resolution 2024-01, Strengthening the State-Federal Relationship.

Western Governors were encouraged by past Committee report language directing federal agencies to provide appropriate feedback and decision rationale related to tribal input received via meaningful consultation in their decision-making processes. Similar direction to federal agencies for government-to-government consultation with states and territories, which is required pursuant to Executive Order 13132, Federalism, would improve the co-sovereign relationship between states, territories, 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 realize the value of extracted biomass. Western Governors support many of the recommendations in the Wildland Fire Mitigation and Management Commission's final report. The Commission called upon Congress to provide funding for federal public health agencies to address smoke-related impacts of wildland fire, and the Commission also supported the creation of incentives for state, local, and tribal governments to invest in the development of fire- and smoke-adapted communities. Western Governors appreciate Congress' increased attention to the issue as demonstrated in recent years' appropriation acts. Western Governors also appreciate USFS's investments in forest health as part of its ten-year strategy to confront the wildfire crisis, and request continued funding for 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, territorial 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 revised Government Schedule criteria and use detail positions and shared staff between nongovernmental partners, and 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, and federal agencies should utilize state expertise and resources whenever possible. All listing, recovery, and delisting decisions made by the federal government should 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. The 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 voluntary, incentive-based, and locally driven initiatives to conserve key wildlife corridors and habitat.

Western Governors encourage the Subcommittee to include full funding for the Payment in Lieu of Taxes (PILT) program administered by the Department of the Interior, and include language that addresses 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 now and in the future.

Western Governors support NPS in its efforts to preserve iconic landscapes, habitats and cultural resources. Western Governors are concerned, however, about the significant maintenance backlog affecting National Parks, especially in the context of increasing visitation rates. Western Governors appreciate recent investments in maintenance for national park infrastructure and additional actions that prevent future backlogs. Similarly, Western Governors urge Congress to extend funding for the National Parks and Public Land Legacy Restoration Fund beyond 2025 and examine longer term solutions to the deferred maintenance backlog.

The Infrastructure Investment and Jobs Act (Pub. L. 117-58) has been a significant piece of legislation for western states; however, certain provisions remain unfunded. Western Governors specifically note that Section 40704 authorized an abandoned hardrock mine reclamation program. The Governors were encouraged by the \$5 million appropriation for the program in the Consolidated Appropriations Act of 2022 (Pub. L 117-103), but more substantial investment is required to address the tens of thousands of abandoned hardrock mines that pose physical and environmental hazards to communities and ecosystems across the West. Western Governors encourage the Subcommittee to ensure federal land management agencies receive adequate funding for staffing so that environmental reviews and permitting for abandoned mine projects on federal public lands can be completed in a timely manner.

Data for water management and drought response planning is critical to western states. Western Governors stress the importance of funding for the Groundwater and Streamflow Information Program administered by the U.S. Geological Survey and request continued funding for the program at or above the FY23 level. 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 water resource management, 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. WGA Policy Resolution 2021-10, Water Quality in the West, encourages adequate funding for SRFs. Western Governors appreciate the

SRF provisions included in the Infrastructure Investment and Jobs Act and previous years' appropriations acts, and encourage the Subcommittee to continue supporting these programs. Western Governors also 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 quality 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 to conduct prescribed fires and smoke management in order to protect public health alongside forest health.

The Missing and Murdered Indigenous Persons (MMIP) crisis continues to affect communities across the West. Sufficient tribal and BIA law enforcement personnel ensure timely responses and adequate resources for MMIP cases, while victim support services provide crucial assistance to survivors and their families. Western Governors support funding to increase the number of tribal officers and victim services advocates, as well as the pace of hiring officers.

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.