

Statement of
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Before the
Subcommittee on Federal Lands
Committee on Natural Resources
United States House of Representatives
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Chairman McClintock, Ranking Member Tsongas and members of the Subcommittee, thank you for the opportunity to testify today on the Locally-elected Officials Cooperating with Agencies in Land (LOCAL) Management Act of 2016, proposed legislation to improve coordination and cooperation between federal land managers and local governments.

My name is Commissioner Jerrie Tipton. I am the Chairman of the Mineral County, Nevada, Board of Commissioners and an active member of the National Association of Counties' Public Lands Steering Committee and Rural Action Caucus. Mineral County is located in Western Nevada, approximately 300 miles north-west of Las Vegas. We have a population of 4,478 residents and a land area of just over 2.4 million acres. Of those 2.4 million acres, the Bureau of Land Management (BLM) manages nearly 1.6 million acres of our land. Another nearly 400,000 acres is managed by the U.S. Forest Service (USFS) – in total, over 2 million acres of our county's land area is managed by BLM and USFS. In addition, the federal government holds over 170,000 acres of my county as a military reserve and more than 330,000 acres in trust as Indian lands. To put that in perspective, the BLM and Forest Service together manage an area of our county more than two times the size of Rhode Island. All totaled, our federal lands are as large as Rhode Island and Delaware combined.

My husband and I have livestock grazing permits on BLM lands administered by the Carson City, Nevada District Office. We also have a business that supports exploration drilling in our region of Nevada, most of which is done on BLM or USFS administered land. Over the past 26 years, we have worked to achieve some amazing reclamation results on mine waste land and leach pads in Nevada and Arizona.

As a county commissioner in a public lands county and as someone whose family makes their livelihood working our western lands, I know firsthand how important it is for federal land managers to work with local communities. Public lands counties provide essential law enforcement, search and rescue, public health and many more services on public lands. Our citizens travel on roads across federal land to get to work every day and many families make their living working the lands. Those that live, work and raise their families in my community know that we are all linked to the land. When management decisions are handed down from offices in Washington, DC, they impact more than just the federal lands, they impact our community's economy and way of life.

County commissioners can be invaluable allies to federal land managers, providing a real-time, on the ground perspective that can help to avoid many of the pitfalls caused by distant land management decisions made in far-off offices. Local governments are at the forefront of protecting both our citizens and the environment. As my colleague, Sublette County, Wyoming, Commissioner Joel Bousman, testified last week before the House Oversight and Government Reform Interior Subcommittee,

“Federal and even state agencies can sometimes be hindered by the narrow focus of their particular agency mission. Industry and non-governmental organization (NGO) stakeholders take a narrow view. But by the very nature of the charge of the office, a county commissioner must take into account the health and welfare of their entire county: its people, land, water and wildlife.” As a partner with federal and state land managers in this pursuit, counties want practical federal policy that work at the local level of government.

The LOCAL Management Act of 2016 includes several common sense provisions that, if enacted, can help to create stronger lines of communication between local governments and federal land managers, provide opportunities for cooperation between the federal government and local communities and ensure local government involvement in federal decision making by:

- Greater levels of cooperation and keeping land managers in communities builds accountability;
- Land managers should regularly attend local government meetings and engage their communities; and
- The economic impacts of federal land acquisition must be studied and local governments must be consulted

Greater levels of cooperation and keeping land managers in their communities builds accountability

First and foremost, this bill creates accountability. In my experience, the public lands communities that accomplish the most and conflict the least with their federal partners are the ones that foster an open, collaborative and accountable dialogue between land managers and their commissioners. When county commissions, and the public, are regularly updated on land management activities and provided an opportunity to engage in dialogue with federal officials, areas of cooperation can be identified and problems can be solved collaboratively without the need for litigation.

Land management decisions must balance many ecological, economic, historical and cultural factors and, in my experience, the management decisions that strike the best balance are those made by land managers with a deep understanding of the landscape and local community. This understanding can only be built over time by being “on the land” and building trust within a community.

I know firsthand the benefits of collaboration and consensus building. In 1988, my family had livestock permits on both USFS and BLM lands near Austin, Nevada in Lander County.

In 1989, we began to manage public and private lands in Lander County using a new concept, adopting holistic management principles on all the lands on which we had livestock. We formed a management team that included federal agency personnel, local mine management, the Nevada Department of Wildlife, individuals representing various environmental groups, local townfolk, representatives from various universities and neighboring livestock permit holders that wanted to participate. We began to make management decisions collaboratively, with all members of the team having an equal say in how the land was to be managed, regardless of ownership. We managed on an allotment wide, watershed basis, including private land holdings.

Each team member was accountable to the rest of the team and we all took responsibility for actions taken and decisions we, as a team, made. Within three years the land began to respond in a positive way with increased water flows in the streams and greatly enhanced wildlife habitat and forage. By working together, our team was able to build an extremely high level of trust that allowed us to

collectively improve our landscape. However, trust and teamwork are “living” entities that must be continually fed by all participants.

This brings me to the second part of the story and another item the bill gets right: In order to build consensus and foster collaboration, land managers must be in place long enough not only to develop a plan but also implement it.

Five years into the process, the Nevada USFS office received some complaints about a few of the decisions our team had made. Although the District Ranger Office was very pleased with our “people and land” based decisions and the results we were achieving, the State Office determined that our collaborative had to be stopped. As a result, the collaborative “folded our tent” moved on to other pastures and took the positive progress we had made with us.

We moved our livestock operation to the winter country near Mina, Nevada. At the same time, we began to work with officials from the Carson City BLM office to craft an Environmental Assessment (EA) to restore rangeland and watersheds in the Carson City District using the same holistic principles.

While the EA was being developed, our collaborative was implementing our consensus-driven management actions using livestock and equipment on the winter allotment and on an adjacent allotment. Once again, we continued to achieve positive results, reducing bare ground, increasing vegetation growth and improving wildlife habitat on as little as 3.5 inches of moisture in the low country and 7 inches of moisture in the high country annually. As a result of our consensus-driven active management of the vegetation and soil, we began seeing more water flowing from the land’s natural springs longer into the year – a win-win for the landscape and those of us who work it.

Eventually, the EA in support of our consensus-driven restoration approach was signed. Although we looked forward to many years of collaboration, unfortunately, due to staff turnover, retirements and transfers, we lost many of our BLM team members. The new officials coming in to fill the vacant positions had no desire to continue as a part of our collaborative and we were informed that the EA was being revoked. In short, due to staff turnover and institutional inertia, our consensus-driven collaborative approach to land management was shot down in favor of a return to business as usual.

For the past 28 years of my private life in Nevada, I have dealt with both USFS and BLM offices in pursuing our business goals. I have had very productive relationships with federal land management agencies and very confrontational relationships at times. Through it all, I know one thing to be true: When people and interests come together and work to identify their commonalities before they begin to fight about their differences, when trust and communication are the driving forces in management decisions, and when responsibility and accountability for actions by the land user and local management team are fostered and encouraged, there is far less conflict between parties.

Ensuring land managers remain at their duty station for a minimum of three years will give federal employees the time they need to truly understand the land, join the community and understand the needs of the region. Perhaps more importantly, becoming part of the community will enable land managers to build the kinds of relationships that can only be built over time and that are so crucial to successful collaboration.

Land managers should regularly attend local government meetings and engage their communities

This bill builds on, and strengthens, existing authorities that give county governments a seat at the table in land management decisions as cooperating agencies. As co-regulators and intergovernmental partners in land management, counties have a significant interest in engaging with land managers to provide local information and analysis to help craft land management decisions. National Environmental Policy Act (NEPA) regulations allow federal agencies to invite tribal, state and local governments to serve as cooperating agencies in the preparation of an environmental impact statement (EIS). Engaging as a cooperating agency allows county governments to be more than just another member of the “public”; it means a seat at the table and an opportunity to help shape a management decision as one of the decision makers.

In many cases, the onus is on the county to identify federal actions that may impact them and take all the steps necessary to initiate a cooperating agency agreement. Unfortunately, local staffing and budgetary realities mean it is simply unrealistic for the federal government to expect county governments to sift through hundreds of pages of federal publications every day and identify each agency action that may impact them. The LOCAL Management Act offers a common sense solution to this problem by requiring land managers to notify in writing local communities that could be impacted by agency actions and offer them a seat at the table as a cooperating agency.

I have been a county commissioner for more than nine years. When I was first elected, Mineral County’s relationship with the BLM and USFS was almost non-existent. Of our county’s federal land, a portion is administered by the Inyo National Forest in Bishop, California, a portion is administered by the Humboldt-Toiyabe National Forest in Bridgeport, California and the remainder is BLM land administered by the Stillwater Field Office, Carson City District. I don’t know why there was such weak relationship between these offices and our county when I was elected. But sometimes I wonder if, because of the distance between us, federal officials at the time never thought to make the drive and meet our county commissioners face to face.

About a year after I was elected it was discovered that the Inyo National Forest was in the final stages of preparing a Travel Management Plan in our county. Unfortunately, due to the lack of communication resulting from our poor relationship, Mineral County had not been notified the exercise was occurring and we missed our opportunity to engage as a cooperating agency.

To ensure what happened then doesn’t happen again, over the last four or five years our county has held regular meetings with USFS personnel from both forests. Our area manager for BLM’s Stillwater Field Office now appears regularly at Mineral County commissioner meetings to report on what BLM is doing in the county. This change in relationship occurred because my fellow commissioners and I insisted that Mineral County become active as a cooperating agency with those entities. While we certainly value the outreach that is occurring now, I believe the outreach should have occurred long ago as a regular part of the federal government’s engagement with its intergovernmental partners.

Although we as a county are sometimes concerned that local government input is given the same weight as that of NGOs, Mineral County is engaged as a cooperating agency with the Carson City District of the BLM’s Resource Management Plan amendments. As a cooperating agency, the county has the opportunity to engage in the planning process and the ability to provide information directly to the agency on how the county would like the lands within our borders managed.

Federal agencies engaging in cooperative dialogue with local communities is just common sense. Unfortunately, the current practice is to make this kind of engagement a discretionary activity for the

agencies. The sad fact is many federal officials simply choose not to engage. This is one problem the LOCAL Management Act helps to solve. This bill makes it clear that engaging, becoming a part of a community and consulting with those that are directly impacted by federal land management decisions is not going the extra mile, it is the bare minimum the federal government can do.

The economic impacts of federal land acquisition must be studied and local governments must be consulted

Finally, the discussion draft of the LOCAL Management Act before the committee today takes a positive step toward assessing the true costs of federal land acquisition, not just for the federal government but also for the impacted counties in which the land is located. Sixty-two percent of counties nationwide have federal land within their boundaries and in each case those county governments provide important local services to federal public lands visitors and federal employees every day. However, once the federal government acquires land it is removed from county tax rolls and no longer subject to local property taxes. The loss of revenue greatly impacts local schools, roads, hospitals, fire and public safety services. In Mineral County, just 3.4% of our county is privately held and over half of the private land has no taxable infrastructure associated with it. Any loss of private land in my county can have devastating impacts on both the mandatory and non-mandatory services our county provides.

Although the federal government has traditionally provided some relief for this lost revenue through the Payments in Lieu of Taxes (PILT) program, PILT often reimburses at a rate well below the land's taxable value per acre. For example, Mineral County receives \$0.36 cents per acre from the PILT program, far less than the \$3.84 per acre we receive in local property taxes for similar land. In addition, in recent years the fate of the PILT program has been uncertain. The lack of long-term, predictable and full funding for the program has a significant impact on the budgets of public lands counties across the nation.

Requiring consultation with impacted communities and studying the economic costs of federal land acquisition will help to ensure impacted local communities and the federal government know the true costs of land acquisition from all angles before land is bought and paid for.

In a county where 96.4% of our land base is administered by the Federal government in one form or another, one thing is clear: our county government must have more than a "nodding acquaintance" with our federal partners. The same is true in so many public lands counties across the nation.

I hope that today's discussion will promote not just an exchange of information between federal agencies and local elected governments but also a true ongoing and collaborative working relationship.

The discussion draft before this subcommittee today takes positive steps to improve communication and cooperation between local governments and federal land managers. Ultimately, local governments are among those who know best how to balance local conservation and community needs. By ensuring local governments have a seat at the table and are active partners with federal land managers, we can all work together to ensure the health of our lands and our communities for generations to come.