

**NO MORE STANDOFFS: PROTECTING FEDERAL
EMPLOYEES AND ENDING THE CULTURE OF ANTI-
GOVERNMENT ATTACKS AND ABUSE**

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS,
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SIXTEENTH CONGRESS

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**OVERSIGHT HEARING ON NO MORE
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**Tuesday, October 22, 2019
U.S. House of Representatives
Subcommittee on National Parks, Forests, and Public Lands
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 2 p.m., in room 1324, Longworth House Office Building, Hon. Debra A. Haaland [Chairwoman of the Subcommittee] presiding.

Present: Representatives Haaland, Lowenthal, Tonko, Grijalva; Webster, and Curtis.

Ms. HAALAND. The Subcommittee on National Parks, Forests, and Public Lands will now come to order. The Subcommittee is meeting today to hear testimony on anti-public lands extremism.

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chair and the Ranking Minority Member. Therefore, I ask unanimous consent that all other Members' opening statements be made part of the hearing record, if they are submitted to the Clerk by 5 p.m. today.

Hearing no objection, so ordered.

STATEMENT OF THE HON. DEBRA A. HAALAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW MEXICO

Ms. HAALAND. Thank you all for being here today for the Subcommittee on National Parks, Forests, and Public Lands hearing on combating anti-public lands extremism.

We are here today, in part, to review the results of a recent Government Accountability Office report detailing the impacts of anti-government extremism on public land managers and Federal facilities. As we will hear, that report found some shocking details about the threats these Federal employees face just doing their jobs.

Federal land managers and law enforcement personnel have been followed around in stores, had their homes staked out, and have even faced attempted murder at the hands of those who promote anti-government ideologies. I hope that we can all agree that this is unacceptable. These people are hardworking public servants employed by the Federal Government. No one should face fear and harassment in their place of work or in their communities.

I also think it is important that we keep the larger context of these incidents in mind, because these extremist ideologies do not develop in a vacuum. Anti-government rhetoric more frequently being adopted by officials in positions of power is being used as a weapon against our public lands and the public servants who

manage them. Attempts to push this ideology into the political mainstream has a very real impact on people's lives.

As GAO found, "Some field unit employees said that in certain circumstances, they consider receiving threats a normal part of their job. . . . Officials described being threatened while off duty, such as being harassed in local stores or being monitored at their home, which officials said in some cases they did not report because it was a common occurrence."

If we could turn to the screen, we will see a handful of statements public officials have made in recent years.

[Slide.]

Ms. HAALAND. "What Senator [Harry] Reid may call domestic terrorists, I call Patriots," former Senator Dean Heller of Nevada on the 2014 armed Bundy militia standoff in Bunkerville, Nevada.

"The BLM has become a bureaucratic agency of—basically—terrorism. So, at what point do we band together as elected officials and say, 'Enough is enough of the BLM?'" And that was from State Representative Michele Fiore of Nevada.

"The federal government, the BLM, the Forest Service, the FBI, the DEA, any of those guys, they're not elected. Those other entities, they answer to me." Beaver County (Utah) Sheriff Cameron Noel.

"You, the people of Nevada, not Washington bureaucrats, should be in charge of your own land. I will fight day and night to return full control of Nevada's lands to its rightful owners. Its citizens." And that was from Senator Ted Cruz of Texas.

This rhetoric often turns into violence. In 2012, Utah Governor Gary Herbert signed the Utah Transfer of Public Lands Act, which required Federal agencies to cede ownership of most Federal land to state control after 2014.

A researcher at the University of California, San Diego found that in the year after Utah and other western state legislatures made their land transfer demands, those states saw a nearly 11 percent increase in violence directed at Federal public lands employees.

In that context, it is particularly disappointing to see my Republican colleagues invite a witness today with little experience on the issues we are here to discuss, and who has written favorably about giving away Federal land to state and private control.

Former BLM Director, Bob Abbey, said in 2014, "The political rhetoric today does lead to animosity and increased tension, and there is a belief because of that rhetoric that it is OK to do certain things outside the law, and some people believe that they are going to get away with it."

Today, I hope we can examine this rhetoric and the danger it creates, so that we can consider how to protect public employees, promote collaboration, and end the culture of threats and violence.

[The prepared statement of Ms. Haaland follows:]

PREPARED STATEMENT OF THE HON. DEBRA A. HAALAND, CHAIR, SUBCOMMITTEE ON
NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

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We're here today, in part, to review the results of a recent Government Accountability Office report detailing the impacts of anti-government extremism on public land managers and Federal facilities. As we'll hear, that report found some shocking details about the threats these Federal employees face just for doing their jobs.

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As GAO found, "Some field unit employees said that in certain circumstances, they consider receiving threats a normal part of their job . . . Officials described being threatened while off-duty, such as by being harassed in local stores or being monitored at their home, which officials said in some cases they did not report because it was a common occurrence."

If we could turn to the screen, we'll see a handful of statements public officials have made in recent years:

- "What Senator [Harry] Reid may call domestic terrorists, I call Patriots."—Former U.S. Senator Dean Heller (R-Nev.), on the 2014 armed Bundy militia standoff in Bunkerville, Nevada.
- "The BLM has become a bureaucratic agency of—basically—terrorism. So, at what point do we band together as elected officials, and say, 'Enough is enough of the BLM?'"—State Representative Michele Fiore (R-Nev.).
- "The federal government, the BLM, the Forest Service, the FBI, the DEA, any of those guys, they're not elected. Those other entities, they answer to me."—Beaver County (Utah) Sheriff Cameron Noel.
- "You, the people of Nevada, not Washington bureaucrats, should be in charge of your own land . . . I will fight day and night to return full control of Nevada's lands to its rightful owners. Its citizens."—U.S. Senator Ted Cruz (R-Texas).

This rhetoric often turns into violence. In 2012, Utah Gov. Gary Herbert signed the Utah Transfer of Public Lands Act, which "required" Federal agencies to cede ownership of most Federal land to state control after 2014.

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Today, I hope we can examine this rhetoric and the danger it creates, so that we can consider how to protect public employees, promote collaboration, and end the culture of threats and violence.

Ms. HAALAND. With that, I would like to recognize Ranking Member Curtis for his opening remarks.

**STATEMENT OF THE HON. JOHN R. CURTIS, A
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. CURTIS. Thank you, Madam Chair. Absolutely no one in this room, on either side of the aisle, condones violence or threats against Federal employees. It is unfortunate that I feel I need to even make that statement.

Our boots on the ground are often in difficult positions. They may have to enforce unpopular laws and regulations that have a great impact on local communities and people's livelihoods. Their safety should be, and is, of the utmost importance.

While I am supportive of the practical recommendations made in the GAO's report we are looking at today, I am concerned that the title and narrow focus of this hearing may be misleading. I take issue with the assertion made that there is a widespread problem of anti-government threats and abuse occurring in the West. Being from the West and representing a state with a high percentage of public land, I would like to set the record straight.

Calling for local ownership and control of public lands does not embody an attack on the Federal Government. As a matter of fact, many of my constituents feel just the opposite. The vast majority of my constituents impacted by the Federal Government's public lands management decisions are hardworking taxpayers raising families and contributing to their communities. They love the beautiful public lands that surround them, and want to be good stewards of them and part of the decision-making process. This does not make them bad people. They are not dangerous or threatening to Federal land managers in the field. In fact, I frequently hear how much they appreciate and work well with the local agents of these Federal agencies.

Landowners and users who disagree with specific management decisions should not be made to feel that somehow they will be placed on a government watch list of potential threats. Villainizing Westerners, and those who disagree with management decisions, does nothing to build the bridge of trust and cooperation that is vital to proper stewardship of the land. And, as is the case with most of our politics, finger pointing and divisiveness is counter-productive in the long run.

We will hear from the GAO witness today regarding the report that the Full Committee Chairman asked them to compile, which looks at the progress that the BLM, Forest Service, Fish and Wildlife Service, and National Park Service have all made in recent years to bring their human-occupied facilities into compliance with post-9/11 Federal security standards.

This report, while important to consider, only took into account 4 years' worth of data of recorded threats among the four land management agencies, which each had different and often inconsistent methods of recording. There also does not appear to be a way to differentiate between the most serious threats of violence and incidents as minor as a parking ticket.

I believe Republicans on this Committee largely support the recommendations made in the GAO report for the agencies to continue to make progress in taking common-sense efforts to secure Federal facilities. However, nothing in the report makes any mention of the

existence of a “culture of anti-government attack and abuse,” which is the title of this hearing.

My hope is that, through the testimony of the witnesses here today, we can all learn the powerful lesson that the vast majority of citizens are not like those in the rare, high-profile, headline-grabbing incidents that will be showcased today. My constituents do not wish to have conflict, and naturally seek compromise and cooperation from their government.

I hope to hear examples today of how Federal land managers and local citizens have worked to listen to each other, seek mutual understanding, and come up with collaborative, on-the-ground solutions which netted the most positive outcome for all concerned.

As a committee, we should be promoting and fostering more of these cooperative and collaborative efforts, which will do far more to facilitate safety than spending even tens of millions of dollars to create hardened, secure fortresses.

With that, Madam Chair, I would like to thank the witnesses for being here today. I look forward to their testimony, and I yield my time.

[The prepared statement of Mr. Curtis follows:]

PREPARED STATEMENT OF THE HON. JOHN R. CURTIS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF UTAH

Thank you, Madam Chair.

Absolutely no one in this room, on either side of the aisle, condones violence or threats against Federal employees—unfortunately, I feel the need to make that perfectly clear.

Our boots-on-the-ground are often in difficult positions. They may have to enforce unpopular laws and regulations that have a great impact on local communities and people's livelihoods. Their safety should be, and is, of the utmost importance.

While I am supportive of the practical recommendations made in the GAO's report we are looking at today, I am concerned that the title and narrow focus of this hearing may be misleading. I take issue with the assertion made that there is a widespread problem of anti-government threats and abuse occurring in the West. Being from the West and representing a state with a high percentage of public land, I would like to set the record straight.

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With that, Madam Chair, I would like to thank the witnesses for being here today and look forward to their testimony.

Ms. HAALAND. Thank you, Mr. Curtis. Now I would like to turn to our witness panel.

Under our Committee Rules, oral statements are limited to 5 minutes, but you may submit a longer statement for the record, if you choose.

The lights in front of you will turn yellow when there is 1 minute left, and red when time has expired.

After the witnesses have testified, Members will be given the opportunity to ask questions.

The Chair now recognizes Mr. Dan Nichols, rancher and former Harney County Commissioner.

Mr. Nichols, you have 5 minutes.

**STATEMENT OF DAN NICHOLS, RANCHER AND FORMER
COUNTY COMMISSIONER, DIAMOND, OREGON**

Mr. NICHOLS. Thank you for the opportunity to speak to you today. My name is Dan Nichols, and I am a self-employed rancher of 41 years, a BLM permittee, a past permittee on the Malheur National Wildlife Refuge, a five-term retired county commissioner, a High Desert Partnership board member, and a participant in three of the five ongoing collaborative initiatives in our community.

The economy of Harney County is natural resource-based, with a reliance on the multiple-use concept of public lands administered by the U.S. Forest Service, the BLM, and the Malheur National Wildlife Refuge. Harney County lies in the southeast corner of Oregon, and is 75 percent federally and state owned. It has a land mass of 10,120 square miles, larger than six West Coast states, but only has a population of 7,380 people, of which 5,200 are registered to vote.

A quick look at an Oregon State map and one would incorrectly assume that the area is basically uninhabited. My comments to you today come from this perspective.

Real Americans, especially in the largely federally owned and managed 11 western states, are not being listened to, much less heard. Opinions and desires of the populace residing well outside of rural communities are politically driving issues that result in legitimate grievances with Federal land management policies. Much of what is often described as anti-government is really

coming from a place of feeling excluded, or being on the losing end of unbalanced natural resource management.

In the course of doing their jobs, Federal employees become the local messengers of new policies and regulations, resulting in them becoming the recipients of the frustration and anger of the people that are not being listened to.

Our community has issues of concern with Federal land management. We are not unique in that regard. What does make us unique is the manner in which issues of potential dissension and polarization are resolved. A culture of collaboration has been established in Harney County that enables a diversity of opinions to be respectfully and collectively considered. A positive attribute of the process has been working directly with the Federal employees in our community. Through that interaction, the community has gained an appreciation for them as professionals, individuals, and contributing members in our community.

Collaboration also provides a venue for discussion of issues with the broader community beyond Harney County. For us, the term "community" includes those with an interest and a commitment to participate, including stakeholders from outside the local area who care about issues in ways that we may not always appreciate. It is necessary to have them at the table, as well.

Because the collaborative process gives everyone an opportunity to speak and listen, we learn and better understand each other's views. It is a setting where real voices are heard and understood by those from areas that are the source of many of the problematic issues.

Collectively, through collaborative efforts, Harney County residents have found the ability to meet our interests. Following are some examples: the Steens Mountain Cooperative Management and Protection Act of 2000, which was sponsored and written by Congressman Greg Walden; the recent Malheur National Wildlife Refuge Comprehensive Plan; and the Harney County Wildfire Collaborative and Harney County Wetlands Initiative.

The culture of collaboration has changed the ways we deal with complex and controversial issues in Harney County. Real benefits have been achieved for the local community, the Federal agencies, and the natural resources we all care about, urban and rural alike. We can all learn from the lessons of people that are successfully bridging divides.

Our experience can provide the opportunity for Congress to develop a format for a much-needed larger discussion. I ask for your support of a larger collaborative to produce meaningful progress in addressing legitimate grievances and concerns of the American public.

Collaboration is recognized as a successful approach to issue resolution in Harney County, the state of Oregon, and needs to be implemented on a national level, as well.

Thank you, and I look forward to any questions you may have.

[The prepared statement of Mr. Nichols follows:]

PREPARED STATEMENT OF DAN NICHOLS, RANCHER AND FORMER COUNTY
COMMISSIONER

Our nation is divided. Divisions exist between urban and rural America and within Congress. Simplistic red state/blue state depictions of this division only serve to aggregate conflict, reinforce polarization and harden lines that prevent collaborative and constructive problem solving in our communities. These divisions manifest themselves on the ground in many ways, including conflicts over natural resource management and militant anti-government protests like the occupation of the Malheur National Wildlife Refuge. We can and must do better.

Being an individual with strong opinions I have come to appreciate that much can be gained by understanding and addressing the opinions of others. There are lessons to be learned from the armed occupation of the Malheur National Wildlife Refuge, as well as Harney County's experiences with the government's management of public lands resources. It is important to note that the majority of ranchers in Harney County did not support armed occupation of the Refuge. But at the same time, there are legitimate grievances with Federal land management policies. Without a forum in which to air and address these concerns—and a fair, collaborative process by which to resolve them—we continue to push more people toward the hostile, unacceptable approaches adopted by individuals such as the Bundys. Much of what is often described as being “antigovernment” is really coming from a place of feeling excluded or on the losing end of unbalanced natural resource management.

There are many examples here in Harney County where the ranching and farming community has come together with multiple stakeholders—including the environmental community as well as state and Federal agencies—to find common ground without vilifying each other. In fact, the common ground comes from learning to better understand one another. Oregon was ground zero for the spotted owl wars and the resulting ESA listing that caused irreparable damage to local communities and divided citizens. But more recently, the people of Harney County drew from this negative experience and worked with government and a diversity of interests to develop a Candidate Conservation Agreement with Assurances that prevented the need for a similar outcome for Greater sage-grouse, which resulted in a 2015 decision to not list that bird.

Collectively, through collaborative efforts, Harney County residents have found the ability to meet our interests, while addressing the interests of the larger community of stakeholders, in the following examples:

- The Steens Mountain Cooperative Management and Protection Act of 2000
- The Malheur National Wildlife Refuge Comprehensive Conservation Plan
- The Harney County Wildfire Collaborative
- Eastside Forest Collaboratives including the Harney County Restoration Collaborative

This Subcommittee should not pass up the chance to learn from these lessons of people bridging divides. It is an opportunity for Congress to develop a format for a much needed “larger discussion.” I ask for your support of a larger collaborative that will produce meaningful progress in addressing legitimate grievances. This is recognized as a successful approach to issue and conflict resolution in Harney County, the state of Oregon and should be on a national level as well.

Ms. HAALAND. Thank you very much, Mr. Nichols.

The Chair now recognizes Professor Peter A. Walker, Professor of Geography at the University of Oregon.

You have 5 minutes, sir.

**STATEMENT OF DR. PETER A. WALKER, DEPARTMENT OF
GEOGRAPHY, UNIVERSITY OF OREGON, EUGENE, OREGON**

Dr. WALKER. My name is Peter Walker. I am a professor of Geography and Environmental Studies at the University of Oregon.

I personally observed the 2016 armed occupation of the Malheur National Wildlife Refuge in Harney County, Oregon. After the occupation, I conducted research in Harney County for more than 2

years, including over 100 in-depth interviews with individuals representing all parts of the community. My observations are recorded in my book, "Sagebrush Collaboration: How Harney County Defeated the Takeover of the Malheur National Wildlife Refuge."

A lot can be learned from the Malheur Refuge occupation for preventing such incidents, and for safeguarding Federal employees and enabling them to work constructively in rural communities.

The great majority in Harney County opposed the Malheur occupation, and rejected the militants' plan to launch an anti-Federal Government revolution from Harney County. I use the word "militants" because they used armed force and military-style tactics to achieve a radical political goal. The situation was explosive, and almost certainly, if the community had heeded the calls of the militants, lives would have been lost.

Harney County rejected the militants' call to revolution, in large part because the community had invested for decades in building collaborative approaches to solving precisely the kind of resource management issues the militants said could only be resolved through armed force.

In the past, there had been a lot of hostility between the community and Federal agencies. But by the end of the 1990s, Harney County was tired of fighting, and especially tired of litigation. The existing system was failing to produce outcomes that almost anyone wanted, and when people knew that regulations would be coming, they wanted to get ahead of the process and make sure local voices would be heard.

Farmers, ranchers, environmentalists, tribes, and Federal, state, and county workers intentionally built a culture of collaboration. The community bet that better solutions could be found by building relationships and really listening to each other, humanizing those with whom they might see things differently. For decades, over one-on-one phone calls and cups of coffee at kitchen tables, the community created their own ways to solve problems. When outside militants proposed violent confrontation, the community had a better way.

Federal employees were central to this history. Ironically, the outside militants had no idea that Harney County was recognized nationally as something of a poster child for collaborative approaches, including building positive relationships with Federal workers. The militants believed by vilifying and harassing Federal employees, they would rally support for their cause. The militants' leader later said that he never met a Bureau of Land Management—or, by implication, any Federal—employee who is a "good person."

By 2016, most people in Harney County just didn't see it that way. Through collaboration, Federal employees were contributing to better problem-solving, in large part by making themselves more integral parts of the community and, above all, by listening. No longer just uniforms and badges, Federal employees were friends and members of the community. And Harney County does not like members of the community being harassed.

When the Malheur occupation ended, ranchers with allotments on the Malheur National Wildlife Refuge held a dinner to honor the U.S. Fish and Wildlife Service employees who had borne much of

the harassment from the outside militants, to reaffirm that the Federal workers are valued members of the community.

As a nation, we are enormously fortunate that, by chance, the militants chose Harney County. The community literally told the militants to go home. We should see the relatively peaceful outcome of the Malheur occupation as hopeful evidence that conflicts between rural communities and Federal agencies can be minimized, and, in at least some cases, win-win solutions can be found that defy the divisive culture that afflicts our Nation today.

But Harney County is much like many other places. The experience of collaboration in Harney County demonstrates principles that can be applied in other rural communities. That is my most important message. In Harney County, I saw that endless division and conflict do not need to define who we are as a nation, and how Federal employees work in our communities. There are better ways. America can do better, and Harney County proved it. Thank you.

[The prepared statement of Mr. Walker follows:]

PREPARED STATEMENT OF DR. PETER A. WALKER, PROFESSOR OF GEOGRAPHY AND ENVIRONMENTAL STUDIES, UNIVERSITY OF OREGON

My name is Peter Walker, a professor of Geography and Environmental Studies at the University of Oregon. I personally observed the 2016 armed occupation of the Malheur National Wildlife Refuge in Harney County, Oregon. After the occupation I conducted research in Harney County for more than 2 years, including over 100 in-depth interviews with individuals representing all parts of the community. My observations are recorded in my book, *Sagebrush Collaboration: How Harney County Defeated the Takeover of the Malheur National Wildlife Refuge*.

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The great majority in Harney County opposed the Malheur occupation and rejected the militants' plan to launch an anti-Federal Government revolution from Harney County. (I use the word "militants" because they used armed force and military-style tactics to achieve a radical political goal.) The situation was explosive, and if the community had heeded the militants' call, the Malheur occupation almost certainly would have ended with many lives lost.

Harney County rejected the militants' call to revolution in large part because the community had invested for decades in building collaborative approaches to solving precisely the kind of resource management issues the militants' said could only be resolved through armed force. In the past there *had* been a lot of hostility between the community and Federal agencies. But by the end of the 1990s, Harney County was tired of fighting—and especially tired of litigation. The existing system was failing to produce outcomes that almost anyone wanted; and when people knew regulations would be coming, they wanted to get ahead of the process and make sure local voices would be heard. Farmers, ranchers, environmentalists, tribes, and Federal, state and county workers intentionally built a culture of collaboration. The community bet that better solutions could be found by building relationships and really *listening* to each other—humanizing those with whom they might see things differently. For decades, over countless one-on-one phone calls and cups of coffee at kitchen tables, the community created their *own* ways to solve problems. When outside militants proposed violent confrontation, the community had a better way.

Federal employees were central in this story. Ironically, the outside militants had no idea Harney County was recognized nationally as something of a poster child for collaborative approaches, including building positive relationships with Federal workers. The militants believed vilifying and harassing Federal employees would rally local support for their cause. The militants' leader later said he never met a Bureau of Land Management (or, by implication, *any* Federal) employee who is a "good person." By 2016, most people in Harney County just did not see it that way. Through collaboration, Federal employees were contributing to better problem-solving in large part by making themselves more integral parts of the community, and by listening. No longer just uniforms and badges, Federal employees were

friends and members of the community. And Harney County does not like members of the community being harassed. When the Malheur occupation ended, ranchers with allotments on the Malheur Refuge held a dinner to honor the U.S. Fish & Wildlife Service employees who had borne much of the harassment from outside militants, to reaffirm that the Federal workers are valued members of the community.

As a nation we are enormously fortunate that by chance the militants chose Harney County. The community literally told the militants to “Go home.” We should see the relatively peaceful outcome of the Malheur occupation as hopeful evidence that conflicts between rural communities and Federal agencies can be minimized, and in at least some cases win-win solutions can be found that defy the divisive culture that afflicts our nation today. But Harney County is much like many other places; the experience of collaboration in Harney County demonstrates principles that *can* be applied in other rural communities.

That is my most important message: in Harney County I saw that endless division and conflict do not have to define who we are as a nation and how Federal employees work in our communities. There *are* other ways. America *can* do better. And Harney County proved it. Thank you.

BACKGROUND

This testimony addresses the armed occupation of the Malheur National Wildlife Refuge in Harney County, Oregon, by armed anti-government militants in January and February 2016. On January 2, 2016, somewhere between 10 and 20 armed individuals seized the wildlife refuge and called on social media for “thousands” more to come, with their arms. At the peak, only an estimated 50 individuals occupied the refuge, though several hundred supporters from outside the area stayed in motels and other facilities in nearby Burns, Hines, and other locations. Although the occupiers claimed that their actions were a “peaceful protest,” they also stated their readiness to die, and that they would respond with armed force if law enforcement attempted to intervene. For 24 days, law enforcement took no direct action against the occupiers (the wildlife refuge is in a remote area where the occupation represented little or no threat to human life). On January 26, 2016, most of the main leaders of the occupation were arrested while attempting to travel in two private vehicles from the wildlife refuge to the town of John Day, Oregon, in nearby Grant County. One militant, after attempting to flee a traffic stop and being stopped at a roadblock, was shot and killed by Oregon State Police after failing to comply with police orders and then reaching for a handgun. All but four of the remaining occupiers fled the wildlife refuge in the following hours, with the last holdouts surrendering on February 11, 2016.

The militants publicly stated that the purpose of their takeover was to secure the release of two local ranchers from imprisonment for arson on Federal land, and to “give back” the refuge land to the “rightful owners,” who they identified as “ranchers, loggers, and miners” (notably excluding the local Burns Paiute Tribe, who have the only historically irrefutable claim to being the original “owners” of the land that makes up the refuge). The takeover attracted worldwide media attention. Outside the media spotlight, however, the militants acknowledged a more ambitious goal: to make Harney County the first “federal-free” county in the American West, serving as an example for other communities that they hoped would follow Harney County’s lead. The militants based their political ideology on a religiously inspired interpretation of the United States Constitution, in which the Federal Government is seen to have little or no jurisdiction in states outside Washington, DC. In the militants’ view, the highest authority in the land is the county sheriff—whose authority supersedes even the President of the United States. This interpretation is similar to the anti-Federal *posse comitatus* movement of the 1970s, as well as the modern “sovereign citizen” movement, although the leaders of the occupation attributed their inspiration to Biblical interpretation. The armed seizure of the Malheur National Wildlife Refuge, along with the 2014 armed standoff against Federal employees and law enforcement at Bunkerville, Nevada (led by the same Nevada-based family) represented a major, armed escalation of the anti-Federal public lands “sagebrush rebellion” of the 1970s and 1980s.

The militants’ plan to overthrow the Federal Government hinged on persuading local ranchers to symbolically repudiate their Federal grazing contracts, followed by a declaration that the ranchers are the true owners of the land. The militants promised that seized Federal lands would be “defended” by armed “Patriots” (referred to locally as “the militia”). The occupiers arranged a ceremony, held on January 23, 2016, at the Malheur National Wildlife Refuge headquarters, at which the occupiers pleaded for local ranchers to publicly renounce their Federal grazing contracts and

to declare their grazing allotments to be their own private land. However, no Harney County ranchers participated in the event (only one rancher, from New Mexico, did so).

In the nearby communities of Burns and Hines (the main population centers of Harney County) militia aligned with the armed occupiers at the Malheur Refuge engaged in a campaign of harassment of Federal employees and local law enforcement officers who refused to cooperate with the occupiers. The occupiers also attempted to establish a new *de facto* county government in the form a “committee of safety,” which the militants formed with a small group of local supporters. The goal was to seize control of local government and to intimidate Federal workers.

The community of Harney County overwhelmingly rejected the militants’ goals and in particular their armed methods. No public opinion surveys were conducted at the time, but in my observations it was clear that the majority of the community opposed the militants. On January 19, 2016, for example, the armed occupiers arrived unannounced at a community meeting in the Burns High School gym. It was the only occasion during the occupation when militants met with a cross-section of the community. The county judge stood and told the militants to “Go home,” and the great majority in the room then stood and chanted “Go home, go home, go home.”

The impression that the majority in the community opposed the militants was supported later that year in a series of local elections in which local “pro-militia” and “anti-militia” candidates filled the election roster. “Anti-militia” candidates for county commissioner won a total of about 80 percent of the primary vote, and the “anti-militia” winner of the general election won with more than 95 percent support. In June 2016, a recall against the county judge, seen widely as a referendum on the militia occupation, failed—with more than 70 percent opposing the removal of the anti-militia county judge. Therefore it can be said with confidence that 70–80 percent of the community was “anti-militia.” However, the elections were widely interpreted as referendums on the anti-government ideology represented by the militants, *not* their armed methods. When I asked local people how much of the community they believed supported the anti-government ideology *and* the militants’ armed methods, the estimates of support ranged from 3–10 percent. In addition, much of the local support for the outside militants appeared tied to efforts to release the pair of local ranchers in Federal prison for arson; when those ranchers received a presidential pardon in July 2018, local support for the outside militants appeared to all but disappear.

It is important to note that while the media at the time often described the militants as ranchers, in fact only one of the outside militant leaders, and only two active local supporters, could even plausibly be described as working ranchers. The overwhelming majority of outside militants and local supporters had no direct interactions with Federal resource management agencies. The occupation of the Malheur National Wildlife Refuge was primarily an ideologically-based anti-Federal Government political movement, not a movement of ranchers, loggers, or other resource users. Among the outside militants, including members of the self-declared “Patriot” movement, there was strong representation of broader racist and xenophobic political groups that had for decades specifically adopted the position of promoting a “second American revolution.” While the main leaders of the Malheur Refuge occupation did not come from this broader political movement, the “Patriot” groups that supported the occupation appeared to be attracted by the armed, revolutionary aspects of the “hard stand” at the Malheur Refuge.

IMPACTS ON MALHEUR NATIONAL WILDLIFE REFUGE

Although the Malheur National Wildlife Refuge has today mostly recovered from the disruptions associated with the militant takeover in January and February 2016, the disruption at the time was significant and continues to some extent to the present. In addition to the immediate interruption of operations during the occupation (from January 2, 2016 to February 11, 2016), the occupiers left behind extensive physical damage (including disturbance of Native American cultural artifacts), and the refuge itself became the site of an extended criminal investigation. Other Federal agency offices, including the U.S. Bureau of Land Management and U.S. Forest Service offices in nearby Burns were also closed for extended periods due to concerns for employee safety. Staff were able to return to work at the MNWR headquarters using temporary structures by the end of February 2016; but with extensive vandalism to important files and physical damage to buildings, the refuge headquarters remained closed to the public for more than a year, fully reopening in March 2017.

The impacts of the militant occupation of the MNWR also included the very substantial disruption of the lives of refuge staff and loss of long-term institutional knowledge. At the time of the occupation, most staff were evacuated out of Harney County because of safety concerns. The result was that staff had to leave their personal and professional lives behind while hostile occupiers searched through their private and professional information left behind at the refuge. Staff felt violated, and some perceived their physical safety to be in danger. Well after the occupation the traumatic effects remained deeply felt by some employees. Of the 16 full-time employees at the refuge at the time of the occupation, 4 resigned from their positions at least in part because of the trauma they experienced. In the near term the impacts on the operation of the refuge were significant, as the departing employees possessed highly specialized knowledge accrued over decades of service. In some cases, because of organizational changes within the U.S. Fish & Wildlife Service, vacated positions were not re-filled with on-site staff.

Despite the very substantial disruption and losses of expertise, the MNWR displayed remarkable resilience, in part because of its status as one of the gems in the National Wildlife Refuge system. After the occupation, questions arose as to whether qualified professionals would be willing to take positions at the Malheur Refuge so soon after the traumatic events of the 2016 takeover. Quickly, however, the vacated positions were filled with qualified professionals. Some of the new employees expressly stated that they were attracted by the excellent reputation of the Malheur Refuge as a “success story” and its innovative efforts to work constructively with the community through collaborative processes such as the Malheur Comprehensive Conservation Plan, coordinated by the local non-profit High Desert Partnership.

COLLABORATION AND THE HIGH DESERT PARTNERSHIP

The Malheur National Wildlife Refuge and the community of Harney County displayed remarkable resilience despite the extraordinary disturbances associated with the militant occupation in January and February 2016. In large part this resilience can be attributed to an investment the community and the refuge had made over the previous two decades in developing collaborative ways to promote deep engagement of all stakeholders in decision-making for natural resource management. Exhausted by legal fighting and resource management failures, in the late 1990s and early 2000s a small group of individuals including local ranchers, Federal and county employees, conservation groups and others set out to find a different way forward.

Much of this effort to promote deeply engaged stakeholder collaboration was organized by a remarkable locally-based non-profit organization called the High Desert Partnership. Formally established in 2005, the HDP focuses on building relationships among members of the community who represent different perspectives but are not firmly invested in specific outcomes.

By building these relationships, the HDP strives to find innovative, win-win solutions to social-ecological problems in a manner that avoids adversarial interactions. As a private non-profit, the HDP is relatively free to pursue paths not directly mandated or constrained by government rules.

The decision to create the HDP was motivated by conflict-ridden, failed interactions in the past. Local rancher Gary Marshall and Malheur National Wildlife Refuge manager Chad Karges knew the refuge would be required to begin developing a Comprehensive Conservation Plan (CCP) by 2010, and they set out to study collaborative methods and relationship-building to be ready for the CCP process. They invited participation from outside stakeholders including conservation groups. Marshall and Karges knocked on doors and shook hands throughout the local community to build the relationships and trust needed to persuade a community more accustomed to conflict with the Malheur Refuge to give the new non-adversarial, collaborative approach a try. The High Desert Partnership does not do projects; it builds relationships and facilitates conversations with the intent to find collaborative win-win solutions to problems that might otherwise result in conflict and litigation. The group does not advocate particular outcomes; it supports dialogue in pursuit of positive outcomes for the ecology, economy, and community.

The signature accomplishment of the HDP’s approach was its establishment of a diverse working group of about 30 stakeholders to craft the 2013 Malheur Comprehensive Conservation Plan, which detailed the goals and methods for managing the refuge for the following 15 years. After 3 years of dialogue, the working group produced a 779-page document that became what the HDP describes as the nation’s first collaboratively created comprehensive conservation plan. Given the contentious relations between the Malheur Refuge and the local community in the

past, the fact that local ranchers and farmers, the Burns Paiute Tribe, and county government, as well as conservationists and agency officials, all endorsed the plan was an astonishing achievement. Possibly the most powerful evidence of success is the fact that the Malheur CCP was the first plan of its scale in Harney County for many years that was not sued. Then-refuge manager Chad Karges observed, “No one thought it could be done.” After the plan was approved, the CCP working group continued meeting to collaboratively decide on necessary adaptations in the plan’s implementation.

The High Desert Partnership has become more than just an institution, it has become part of the life and culture in Harney County—a proactive, non-adversarial, relationship-based approach sometimes described locally simply as “the Harney County way.” The HDP itself has expanded to support a range of initiatives including but not limited to natural resource management—focusing on management of wetlands and forests, but also a wildfire collaborative as well as initiatives to support local youth and business entrepreneurship. The “Harney County way” has also spread to many other local community-based initiatives beyond the HDP, including habitat management for sage grouse and a major local groundwater planning initiative.

RECOMMENDATIONS FOR FEDERAL POLICY

The existence of collaborative organizations in Harney County was crucial in enabling local residents to reject rhetoric by outside militants that the Federal Government—embodied in local Federal employees—represents “tyranny” and “abuse.” The primary goal of local collaborative organizations in Harney County has been to build relationships, communication, and trust between stakeholders. Through their participation in collaboratives, Federal employees were able to build goodwill and trust within the local community. Collaboratives provide a neutral, safe environment where residents can come to know Federal employees as individual people doing the best they can, sometimes under difficult circumstances. Mutual trust, respect, and even friendships are often a direct result. When Federal employees become humanized in this way, anti-government rhetoric—including efforts to threaten and harass Federal workers—is unlikely to find a receptive audience. As one rancher observed to me, “Collaboration is what inoculated us from the [militant] disease.”

This is a crucial observation. Almost everyone I spoke with in Harney County after the 2016 Malheur Refuge occupation agreed on one thing: if the occupiers had attempted the same kind of standoff against Federal agencies and staff in a different community that had *not* invested in building collaborative relationships, the outcome would likely have been far worse—including the very real possibility of a bloodbath that clearly some of the occupiers wanted. Such an event that would have likely inspired further anti-government violence for decades to come.

If collaboration is one important way to build better relationships between Federal agencies and local communities, an important question is how such initiatives can be promoted at a wider scale. The experience of collaboration at the Malheur National Wildlife Refuge represents a very important opportunity. At a time when this country has seen unprecedented polarization, the community in Harney County came together to find common ground on this historically conflicted landscape. The success of this project matters because at a time when Americans are often cynical about reaching across political, intellectual, social, environmental and economic divides, Harney County as well as outside stakeholders intentionally chose to take a different path and have maintained that resolve in the face of unprecedented challenges.

In some ways the development of such approaches depends fundamentally on local initiative and individual personalities. Almost by definition these are things that the Federal Government cannot provide. This does not mean there is no constructive role for Federal Government in promoting such approaches. Federal Government can play an important role in encouraging the growth of such initiatives by reducing barriers within Federal agencies that may inhibit the development of local collaboratives, and by supporting initiatives with high potential or proven records of encouraging effective collaborative resource management.

FEDERAL POLICY TO SUPPORT COLLABORATION

Reducing Institutional Barriers

In the example of the 2013 Malheur Comprehensive Conservation Plan, the initiative that led to the creation of a successful collaboratively created management plan required deviation from usual Federal agency policy by allowing Federal managers at the local level to draft a plan through a stakeholder process that encouraged

input from all interested parties from the very *beginning* of the planning process. This method of engaging the public departs from standard procedures in which agency staff draft a plan and put it out for public input near the end of the process. The collaborative approach initially met substantial skepticism from Federal managers above the local level, who were concerned about delegating to the local level too much control over the planning process. In the case of the Malheur Refuge, local managers had to go to considerable effort and even put their professional careers at risk to persuade higher-level managers that the locally-based collaborative approach could produce a sound plan in compliance with all Federal standards. Drawing inspiration and confidence from the positive outcome at the Malheur Refuge and other successful collaborations, Federal Government can facilitate local collaboration by reducing policy barriers and enabling local managers to engage in promising collaborative initiatives without unduly jeopardizing their careers.

In addition, Federal policy can be modified to support the very important challenge of sustaining collaborative initiatives once they are established. Harney County's High Desert Partnership, for example, faces the challenge of recruiting future managers at the Malheur National Wildlife Refuge who understand and are committed to the collaborative approach. Ensuring that refuge leadership (as well as agency leadership at USFWS and the Department of the Interior) remains supportive of the collaborative efforts will be crucial. As transitions occur, special care will be needed to ensure that new personnel are truly steeped in collaboration and committed to continuing the work that is underway. This is an important and rare skill, and new leadership should have extensive demonstrable experience working within this type of framework.

Federal policy can also encourage collaboration by reducing career advancement policies that in effect encourage frequent relocation. Successful collaboration requires building relationships of trust in Federal employees. Relationships of trust tend to develop over extended periods of time, as Federal employees become recognized as members of a community. Many of the Federal employees I spoke with in Harney County complained that advancing their careers within the Federal agencies often requires relocation. Personnel turnover is inevitable in large agencies, and successful collaboratives can and do cope with changes in Federal agency staff. However, such changes can slow down or alter the momentum of collaborative efforts, and the Federal Government should re-consider personnel policies that may force agency staff to choose between advancing their careers and developing the kind of longer-term ties to local communities that enhance their capacities to engage in effective local collaborations.

In addition, I was told by local Federal employees that agencies could do more to encourage staff to engage in community activities, including collaboration. Some employees expressed concern that employee engagement with local community life is not fully encouraged by agency management. While engagement in community life during non-working hours is obviously up to the individual employee, Federal agencies should consider efforts to communicate to staff that within appropriate guidelines such local engagement is allowed and encouraged.

Greater Flexibility in Funding

Higher levels of government discretionary funds and flexibility in funding requirements could be of great value in helping collaborative organizations to operate sustainably and effectively. One challenge for collaborative organizations is that by definition they cannot be funded by membership fees—all stakeholders must be equally welcome and able to participate in the collaborative process, no matter their financial status. In practice this means that participation must be free for all those who wish to participate. This creates obvious financial challenges that can at least in part be addressed by Federal policy.

In Harney County, the non-profit High Desert Partnership provides a good example of the complex funding challenges. The HDP does not directly engage in problem-solving projects but instead helps to facilitate the conversations and relationship-building that are essential for a wide range of other more project-oriented initiatives (from wildfire and wetlands management to youth development). This model, while proven successful in terms of positive local results, poses funding challenges because many grant-making institutions, both public and private, tend to steer their funding streams toward specific problem-solving rather than collaborative capacity-building. In addition, because the mission of the HDP is to be a neutral party, there is great sensitivity to appearing to be financially beholden to any specific outside interests, especially those that might be perceived as having particular political agendas.

Presently the HDP is funded through a complex and shifting mix of state and Federal support, grants from private foundations, and private donations. Private

funding, whether through foundations or individual donations, is an important part of the mix but tends to be unpredictable, posing substantial challenges to building and maintaining organizational capacity. State and Federal funding poses its own challenges including reporting requirements and constraints on the flexibility of how funds can be spent. While fully recognizing the importance of accountability and compliance with existing government policy (for example, Federal Advisory Committee Act requirements), collaborative organizations by definition function differently and do not necessarily conform to conventional practices, creating problems of “fit” between agency funding requirements and the flexibility needed to make the collaborative model effective. It is important to note that collaboration is very different from some other forms of community involvement, such as Resource Advisory Councils. Whereas the RACs serve as sounding boards for existing or proposed policies put forward by agencies, collaborative organizations such as the HDP build management plans directly from the local community. HDP staff observed to me that at times they are questioned as to why they should receive funding when other mechanisms for public input such as the RACs are already in place. These are both valuable approaches, but they are very different and they should be seen as complementary rather than redundant.

In addition to facilitating funds to support collaborative processes, the Federal Government should consider greater investment in on-the-ground implementation. Many collaborative organizations are getting close to large scale implementation of projects. Too often Federal agency leadership appears satisfied with collaboration as an end unto itself, but ultimately the value of collaboration must be measured by its ability to deliver substantive improvement on the ground. There exists substantial public skepticism about these collaboratives because they can be seen as diversions that consume a lot of time and energy but fail to deliver outcomes. The ability to maintain collaboration in Harney County and to inspire other similar efforts ultimately will depend on the ability to demonstrate that collaboration delivers results on the ground that exceed what would have been accomplished under more tradition conflict driven pathways.

Changing Perceptions of Federal Employees

The militants who occupied the Malheur National Wildlife Refuge in 2016 failed in large part because they assumed that the deep hostility they held toward Federal Government and Federal employees was shared by the majority of people in Harney County. Thanks partly to Harney County’s long-standing effort to build a culture of collaboration, that assumption proved largely false. Although there are certainly tensions between some Federal employees and local residents, I was told over and over that Harney County experienced a sea change from the attitudes prevalent in the 1970s–1990s, when animosity between Federal employees and the community ran deep. Today, Federal employees are more commonly seen as neighbors and friends. And in many cases, Federal employees are themselves members of local families.

Friction does, however, still exist, and more can be done to break down unnecessary barriers. Federal Government can help break barriers between Federal employees and local communities with modest policy shifts. For example, I was told that there are simple things that can be done such as allowing Federal employees to work more often without uniforms. Uniforms create psychological separation, and contribute to seeing agency employees as tools of government power rather than as people. One rancher observed that when his daughter, who was born and raised in the community, began working for the Bureau of Land Management and put on an agency uniform, she found friends she had known all her life treated her completely differently, as if she was not part of the community, not a friend who cares—not even as a person at all.

The history of uniformed Federal resource agents dates to the earliest period of Federal forest management, when forests were literally patrolled by soldiers. Today, when tensions between Federal Government and some communities are already too high, it may be time to re-examine anachronistic policies that invoke notions of a war between government and its people. Such notions are all too easy to exploit by those who seek to kindle an *actual* war between the Federal Government and the people.

Ms. HAALAND. Thank you, Professor Walker.

The Chair now recognizes Ms. Anne-Marie Fennell, Director of the Natural Resources and Environment Team at the U.S. Government Accountability Office.

You have 5 minutes, Ms. Fennell.

STATEMENT OF ANNE-MARIE FENNELL, DIRECTOR, NATURAL RESOURCES AND ENVIRONMENT TEAM, U.S. GOVERNMENT ACCOUNTABILITY OFFICE, WASHINGTON, DC

Ms. FENNELL. Chairwoman Haaland, Ranking Member, and members of the Subcommittee, thank you for the opportunity to discuss our report on how the Forest Service, Bureau of Land Management, Fish and Wildlife Service, and National Park Service protect their employees and secure their facilities across nearly 700 million acres of lands that they manage. My statement today summarizes our findings.

For the four Federal land management agencies, I will discuss: (1) what is known about the number of threats and assaults against their employees; (2) approaches agencies take to protect their employees; and (3) the extent to which the agencies met Federal facility security requirements.

First, available Federal law enforcement data show a range of threats and assaults against the four Federal land management agency employees in Fiscal Years 2013 through 2017. The severity of these incidents range from phone threats to the stabbing of an employee outside of a Federal building. The number of incidents varied by agency. For the 5-year period, there were 88 incidents for BLM, 66 for Fish and Wildlife Service, 177 for Forest Service, and 29 for Park Service. FBI data for this time period showed the FBI initiated under 100 domestic terrorism investigations into potential threats to these four agencies.

The majority of these investigations involved BLM, as well as individuals motivated by anti-government ideologies. For instance, the FBI investigated a case where a BLM officer received over 500 harassing phone calls and several death threats. Once the officer's personal information was posted on Twitter.

However, the number of actual threats and assaults is unclear, because not all incidents are captured in the agency's databases for various reasons. For example, some incidents are investigated by local and state law enforcement, and may not be included in Federal databases. In addition, land management agency employees do not always report all threats. Some said that, in certain circumstances, they consider receiving threats as a normal part of their job.

Second, Federal land management agencies use various approaches to protect their employees, such as building relationships with local, state, and Federal law enforcement entities. For instance, the Las Vegas police kept a patrol car outside a field unit in Nevada during a high-profile court case. Agency officials noted factors that can affect their ability to protect employees, such as those in remote locations. Also, the number of field law enforcement officers at the four agencies has declined from Fiscal Years 2013 to 2018, with Forest Service experiencing the largest decrease of 22 percent.

Third, the four land management agencies have not completed all facility security assessments required by Federal standards developed by the Interagency Security Committee, or ISC. Agency officials cited various reasons for not doing so, including a lack of resources, training, and expertise. Not complying with the ISC requirements to complete these assessments could leave agencies exposed to risk to protecting their employees and facilities. While Fish and Wildlife Service has a plan to complete its assessments, BLM, the Forest Service, and Park Service do not.

The ISC standard also requires that agencies conduct assessments using a methodology that meets certain key requirements. The Forest Service meets and the Park Service partially meets these key requirements. BLM and Fish and Wildlife Service have not yet established methodologies. Without compliant methodologies, agencies may not identify all the risks their facilities face, or the countermeasures to mitigate those risks.

We made six recommendations calling for agencies to develop a plan to conduct assessments and methodologies to comply with ISC requirements. The agencies agreed, and noted a number of steps they were going to take to implement the recommendations.

Chairwoman Haaland, Ranking Member Curtis, and members of the Subcommittee, this completes my prepared statement. I am pleased to respond to questions.

[The prepared statement of Ms. Fennell follows:]

PREPARED STATEMENT OF ANNE-MARIE FENNELL, DIRECTOR, NATURAL RESOURCES
AND ENVIRONMENT, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Chairwoman Haaland, Republican Leader Young, and members of the Subcommittee: Thank you for the opportunity to discuss our recent review of how four Federal land management agencies—the Forest Service in the U.S. Department of Agriculture and the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and National Park Service (Park Service) in the Department of the Interior—protect their employees and secure their facilities. In 2014, a report by the Department of Homeland Security predicted that the rate of violent domestic extremist incidents motivated by anti-government ideology would increase in the coming years, with a focus on government facilities and personnel, among other targets.¹ Recently, there have been several high-profile incidents on Federal lands involving individuals motivated by anti-government ideologies, according to agency officials, including an armed occupation of the Malheur National Wildlife Refuge in rural Oregon in 2016. The refuge was occupied for nearly 6 weeks by armed individuals and damages to the land and facilities at the refuge, plus the local, state, and FWS law enforcement responses, cost over \$9 million, according to local and Federal officials.

The four Federal land management agencies have law enforcement divisions that protect their employees and secure their facilities across nearly 700 million acres of Federal lands.² To do so, agencies employ uniformed law enforcement officers who patrol Federal lands, respond to illegal activities, conduct routine investigations, and record information about incidents in their agency's law enforcement data system.³

¹Department of Homeland Security, Office of Intelligence Analysis, *Domestic Violent Extremists Pose Increased Threat to Government Officials and Law Enforcement*, IA-0201-14 (July 22, 2014).

²While all four agencies' law enforcement officers also have responsibilities for ensuring visitor safety, for the purposes of this testimony statement, we focus on their responsibilities for protecting employees and securing facilities.

³Each agency has its own terminology to refer to its uniformed field law enforcement personnel. For example, BLM's uniformed field law enforcement officers are known as rangers, while FWS' field law enforcement officers are known as Federal Wildlife Officers. For the purposes of this testimony statement, we use the term law enforcement officer across the four land management agencies. Each agency also has investigative special agents who conduct

Depending on the agency, its law enforcement officers may also provide expert advice in assessing the security of their agency's facilities. Specifically, the four agencies are required to follow Federal facility security standards developed by the Interagency Security Committee (ISC).⁴ One such standard—the ISC Standard—defines the criteria and processes executive agencies and departments are to follow when assessing risks to their facilities through facility security assessments and provides key requirements that the assessment methodologies must include.⁵ Based on the results of the assessments, the ISC Standard further guides agencies and departments in determining which protective measures (referred to as countermeasures)—such as identification badges, blast-resistant windows, and security gates—to implement. In previous work, we found that some Federal agencies had not fully followed the ISC Standard, leaving agencies' facilities and employees exposed to risk.⁶

My statement today summarizes the findings of our September 2019 report on Federal land management agencies' efforts to protect their employees and secure their facilities.⁷ Specifically, for the four Federal land management agencies, I will discuss (1) what is known about the number of threats and assaults against their employees, (2) the approaches the agencies used to protect their employees from threats and assaults and factors affecting their ability to do so, and (3) the extent to which the agencies met Federal facility security assessment requirements.

To develop the findings we outlined in the report on which this testimony statement is based, we analyzed data on the number of incidents of threats and assaults against land management agency employees from the four agencies' law enforcement databases for fiscal years 2013 through 2017—the most recent data available at the time of our review. We also obtained data for this time period from the FBI on investigations into potential domestic terror threats to land management agencies.

Additionally, we conducted semi-structured interviews with officials during site visits to a nongeneralizable sample of 11 of the 35 regional or state offices and 14 field units across the four Federal land management agencies. Finally, we assessed whether the agencies had conducted required facility security assessments on their occupied facilities and examined the extent to which their facility security risk assessment methodologies complied with two key requirements in the ISC Standard.⁸ Additional information on our scope and methodology is available in our September 2019 report.⁹ The work upon which this testimony statement is based was conducted in accordance with generally accepted government auditing standards.

investigations of serious crimes but are not responsible for responding to threats and assaults against employees.

⁴The ISC is chaired by Department of Homeland Security. Its mandate is to enhance the quality and effectiveness of security in and protection of buildings and facilities in the United States occupied by federal employees for nonmilitary activities. As of June 2019, 60 federal departments and agencies were members of the ISC. The ISC was established by executive order following the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma City. Executive Order 12977, 60 Fed. Reg. 54411 (Oct. 24, 1995), as amended by Executive Order 13286, 68 Fed. Reg. 10624 (Mar. 5, 2003). Executive Order 12977 refers to buildings and facilities in the United States occupied by federal employees for nonmilitary activities as “federal facilities.”

⁵Interagency Security Committee, *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard* (Washington, DC: November 2016). As of June 2019, the November 2016 version of the ISC Standard was the most current.

⁶See, for example, GAO, *Federal Facility Security: Additional Actions Needed to Help Agencies Comply with Risk Assessment Methodology Standards*, GAO-14-86 (Washington, DC: Mar. 5, 2014), and GAO, *Federal Facility Security: Selected Agencies Should Improve Methods for Assessing and Monitoring Risk*, GAO-18-72 (Washington, DC: Oct. 26, 2017).

⁷GAO, *Federal Land Management Agencies: Additional Actions Needed to Address Facility Security Assessment Requirements*, GAO-19-643 (Washington, DC: September 25, 2019).

⁸The ISC Standard outlines four key requirements for facility security assessment methodologies. Specifically, methodologies are to (1) consider all 33 of the undesirable events identified in the Standard; (2) evaluate the three factors of risk—threat, vulnerability, and consequence—for each undesirable event; (3) produce similar or identical results when applied by various security professionals; and (4) provide sufficient justification for deviations from the ISC-defined security baseline. We selected the first two key requirements for our analysis because we could objectively verify agencies' compliance by reviewing and analyzing agency documentation and interviewing agency officials.

⁹GAO-19-643.

Available Data Show a Range of Threats and Assaults against Land Management Agency Employees, but Not All Incidents are Captured in the Data

Available Federal law enforcement data show a range of threats and assaults against the four Federal land management agencies' employees in fiscal years 2013 through 2017.^{10,11} The severity of these incidents ranged from threats conveyed over the telephone to attempted murder and included an incident in which an employee was stabbed outside a Federal building. The number of incidents of threats and assaults varied by agency. For example, for fiscal years 2013 through 2017:

- BLM data included 88 incidents of threats and assaults against BLM employees;
- FWS data included 66 incidents of threats and assaults against FWS employees;
- Forest Service data included 177 incidents of threats and assaults against Forest Service employees; and
- Park Service data included 29 incidents of threats and assaults against Park Service employees.¹²

Further, FBI data for fiscal years 2013 through 2017 show that the FBI initiated under 100 domestic terrorism investigations into potential threats to Federal land management agencies.^{13,14} Our analysis of the FBI data showed that the majority of the domestic terrorism investigations involved BLM. Additionally, the majority involved individuals motivated by anti-government ideologies. For example, the FBI investigated one case in which a BLM law enforcement officer received more than 500 harassing phone calls and several death threats after a subject posted personal information about the officer on the social media platform Twitter.

However, the number of actual threats and assaults against Federal land management employees is unclear and may be higher than what is represented in available data, because not all incidents of threats and assaults against land management agency employees are captured in the agencies' databases. There are several reasons why this may be the case. Specifically, some incidents of threats and assaults are investigated by local or state law enforcement and may be recorded in their data systems rather than in the land management agencies' systems. Additionally, officials from two agencies we interviewed said that when a single incident involved multiple offenses, the less serious offenses are unlikely to be recorded in the data system and, therefore, the entirety of what occurred may not be captured.

Further, land management agency employees do not always report all incidents of threats. For example, some field unit employees said that in certain circumstances, they consider receiving threats as a normal part of their job. Some officials also described being threatened while off duty, such as being harassed in local stores or being monitored at their home, and they said that in some cases they did not report the incident because it was a common occurrence. However, even in more high-profile incidents, agency officials told us that employees may not always report threats to agency law enforcement. For example, agency officials we interviewed cited specific incidents around the time of the 2016 armed occupation of FWS' Malheur National Wildlife Refuge that they did not necessarily report to their agency's law enforcement. These incidents included individuals holding anti-

¹⁰For the purposes of this testimony statement, employee refers to land management agency employees, volunteers, and contractors, unless otherwise noted.

¹¹The land management agencies' data systems were not specifically designed for reporting threats and assaults against employees and do not include the suspect's motivation for a crime—such as anti-government extremist ideologies. Additionally, to varying degrees, agency officials reviewed their respective data and removed incident data that appeared not to constitute actual threats or assaults to employees. For these reasons, and because we determined that not all incidents are captured in the data, we did not analyze the data for annual trends.

¹²Park Service data included employees only and did not include volunteers or contractors.

¹³The exact number of domestic terrorism investigations initiated by the FBI into threats and assaults to land management agencies is law enforcement sensitive information. The FBI receives information from a variety of sources, including from confidential human sources; public tips; and state, local, tribal, and federal partners. Land management agency officials told us they refer only the most serious incidents to the FBI—such as the armed occupation of Malheur National Wildlife Refuge. According to FBI officials, an investigation into a domestic terrorism threat may only be initiated if there is information indicating potential violent criminal activity committed in furtherance of ideology.

¹⁴According to FBI officials, the FBI does not collect intelligence or conduct investigations based solely on constitutionally protected activity—such as individuals exercising their right to free speech. Further, every subject of a domestic terrorism investigation must have individual predication (i.e., mere association with another subject is not sufficient for predication).

government beliefs who followed a teenage girl wearing a BLM shirt around the local grocery store and threatened to burn her house down, and agency employees who had shots fired over their heads while working in the field. According to officials at two agencies, many employees were traumatized by the Malheur occupation and some did not return to work, including some who transferred to other agency field units.

Land Management Agencies Use Various Approaches to Protect Employees, but Several Factors May Affect Their Ability to Do So

Federal land management agencies use various approaches to protect their employees from threats and assaults, including deploying agency law enforcement officers to protect employees and resources and building relationships with external law enforcement entities and the public. Specifically, when necessary, agencies deploy additional law enforcement officers to assist their local officers. For example, during the armed occupation of the Malheur National Wildlife Refuge, FWS officials reported deploying FWS law enforcement officers from around the country to field units in western states to provide additional security for FWS employees.

Agency officials we interviewed also told us that they build relationships with local, state, and other Federal agency law enforcement entities to help protect employees and resources in the field and to assist with coordinating law enforcement responses. Such relationships are important because not all field units have a law enforcement officer, and those that do often rely on local law enforcement for assistance in responding to incidents of threats or assaults against agency employees. For example, officials we interviewed at a field unit in Nevada stated that during a high-profile court case involving the agency, the Las Vegas Metropolitan Police Department kept a patrol car outside the field unit for several days to help ensure field unit employees' safety. Finally, officials at several field units we visited stated that their law enforcement officers are focused on educating, rather than policing, visitors.

Agency officials we interviewed cited several factors that can affect their ability to protect employees. Specifically, agency officials noted that employees are required to interact with the public as part of their official duties and may wear uniforms, which makes them easily recognizable and can put them at risk of being threatened or assaulted. (See Figure 1.) Additionally, agency officials stated that it can be difficult to protect employees because, as part of their field work, employees may be dispersed across hundreds of miles of Federal lands and may be located hours or days away from the nearest agency law enforcement officer. For example, as of fiscal year 2018, BLM had 194 field law enforcement officers to cover the 245 million acres of land managed by BLM.

Figure 1: Examples of Fish and Wildlife Service and National Park Service Employee Uniforms



Sources: U.S. Fish and Wildlife Service (left photo); National Park Service (right photo).

Further, the number of agency field law enforcement officers at all four land management agencies declined from fiscal year 2013 through fiscal year 2018. For example, BLM experienced a decrease of 9 percent, while the Forest Service experienced a decrease of 22 percent, the largest decrease among the four agencies. Finally, agency officials we interviewed said that the risk to employee safety posed by individuals holding anti-government sentiments can be unpredictable and that incidents of threats and assaults against employees by such individuals are generally sporadic.

Land Management Agencies Have Not Met Certain Facility Security Assessment Requirements

The four Federal land management agencies have completed some but not all of the facility security assessments on their occupied Federal facilities as required by the ISC Standard. Agency officials cited various reasons for not doing so, including lack of resources, training, and expertise. Not complying with the ISC Standard's requirement to complete facility security assessments on all occupied facilities could leave Federal agencies exposed to risks in protecting their employees and facilities. While FWS has a plan to complete its assessments, BLM, the Forest Service, and the Park Service do not. Specifically:

- **FWS.** FWS has conducted five facility security assessments on its approximately 465 occupied facilities. According to FWS headquarters officials, FWS employees have limited physical security expertise to conduct facility security assessments; therefore, the agency has developed a plan to meet the ISC Standard's requirement using contractors.
- **BLM.** BLM has conducted 21 facility security assessments on its approximately 280 occupied facilities, but officials do not know when they will complete the remaining assessments and do not have a plan to do so.¹⁵
- **Forest Service.** The Forest Service has conducted at least 135 facility security assessments on its approximately 1,135 occupied facilities, but officials do not know when they will complete the remaining assessments and do not have a plan for doing so.
- **Park Service.** The Park Service has conducted at least 148 facility security assessments on its approximately 1,505 occupied facilities, but officials do not know when they will complete the remaining assessments and do not have a plan to do so.

The ISC Standard requires that agencies conduct assessments using a methodology that meets, among other things, two key requirements: (1) consider all of the undesirable events (e.g., arson and vandalism) identified in the ISC Standard as possible risks to facilities, and (2) assess the threat, vulnerability, and consequence for each of these events. The Forest Service's methodology meets these two requirements and utilizes an ISC-compliant facility security assessment methodology developed by the U.S. Department of Agriculture. The Park Service's methodology partially meets the requirements because it does not include a step to assess the consequences of specific undesirable events, as required by the ISC Standard. BLM and FWS have not yet established methodologies for conducting facility security assessments, although officials we interviewed from each agency stated that they intend to develop an ISC-compliant methodology. Specifically, BLM officials told us that they plan to hire a security manager who will develop an assessment methodology but did not know when the manager would be hired. FWS officials we interviewed provided a high-level description of what they expected to be included in their new methodology. However, FWS's description did not indicate that the agency would evaluate the consequences of specific undesirable events, as required by the ISC Standard. Without developing a plan for conducting all of the remaining facility security assessments and using a methodology that complies with ISC requirements, agencies may not identify the risks their facilities face or identify the countermeasures they could implement to mitigate those risks.

¹⁵ According to BLM and Interior officials, Interior's Office of Law Enforcement and Security completed 16 of the 21 facility security assessments on behalf of BLM. The other five were completed by BLM state office officials in Colorado whom Interior officials had trained to conduct facility security assessments.

Based on these findings, we made a total of six recommendations to the four land management agencies, including that:

- BLM, the Forest Service, and the Park Service each develop a plan to conduct all required facility security assessments agency-wide;
- The Park Service update its facility security assessment methodology to address the consequences of specific undesirable events in order to comply with requirements in the ISC Standard; and
- BLM and the Forest Service each develop facility security assessment methodologies that comply with requirements in the ISC Standard.

The four land management agencies generally concurred with our recommendations and provided examples of actions they plan to take to address our recommendations, including revising policies and developing new tools, training, and data system modules.

Chairwoman Haaland, Republican Leader Young, and members of the Subcommittee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

Ms. HAALAND. Thank you very much, Ms. Fennell.

The Chair now recognizes Ms. Katie Tubb, Senior Policy Analyst at the Heritage Foundation.

Ms. Tubb, you have 5 minutes.

**STATEMENT OF KATIE TUBB, SENIOR POLICY ANALYST, THE
HERITAGE FOUNDATION, WASHINGTON, DC**

Ms. TUBB. Thank you for this opportunity to speak to you today, and for the interest in examining Federal lands issues.

Decision making on Federal lands has been contentious for many years—decades, if not longer. In some respects, that is not surprising, given that there is potential for conflict when Federal lands consume large parts of the West. This has major implications for states and individuals, and their ability to foster a promising place to live with economic diversity, property, and other tax revenue for services like education and public safety, physical space, and access to lands for a variety of cultural, recreational, and economic activities.

Further, management on these lands is diverse and spread across multiple agencies and bureaus, governed by a complex of overlapping and often conflicting laws, missions, and regulations, which different administrations have implemented in drastically different ways.

A litigation culture all but invited by broad, unclear, and outdated laws has led to perverse incentives. And when people feel that they are not being listened to, or the levers of power are out of reach, tensions spill over. Undoubtedly, civil servants are also in a difficult place navigating these laws.

When it comes to conflict, Federal, district, and unit offices should ensure their staff are adequately equipped for their own safety. Just as important, staff should be trained to handle and diffuse conflict toward solutions. However, to go overboard is to miss the point, and Federal actions can wittingly or unwittingly create unnecessary tension. Federal actions, again, real or perceived, to slow-walk leases and permits, being unwilling to seek compromise, failing to be present and available to the community, or escalating the severity of charges can create or exacerbate conflict.

Ultimately, I believe Congress needs to do a wholesale review of the Federal estate and the laws governing it. However, even in this broken system, there are examples of collaboration amongst conflicting interests that have yielded good results.

I think those boil down to some basic principles of cooperative federalism, the first being that solutions are site- and situation-specific. Specific decisions reflect the unique circumstances, histories, and priorities of communities and land users. Americans can and do successfully pursue varied and competing interests with creative, nuanced compromises. This requires relying on people who directly benefit or are harmed by those decisions.

Second, solutions rely and respect the role of private property owners. Rather than being irrelevant or a barrier to public land management solutions, private property owners can be great assets and, in fact, ownership is a powerful incentive for stewardship.

Third, solutions empower states and communities. And while there are many degrees of and ways to accomplish this, empowering states and communities to drive decision making has proved effective. States and communities already share the cost of maintaining Federal lands, whether by the liability of no management, the lost opportunity of poor management, or the infrastructure needed to support management.

My written testimony offers examples of how each of these have resolved conflict, among those the Utah Grazing Improvement Program; the White Mountain Apache Tribe Successful Forest Management Program; the Forest Service's use of its Good Neighbor Authority; Wyoming's exception under the Antiquities Act; and the Federal Lands Freedom Act proposed in the 115th Congress.

I would like to draw just one example, that being the 1984 compromise for Forest Service and BLM lands in northern Arizona. Within the broader, protracted national debate over wilderness area designations, a coalition of interests came together to seek resolution in a more timely fashion. I think it is very interesting who formed this coalition. It was a mix of energy companies and groups like the National Parks Conservation Association, Sierra Club, National Wildlife Federation, Local Chambers of Commerce, the Grazing Advisory Board, and a variety of local, state, and Federal politicians. The discussions resulted in an all but universally satisfying compromise with the Arizona Wilderness Act. The compromise created nine wilderness areas, including the BLM's first. It also allowed for uranium mining and timber production within painstakingly negotiated boundaries.

The point is, coming to solutions is hard work and complicated work. The way forward through collaboration is rarely clear cut and easy with an obvious outcome. But I think the more Congress can encourage, agencies pursue, and states and private individuals initiate collaborative approaches, the better chances we have of reaching solutions through conflict. Thank you very much.

[The prepared statement of Ms. Tubb follows:]

PREPARED STATEMENT OF KATIE TUBB, THE HERITAGE FOUNDATION

Thank you for the opportunity to testify before you today and for your interest in examining Federal lands issues. Decision making on Federal lands has been contentious for decades, if not longer. The Hammond and Bundy cases are unfortunate, more recent examples of conflict that escalated to the loss of one man's life and put many others in danger.

In some respects, it is not surprising that there is such potential for conflict. While not exclusively a Western issue, Federal management covers vast tracts of the West. This has major implications for states and individuals, and their ability to foster a promising place to live with economic diversity; property and other tax revenue for services like education and public safety; physical space; and access to lands for a variety of cultural, recreational, and economic activities.

Further, management of these massive and diverse lands is disjointed, being spread across multiple departments and bureaus governed by a complex of overlapping and often conflicting laws, missions, and regulations as well as historical uses and arrangements predating certain Federal laws. Different administrations have interpreted and implemented the same laws guiding management in drastically different ways to either encourage access to Federal lands or heavily restrict their use. Special interest groups leverage these complexities to pressure elected leaders and bureaucrats to enact policies that benefit powerful constituencies. A litigation culture all but invited by broad, unclear, or outdated laws has led to perverse incentives. Non-action by Federal agencies is rewarded not because bureaucrats are generally bad or incompetent, but because Federal employees soon learn that taking no action is safe. Delay, study, hearings, and re-hearings are "acceptable" activities. Deciding something may create a job-threatening political firestorm.¹ At worst decisions are never reached, and at best agencies expend extensive resources not on management but rather to bullet proof decisions with reams of analysis for the inevitable legal challenge. When people feel they are not being listened to or the levers of power are out of reach, tensions spill over.

So, it is unsurprising that people are passionate about Federal lands. Conflict comes in many shapes and sizes. There of course were the cases of the Hammonds and Bundys which made national headline news. But there are dozens of other cases that, though they do not make national news, are no less impactful to the local communities and individuals. Controversial national monument designations in Utah and off the coasts of Massachusetts, or just last week, the issue of roadless area designations in Alaska, are ready examples of conflict over Federal lands, all the way down to the use of cabins in Ottawa National Forest in Michigan and eminent domain issues in Smokey Mountain National Park.

When it comes to conflict, individual district and unit offices of the Federal land agencies should not be irresponsible and ensure their staff are adequately equipped for their own safety. Just as important, staff should be trained to handle and diffuse conflict toward solutions, if possible. However, to go overboard is to miss the point and Federal actions can wittingly or unwittingly create unnecessary tension. While it is popularly easy to caricature and parade the faults committed by private land-owners in the Bundy and Hammond cases, Federal land managers and bureaucrats were not faultless, either. That incident aside, Federal actions to slow walking leases and permits, being unwilling to seek compromise or inflexibility to seek agreeable alternatives, failing to be present and available to the community, and escalating the severity of charges can create or exacerbate conflict. Management of Federal lands is a two-way street at least.

That said, I would like to use the remainder of my testimony to focus on ways conflict on Federal lands has been or could be resolved. Ultimately, I believe Congress needs to take a wholesale review of the Federal estate and the morass of conflicting and overlapping laws governing it. However, even in this broken system there are examples of collaboration amongst conflicting interests that have yielded good results. Those successes boil down to some basic principles of cooperative federalism.

1. Solutions Are Site and Situation Specific

Rather than centralized policies, site and situation specific decisions reflect the unique circumstances, histories, and priorities of communities and land users. Americans can and do successfully pursue varied and sometimes competing interests on Federal lands. Coming to creative compromises requires relying on people

¹Jack Spencer, ed., *Environmental Conservation: Eight Principles of the American Conservation Ethic*, The Heritage Foundation, July 27, 2012, <http://www.heritage.org/research/projects/environmental-conservation/EightPrinciples>.

who will directly benefit from wise management decisions or be marginalized by poor ones.

Coming to such solutions is hard, complicated work. Take for example the process to reach a compromise for land use plans on Forest Service (USFS) and Bureau of Land Management (BLM) lands in northern Arizona. Within the protracted national debate, study, and re-analysis of wilderness area designations, a coalition of interests came together to try to resolve land-use issues in a more timely fashion for an area in northern Arizona known as the Arizona Strip.

It is perhaps worth noting that the Federal Government's inability to move forward in Arizona caused tension, apparently among all parties. According to Representative Mo Udall (D-UT):

"Since 1979 Arizonans who used the forests for livelihood, for recreation, for scientific purposes, and for much more, have labored under the uncertainties of interim management. . . . This has hurt people in Arizona, causing frustration and confusion. Miners are not sure where to invest their exploration in development dollars. Ranchers wonder about the future management of their grazing allotments. Conservationists fear the loss of critical, sensitive lands in the fragile Arizona environment.

The Forest Service goes about its job without any clear direction from the Congress. Lawsuits in other states threaten court-imposed land management regimes that would benefit no one. The current administration launches a senseless, costly and resource-wasting process called RAREII [Roadless Area Review and Evaluation II] to paw over the inventory again."²

Consequently, an attempt at more timely resolution was initiated by a group of private companies and environmental interests. Months of extensive discussion began between Energy Fuels Corporation, Western Nuclear Corps, the Wilderness Society, National Parks Conservation Association, National Wildlife Federation, Sierra Club, Grazing Advisory Board, local chambers of commerce, and, ultimately, the BLM, USFS, and Arizona's Federal delegation. Discussion resulted in an all but universally satisfying compromise with the Arizona Wilderness Act.³

The compromise created nine wilderness areas, including the BLM's first designated wilderness areas. It also allowed for uranium mining and timber production within painstakingly negotiated boundaries. It represents the concept of multi-use lands enshrined in the Federal Land Policy and Management Act⁴ and is itself, in the words of BLM's Director Robert Burford, a "unique piece of legislation" of hard-won consensus among competing interests. The National Parks Conservation Association described the Act as an "exciting adventure in the democratic process" which it was pleased with in substance and process and supported "with great enthusiasm."⁵ The legislation had the support of both Senator John McCain (R-AZ) and Representative Udall, long-time chairman of the House Interior Committee.

Subsequent Federal land management plans by the BLM and USFS reflected this compromise. Unfortunately, the Obama administration unilaterally rescinded this arrangement in 2009 and formally withdrew over 1 million acres from mining activities for 20 years in a 2012 public land order by the Secretary of Interior.⁶

While not always perfect, local expertise leads to successful environmental policy that is more responsive and better suited to unique landscapes. Time and again, states and communities have been able to come to creative, nuanced compromises that reflect their unique circumstances, priorities, and histories.

2. Solutions Respect the Role of Private Property Owners

Rather than barriers to public land management solutions, private property owners can be great assets. In fact, ownership is a powerful incentive for steward-

²"Additions to the National Wilderness Preservation System," Subcommittee on Public Lands and National Parks, Committee on Interior and Insular Affairs, U.S. House of Representatives, September 13, 1983, http://www.azwater.gov/AzDWR/SurfaceWater/Adjudications/documents/SRP_Initial_Disclosure/SRP08318%20-%20SRP08765.pdf (accessed October 21, 2019).

³Arizona Wilderness Act of 1984, H.R. 4707, 98th Congress, 2nd Sess.

⁴Federal Lands Management and Policy Act of 1976, § 102, 94th Congress: "[I]t is the policy of the United States that . . . public lands be managed in a manner which recognizes the nation's need for domestic sources of minerals, food, timber, and fiber from the public lands."

⁵"Additions to the National Wilderness Preservation System," Subcommittee on Public Lands and National Parks, Committee on Interior and Insular Affairs, U.S. House of Representatives, September 13, 1983, http://www.azwater.gov/AzDWR/SurfaceWater/Adjudications/documents/SRP_Initial_Disclosure/SRP08318%20-%20SRP08765.pdf (accessed October 21, 2019).

⁶Federal Register, Vol. 77, No. 11 (January 18, 2012), pp. 2563–2566.

ship. Property rights turn environmental resources into assets rather than liabilities, and markets lead to more creative and desirable solutions. Unfortunately, Federal approaches can disincentivize collaboration and partnerships with private property owners. Conflict often arises when property owners are seen as opponents or irrelevant to a solution. Current regulatory and management approaches often devalue private property, and Federal management often fails to utilize market based solutions that could make land and resources more profitable to the benefit of Federal lands.

Take, for example, Utah's voluntary Grazing Improvement Program (GIP) set up in partnership with the state, Federal Government, and private property owners. Grazing is a deep part of Utah's heritage and an important part of the local economy. However, the sheer volume of Federal lands is itself a source of tension for Utahans. Sixty-three percent of Utah is owned by the Federal Government, and, consequently, Federal land management plans and designations acutely impact the livelihoods of residents. According to the Utah Farm Bureau:

"There are 45 million acres of rangeland suitable for livestock grazing in Utah. Of that, 33 million acres or 75 percent is controlled by the BLM and Forest Service. The Director of the BLM manages more land in Utah than the Governor elected by the people of Utah. Our future in Southern Utah, in most of Utah and across the American West is being dictated by a distant, disconnected central government. And that distance is not just based on geography."⁷

For decades, government responses to environmental degradation on rangelands have revolved around reducing access to land and reducing permissible herd sizes.⁸ This naturally exacerbated frustration and economic hardship for ranchers, but further did not solve rangeland and watershed damage. As described by Utah's Department of Agriculture and Food, there was a "disconnect between the regulatory regime and good grazing practices."⁹

Passed in Utah's legislature in 2006, the GIP aims to bring together ranching, environmental, and state and Federal Government interests together to apparent good effect for both ranchers and the environment.¹⁰ The GIP established local and state advisory boards to engage at the local, state, and Federal levels to develop and propose consensus recommendations for Federal lands management decisions, and implement rangeland projects. This involves groups like the U.S. Department of Agriculture, BLM, state agriculture and natural resource departments, Utah Farm Bureau, Nature Conservancy, Utah Cattlemen's Association, Grand Canyon Trust, Utah Wool Growers Association, Trout Unlimited, local landowners, and state universities.¹¹

Importantly, the program is proving effective from both ranching and environmental perspectives. Rather than overemphasizing herd size, Utah's approach emphasizes actively managing herds, distribution, and rotation to keep cattle from overusing lands and streams. Installing water systems, fences, and new plants have reduced soil erosion, improved streams and water quality, decreased the spread of invasive plants and species, and reduced dry underbrush that is fuel for wildfires.

⁷ Utah Farm Bureau, "Monument Review, MS-1530," Statement of the Utah Farm Bureau to Secretary Ryan Zinke, U.S. Department of Interior, undated, <https://www.utahfarmbureau.org/Article/File/get?path=Files%2FArticle-109549%2FBears%20Ears%201.pdf> (accessed October 21, 2019).

⁸ Utah Department of Agriculture and Food, "Change in Utah Federally Permitted AUMs 1940-2005," <https://ag.utah.gov/wp-content/uploads/2019/05/History-of-AUM-Reductions.pdf> (accessed October 21, 2019). See also Utah Department of Agriculture and Food, "GIP History," May 21, 2019, <https://ag.utah.gov/farmers/conservation-division/utah-grazing-improvement-program/gip-history/> (accessed October 21, 2019).

⁹ Doug Warnock, "Utah's Grazing Improvement Program Develops Key Principles," Capital Press, December 29, 2016, https://www.capitalpress.com/ag_sectors/livestock/utah-s-grazing-improvement-program-develops-key-principles/article_f7fb1059-45ab-50a0-9e94-4bebc3a7c102.html (accessed October 21, 2019).

¹⁰ Ashley Longmore and Troy Forrest, "The History and Overview of Utah's Grazing Improvement Program," *Rangelands*, Vol. 38 No. 5 (October 2016), <https://www.sciencedirect.com/science/article/pii/S0190052816300554?via%3Dihub> (accessed October 21, 2019).

¹¹ Michele Straube and Lorian Belton, "Collaborative Group on Sustainable Grazing for U.S. Forest Service Lands in Southern Utah: Final Report and Consensus Recommendations," December 2012, <https://ag.utah.gov/wp-content/uploads/2019/05/Sustainable-Grazing-for-Southern-Utah-Forests.pdf> (accessed October 21, 2019). For a BLM example, see Bureau of Land Management, "BLM Seeks Public Comment on the Bison Fence Environment," U.S. Department of Interior, August 16, 2018, <https://www.blm.gov/press-release/blm-seeks-public-comment-bison-fence-environmental-assessment> (accessed October 21, 2019).

This has further benefited ranchers with healthier, more productive rangeland for herds.

Under a system of property rights and rule of law, they have power incentive to maintain and enhance their environment.

3. Solutions Empower States and Communities

Perhaps a variation on the themes of the first two points, empowering states and communities to drive decision making has proved effective. While there are many degrees of and ways to accomplish this, one good example is the experience of the White Mountain Apache Tribe.

Management of forests on tribal lands contrasts starkly with neighboring Federal lands, to great environmental and economic benefit for the White Mountain Apache Tribe. The White Mountain Apache Tribe manages their own forests, mimicking the natural burn and growth cycle by clearing logs and brush that could become fuel for fires. Doing so also provides jobs for the tribe, which boasts its own logging industry.

While they work with the Department of the Interior and Forest Service to develop land-management plans, critically, the tribal council is in the driver's seat. According to Robert Lacapa, former forest manager with the Bureau of Indian Affairs for the White Mountain Apache Tribe: "Our constituency is on the reservation, and we have about 16,000 tribal members. Nobody from New York. Nobody from California. Our primary interest group is right here."¹² This protection allows the Tribe to complete more forest treatments more quickly according to the interests of the tribe. It has paid off—the damage and intensity of forest fires on tribal lands has been markedly less than on neighboring Federal lands.

Reflecting on the stark contrast between tribal and federally managed lands, Lacapa stated:

"Unfortunately for the Forest Service, they can get somebody back East or back West that can put a stop to any of their [National Environmental Policy Act requirements]. The public has really limited their effectiveness in using prescribed burns and harvesting as tools. And that's really bad for us. It's not just about what we can do here locally [on the reservation], but on a landscape basis."¹³

The simple truth is, the White Mountain Apache Tribe has powerful incentives to be good stewards of their environment as part of their livelihoods, economic opportunity, culture, recreation, and other uses of the land around them. Their community directly benefits from good management decisions and is hurt by poor ones. Fortunately, their unique situation allows them to plan as a community and utilize local expertise and priorities.

There are other small-scale examples worth considering to empower states and communities.

- Under its Good Neighbor Authority, the Forest Service has contracted with 32 states to complete management work on national forests.¹⁴
- The EPA and Nuclear Regulatory Commission have partnered with many states, which under formal agreements may assume certain regulatory authority under the Clean Water Act and Atomic Energy Act, respectively.
- The Antiquities Act grants the state of Wyoming an exemption from unilateral presidential action by requiring congressional approval for any monument designation.
- The South Nevada Public Land Management Act of 1998 made 68,000 acres of Federal land near Las Vegas available for purchase and generated proceeds

¹²Valerie Richardson, "Apaches Stave Off Wildfires with Timber Industry, Active Forest Management," *Washington Times*, September 2, 2018, https://www.washingtontimes.com/news/2018/sep/2/apache-forest_management-fights-wildfires/ (accessed October 21, 2019).

¹³Ibid.

¹⁴Jason Hayes, "Conflict to Cooperation: Collaborative Management of Federal Lands in Michigan," Property and Environment Research Center and the Mackinac Center, October 30, 2018, <https://www.perc.org/2018/10/30/conflict-to-cooperation-collaborative-management-of-federal-lands-in-michigan/> (accessed October 21, 2019). See also U.S. Forest Service, "Good Neighbor Authority," U.S. Department of Agriculture, <https://www.fs.fed.us/managing-land/farm-bill/gna> (accessed October 21, 2019).

for Nevada's General Education Fund, the Southern Nevada Water Authority, and Federal conservation and maintenance projects.¹⁵

- The Federal Lands Freedom Act proposed by Senator James Inhofe (R-OK) in the 115th Congress, though not passed, would have allowed states to submit their own regulatory programs for energy permitting and development on Federal lands in lieu of Federal requirements.

There does not seem to be a sustained drive in Congress to expand the role of states on Federal land-management decisions. However, states can utilize local creativity and accountability without the added baggage of national political battles and Federal regulatory processes. States already share the cost of the maintenance of Federal lands, whether by the liability of no management, the lost opportunity of poor management, or the infrastructure needed to support development of resources.

The way forward through collaboration is rarely clear cut and easy with an obvious outcome. If it were, we would not be having discussions like this today. Shifting more control from Washington to those with direct knowledge of the land in question and a clear stake in the outcome of decisions would be a step in the right direction. But the more Congress can encourage, agencies pursue, and states and private individuals initiate collaborative approaches, the better the chances of reaching solutions through conflict—solutions that offer better, nuanced, and creative approaches to benefit people and the environment.

Ms. HAALAND. Thank you, Ms. Tubb. Thank you for that valuable testimony. The Chair will now recognize Members for their questions. Under Committee Rule 3(d), each Member will be recognized for 5 minutes. I will start with Mr. Tonko.

You have 5 minutes.

Mr. TONKO. Thank you, Chair Haaland, and thank you for bringing this hearing together. And thank you to our witnesses for your input.

The unfair and negative treatment of Federal employees harms our Nation. It threatens the loss of institutional knowledge, and undermines the performance of the agency in service of the American people. Elected officials and others in positions of power and public trust should not be able to use these employees as political pawns. Even the way we talk about them can have a personally dangerous and professionally devastating consequence on these individuals, to say nothing of undermining the serious and important work that they do.

No one, no matter where they work, should feel like they are being held hostage in their own home, or have shots fired over their heads while working. Surely, we can manage at least this minimum standard of humanity for our own Federal employees.

In this divisive time, our words matter more than ever. Public land managers are already being harassed and sometimes attacked, and we have a duty to rise above this toxic political climate in our words and in our actions.

My first questions are to Ms. Fennell. Your report says Federal land management experts experience threats and intimidation, including being monitored at home and harassed at the grocery store as part of their daily lives. It is so common that some don't even report it to their colleagues any more. That sounds like a

¹⁵ Bureau of Land Management, "Southern Nevada Public Land Management Act (SNPLMA)," U.S. Department of Interior, https://www.blm.gov/sites/blm.gov/files/documents/files/SNPLMA_New%20About%20Page.pdf (accessed October 21, 2019).

more dangerous reaction than a difference of opinion about land management.

Could you tell us more, please, about some of the experiences that have been reported?

Ms. FENNELL. Some employees have not reported various incidents because they informed us that, under certain circumstances, they may consider that just a part of their regular job duties. Some, however, indicated that it depends on the particular circumstances, so what may appear to be a threat for one employee may not be perceived as that for another. There is judgment that is involved, in terms of whether they come forward, in terms of reporting potential threats.

Mr. TONKO. Thank you. And in your testimony you briefly mentioned that many employees were traumatized by the Malheur takeover, with some never returning to work, or transferred to other agency field units. Can you briefly elaborate on the impact that threats and literal assaults on Federal employees have had on retention and institutional knowledge at our Federal land management agencies?

Ms. FENNELL. Well, some of the employees informed us that that was indeed the situation from the Malheur experience, that they were traumatized by the event and chose to ask for a transfer, or not return immediately to work. That was an illustrative example of the situation that occurred there.

But we did not hear consistent examples throughout, in terms of how many transfers there had been requested. So, we don't have specific information to respond to that question.

Mr. TONKO. Do you expect that you will get additional information?

Ms. FENNELL. It was not part of our particular scope for our review, but that is something that we can follow up with the agencies and get back to your staff.

Mr. TONKO. OK, that is great. Thank you.

And, Mr. Nichols, how has Harney County changed since the takeover? And what are some of the social consequences you have seen resulting from this kind of violence perpetrated in the name of taking back the land?

Mr. NICHOLS. Harney County was elated it was over with. Things haven't changed dramatically within the community, other than there is division to some degree where there wasn't before over several things.

But, basically, the community got back on its feet, rolling, and doing what we have always done, and that is working together and trying to survive all of the things that we have to survive in our community. It has been a very positive reaction to the whole situation, and we are moving ahead, moving forward.

Mr. TONKO. Thank you. Professor Walker, you spent a great deal of time interviewing local residents since the Malheur takeover. What kind of long-term social damage did this inflict upon them?

Dr. WALKER. As Commissioner Nichols said, I think, generally, the community has bounced back. It is still a community that works very well together.

I think there has been a lot of long-term damage to specific individual relationships. There are people who still tell me that they

won't patronize businesses that belong to people who they perceive to be on the other side of the issue. I think there is a general sense of wariness, of suspicion about others in the community that there was not before the Malheur occupation.

On the other side, I would actually say that, in my observation, if anything, the damage to some of those relationships, some individual relationships, has actually been countered by a reinforcement of a commitment to working together through the collaborative model.

I attended the very first—to my knowledge, the very first—collaborative meeting in an initiative of the High Desert Partnership known as the Harney County Restoration Collaborative, the Forest Collaborative, in March 2016, right after the occupation ended. And the facilitator of that group told me that the attendance at that particular meeting was higher than he had ever seen before.

So, it is a mixed bag. There is some damage, but there has also been a reaffirmed commitment to the collaborative model.

Mr. TONKO. I thank you. I have well exceeded my time, and I apologize, Madam Chair. I yield back.

Ms. HAALAND. Thank you, Mr. Tonko. The Chair recognizes Ranking Member Curtis.

Mr. CURTIS. Thank you, Madam Chair.

Dr. Walker, on page 24 of the GAO report it reads, "Agency field officials said that building relationships with the public, both visitors and local citizens, can help keep their employees safe by cultivating trust and reducing potential tension." After hearing your testimony it sounds like that could have been written based on a case study in your area. Would you agree with that?

Dr. WALKER. I am sorry, can you say that again?

Mr. CURTIS. The report says that the best way to keep the Federal employees safe is to build relationships of trust. And it sounds to me like—

Dr. WALKER. Yes, I would generally agree with that. I think that, really, you should be asking Mr. Nichols.

Mr. CURTIS. OK. Mr. Nichols, please?

Dr. WALKER. Mr. Nichols ranches in that community, but my quick understanding is that relationships in that community prior to the establishment of the collaborative culture that Commissioner Nichols refers to was quite bad. And since then that trust has been built in ways that really served the community well under pressure. Yes.

Mr. NICHOLS. I would agree.

Mr. CURTIS. Yes. And maybe to both of you, as the world looks back on your community and this incident—this seems to me like a rhetorical question, but maybe it is not. Would you both rather be remembered for the relationship-building with the Federal employees or this one incident?

Mr. NICHOLS. The relationship with the employees or what, sir?

Mr. CURTIS. My point is, and my fear is, that the topic of this hearing is focusing on all that is bad. And what I am hearing from your community is there is a lot that is good.

And the question is, I am assuming you would rather be remembered for the relationship building that you all have done and not this one incident.

Mr. NICHOLS. Yes, sir. Like I referred to earlier, the Bundy occupation is over and done. We have moved on. Yes, there are differences of opinion about things. There always is, there always will be. But there isn't the hostility and the aggression toward one another or anyone else that was evident during that time.

Basically, it was total anarchy in our community for a month, 6 weeks. That is not a good place to be, not a good place at all.

Mr. CURTIS. It is my sense that it is also not a reflection on who you are as a community.

Mr. NICHOLS. No.

Mr. CURTIS. Much more on the relationship-building side.

Mr. NICHOLS. It is.

Mr. CURTIS. I think all of you have spoken today about the importance of building relationships to solve problems without creating more divisiveness.

I was very fortunate to be part of an Emery County public lands package that was signed into law this year. And that, to me, was a perfect example of how locals are working together with the Federal agencies to find harmony and peace in these difficult public land conflicts.

My county worked daily with local BLM officials. And because of that they came to better decisions. And when I go down in that county I hear great things about the local representation from BLM down there, and I feel like it was a win-win.

Ms. Tubb, I am curious. The title of today's hearing alleges a widespread culture of anti-government attacks and abuse. Let me just read that again, "a widespread culture of anti-government attacks and abuse."

First of all, do you agree with this characterization of the epidemic level threat of an anti-government activist?

Ms. TUBB. No, I don't. And I think it is not characteristic to label all conflict as anti-government. As I think we have said across the panel, these are passionate issues because they affect people's lives. That doesn't mean they are anti-government.

Mr. CURTIS. Yes. Thank you. Your testimony, you argue that it is important for Federal land management agencies not to create unnecessary tension. What are some ways agencies can diffuse tension and encourage better relationships?

Ms. TUBB. I think it is absolutely the relationship building and seeking compromise. Granted, I think land managers have a very difficult position to play because of the underlying law and regulation. Nevertheless, I think there are enough tools in there to create a give-and-take amongst land managers and the people affected by their decisions.

Mr. CURTIS. We have heard—and I want to endorse that we need to keep our Federal employees safe, and I wouldn't want anybody to think that I felt otherwise, but I would like to take advantage of this opportunity to share my concern that it doesn't always feel like this is a common concern for all Federal employees. And in law enforcement, even local law enforcement, I would hate to compare the statistics that we have heard today for Federal law

enforcement threats versus local law enforcement. And I believe the number of lives lost in local law enforcement would far exceed this.

So, I would like to just end my time with a plea for care and concern for all Federal employees, all law enforcement. We have not even talked about those down at the border. I have been down there, I know they are receiving threats on a consistent basis, and I want to make sure that we keep all of them in mind as we work to make their environment safer.

Thank you, Madam Chair. I yield my time.

Ms. HAALAND. Thank you, Mr. Curtis. The Chair recognizes Mr. Lowenthal for 5 minutes.

Dr. LOWENTHAL. Thank you, Madam Chair. And, as I say, thank you to all the panelists. I want to start with Ms. Fennell.

In your testimony, you stated, as I read, that at the close of Fiscal Year 2018, the number of field law enforcement officers at each of the four land management agencies has declined since Fiscal Year 2013, and that decline makes it more difficult to protect employees. Can you first elaborate on the impact that these declines have had on employee safety?

Ms. FENNELL. It is one of a number of factors that have impacted the Federal Land Management Agency's efforts to protect Federal employees. The law enforcement officer decline ranged from 7 percent for the Park Service to 22 percent for the Forest Service from 2013 to 2018. The officers have a vast amount of land in which to survey, as well, so the number of law enforcement officers per millions of acres of the land is a fairly small ratio.

There are various efforts that are underway to try to address that particular issue we heard about from the Federal land management agencies, including the spirit of sharing law enforcement officers to address various events that may be occurring, just as one way to address the decline in the numbers of law enforcement officers in the field.

Dr. LOWENTHAL. Can you help me understand why there was the decline in law—was it just fiscal? Why was there a decline in law enforcement from 2013? It was not a time of great reductions in the U.S. economy. In fact, we were beginning the recovery by then.

Ms. FENNELL. It was not the focus of our line of questioning, because we were looking at the various factors that can impact their ability to protect employees. However, what law enforcement officers had indicated is that there had been budget and resource constraints contributing to the decline.

Dr. LOWENTHAL. Mr. Nichols, you know that President Trump pardoned the Hammond family in 2018. You know that.

Mr. NICHOLS. I know that.

Dr. LOWENTHAL. Yes. I am just asking you. Can you tell me how that family is perceived in Harney County?

Mr. NICHOLS. Well, sir, you are asking me my perception? My perception is there are two different ways of looking at them. They are outstanding people, and they are good community members. But, apparently, something was out of sync with the Department of Justice, and that course of action took place. Other than that, I don't believe it is my place to be answering that type of a question.

Dr. LOWENTHAL. I was just asking what the community felt about this, or perceived of it, not about—was it much of a reaction?

You indicated your reaction, in that you thought they were excellent people. I am just wondering whether there was much community reaction when this took place.

Mr. NICHOLS. OK. The community reaction—the community is made up of people that are different in their opinions. It went a variety of different ways.

Dr. LOWENTHAL. I am going to yield back. Thank you, Madam Chair.

Ms. HAALAND. Thank you, Mr. Lowenthal. The Chair recognizes Mr. Grijalva.

Mr. GRIJALVA. Thank you very much, Madam Chair. Ms. Fennell, in preparing the report, how often did land managers describe the public misconceptions about land use law, or what Federal agencies really do, as you were doing your report?

Ms. FENNELL. In terms of the Federal land management agencies and their efforts to protect their employees, they noted a number of different factors that can impact their ability to protect their employees, including the need to ensure that they have opportunities to inform the public and visitors about the land that they are managing, and any particular incidents that might arise.

So, it was part of an opportunity for dialogue with the public who would be visiting their lands that that topic would arise.

Mr. GRIJALVA. And a little bit of a followup, Professor Walker. You are a scholar on land use and political history behind land use laws. Could you explain a bit more about the misrepresentations of the Constitution that the anti-public land, anti-government activists rely on and, more pointedly, how courts have ruled on this issue throughout our history?

Dr. WALKER. I am sorry, sir, I couldn't quite follow the question.

Mr. GRIJALVA. OK. The misrepresentations of the Constitution that a lot of the anti-government, anti-public land activists on this issue rely on, and how the courts have ruled on unconstitutional issues regarding public land, in particular.

Dr. WALKER. How did the misrepresentation of the Constitution—

Mr. GRIJALVA. Yes.

Dr. WALKER. I actually think that is a very important question. The militants of the Malheur Refuge have a very idiosyncratic interpretation of the Constitution, to put it mildly. Their interpretation is that the Federal Government has no jurisdiction over land or, really, over almost any other issues outside of Washington, DC.

And my belief is that that has given a lot of sense of legitimacy to a broader anti-government movement out there. And it is expressed in particular through social media, where people seem to express opinions that anti-government activities, political activities, up to and including violence, is justified because the government has overstepped its constitutional authority.

That constitutional interpretation is not supported by any legal scholars or historians or the U.S. Supreme Court. But when the militants spread that kind of mythology, it gives legitimacy to the anti-government movements, including violent ones.

Mr. GRIJALVA. I appreciate that, and I appreciate the Chair holding this hearing, because it is about the health and safety of the agency employees, the land management, and I think it is—let's not minimize what happened in Oregon. And it happens in Arizona, that these folks, public servants, do come under a great deal of not only political, but personal attacks, threats, harassment, and that their well-being should be a priority. And this hearing is a step in that direction.

You know how things get misrepresented, let's take one example that was mentioned. The Arizona Wilderness Act was important to the state of Arizona. The important thing to note here, it was a wilderness bill and not a resource conservation bill. So, to equate it with anything else that is going on, I think, is a mistake. The Act did not consider threats to clean water. It did not consider how to protect the Colorado River watershed. It did not consider the impacts of uranium mining, which is key to the future discussion.

The majority of the lands considered in the Grand Canyon mineral withdrawal under Obama were never even reviewed during the drafting of the wilderness bill. And staffers who helped draft the Wilderness Act have testified on record that conflating their bill with the withdrawal is simply incorrect. Yet, somehow we hear these arguments making this false comparison between the Arizona Wilderness Act and the mineral withdrawal.

I don't see how any of this, that line of thinking, justifies extremist attacks on Federal employees. It is insulting to, I think, Federal land managers who get harassed in the supermarket, followed home, in their cars, get graffiti painted on their houses, get attacked at work, to be told that the Arizona Wilderness Act is just too much for reasonable people to handle.

I think we can make bipartisan progress on this, but we are here because anti-government rhetoric de-humanizes government employees, period. And those employees are being threatened and harassed because they are doing their jobs, and we need to discuss how we improve their living and working conditions as we speak, and what protections we extend to them.

We are not here, I don't think, with any misinformation. I think the GAO report is pretty clear.

And I think we have an obligation to do something about it, Madam Chair, and I yield back.

Ms. HAALAND. Thank you, Mr. Grijalva. I would recognize myself for 5 minutes.

Professor Walker, you spent time with the Bundy militia at Malheur National Wildlife Refuge in 2016. Did the views they shared with you sound anything like what you have heard elsewhere?

In your opinion, was the militia expressing commonly held sentiments about how the American people want their public lands managed?

Dr. WALKER. Commonly held opinions in Harney County, or generally?

Ms. HAALAND. Really, anywhere that you have been.

Dr. WALKER. Yes.

Ms. HAALAND. Yes.

Dr. WALKER. The short answer is no. This is a very small community of anti-government activists. That particular group that is centered on the Bundy family is really a very small group of individuals.

But what I am concerned about is that they give a sense of legitimacy to wider-spread anti-government groups.

What happened at the Malheur National Wildlife Refuge was that the Bundys came to the wildlife refuge, and they began from a particular ideological perspective having to do with religious interpretations of the Constitution. But what they were advocating for was, essentially, an overthrow of the Federal Government, a replacement of the existing Federal Government.

I asked the leader of the group directly whether he was really advocating for an overthrow or a replacement of the existing Federal Government. And he said yes. They made that message very clear.

And other groups who have also advocated for the replacement of the existing Federal Government heard that message, and they heard the message that the Federal Government is broken, it is broken beyond repair, it needs to be replaced, and it is the duty of patriots through armed force to re-establish constitutional government.

My concern is that some of those groups outside—you know, this is nationwide. Some of those groups have latched on to the Bundy family as giving a feeling, an impression, an image of legitimacy to their movement. Their movement, to a large degree, has a history tied to racism, xenophobia, anti-immigrant policy, and those sorts of ideologies. And the Bundy family has given a sort of more appealing public face to those movements. And in that sense I think that, even though their size as a group is very small, they have given legitimacy to wider-spread movements. That is my concern.

Ms. HAALAND. Thank you for that answer.

Mr. Nichols, in your testimony you stated that Harney County is almost like a poster child for collaborative approaches. I was wondering if you could briefly explain how Harney County residents worked with Federal land managers to collectively solve problems, rather than arguing, getting frustrated, and taking it out on Federal land managers.

Do you have any suggestions of ways this Committee can encourage the use of approaches like this more widely?

Mr. NICHOLS. Yes, I do. We have proved over and over in several different cases that sitting down and talking things through with everyone that has a vested interest in an issue is beneficial to the cause, beneficial to the result, the community, and especially the Federal land agencies involved.

Over the course of years, things have changed dramatically in Harney County. We never were “anti-government,” but there have been and there still are things that need to be discussed and looked at. And that goes everywhere.

Like I said, all across America. During the occupation, I got calls, literally, from Maine to California. And no matter how small the Federal land mass was in a state, there were still issues with it. That is not to say it is all bad, it isn't something that can't be

overcome, but, again, the people need to be listened to and that is quite a broad question.

You people are listening today. We appreciate that. But the time needs to be spent like we do in a collaborative process. It takes a long, long time to get to truly know the other people, their ideas, and their values. And what we have come to learn is everybody's values are about the same thing. It is just how you come to the end results that are different.

And I can't express enough how we need to start communicating people to people, not an idea nor an agenda nor an organizational affiliation, but people to people. And until that happens—we all want protection of our Federal employees. That is paramount to them doing their job.

But that is not looking at the cause of the problem. The cause of the problem is something going on in our society. Protection is necessary, but, quite honestly, we shouldn't have to be protecting our Federal employees. That should be something ingrained in the people themselves. It is a societal problem. It is a lack of communication.

And, again, things aren't as horrific in the western United States as some of the things I have heard today are. There are places, undoubtedly.

My son works for the Federal Government. He has for 16, 17 years. Where he works right now, he loves it. And the people that they are serving love the services that they provide. It is basically a recreational type of a service within a forest in central Oregon. Where the rub comes in, quite often, as in the land masses, is that people are trying to make a living. They are paying taxes, they are raising children. Generational. They are taking care of the land. And there is always a threat of something coming down the pike and disturbing that. And, again, it isn't an anti-government, it is a fact of frustration and wondering what the future holds.

Ms. HAALAND. Thank you very much. Thank you for your insight. It has been very helpful today.

Do you have any other questions?

I thank the witnesses for their valuable testimony and the Members for their questions.

The members of the Committee may have some additional questions for the witnesses, and we will ask you to respond to these in writing.

Under Committee Rule 3(o), members of the Committee must submit witness questions within 3 business days following the hearing, and the hearing record will be open for 10 business days for these responses.

Again, we are very appreciative that you all took the time to come here. Thank you so very much.

If there is no further business, without objection, the Committee stands adjourned.

[Whereupon, at 3:01 p.m., the Subcommittee was adjourned.]

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE
COMMITTEE'S OFFICIAL FILES]

Submission for the Record by Rep. Haaland

—PowerPoint Presentation on Examples of Anti-Public Lands
Extremism Rhetoric

