

# Principled Stewardship of the American West



The Joint Senate and Congressional  
Western Caucuses Principles Report

Senate and Congressional Western Caucuses  
Winter 2015

**Senate Western Caucus Membership**

Senator John Barrasso (R-WY), *Chairman*  
Senator Roy Blunt (R-MO)  
Senator John Boozman (R-AR)  
Senator John Cornyn (R-TX)  
Senator Mike Crapo (R-ID)  
Senator Steve Daines (R-MT)  
Senator Mike Enzi (R-WY)  
Senator Deb Fischer (R-NE)  
Senator Jeff Flake (R-AZ)  
Senator Cory Gardner (R-CO)  
Senator Orrin Hatch (R-UT)  
Senator Dean Heller (R-NV)  
Senator John Hoeven (R-ND)  
Senator James Inhofe (R-OK)  
Senator James Lankford (R-OK)  
Senator Mike Lee (R-UT)  
Senator John McCain (R-AZ)  
Senator Jerry Moran (R-KS)  
Senator Lisa Murkowski (R-AK)  
Senator Jim Risch (R-ID)  
Senator Pat Roberts (R-KS)  
Senator Mike Rounds (R-SD)  
Senator Dan Sullivan (R-AK)  
Senator John Thune (R-SD)  
Senator David Vitter (R-LA)

**Congressional Western Caucus Membership**

Congressman Cynthia Lummis (WY-At Large),  
*Chairman*  
Congressman Scott Tipton (CO-03),  
*Executive Vice-Chairman*  
Congressman Mark Amodei (NV-02),  
*Vice-Chairman for Policy*  
Congressman Paul Gosar (AZ-04),  
*Vice-Chairman for Communications and Outreach*  
Congressman Steve Pearce (NM-02),  
*Chairman Emeritus*  
Congressman Rob Bishop (UT-01),  
*Chairman Emeritus*

Congressman Ken Buck (CO-04)  
Congressman Michael Burgess (TX-26)  
Congressman Jason Chaffetz (UT-03)  
Congressman Mike Coffman (CO-06)  
Congressman Mike Conaway (TX-11)  
Congressman Kevin Cramer (ND-At Large)  
Congressman Jeff Denham (CA-10)  
Congressman Jeff Duncan (SC-03)  
Congressman Trent Franks (AZ-02)  
Congressman Crescent Hardy (NV-04)  
Congressman Joe Heck (NV-03)  
Congresswoman Lynn Jenkins (KS-02)  
Congressman Walter Jones (NC-03)  
Congressman Mike Kelly (PA-03)  
Congressman Raul Labrador (ID-01)  
Congressman Doug LaMalfa (CA-01)  
Congressman Doug Lamborn (CO-05)  
Congressman Kevin McCarthy (CA-23)  
Congressman Tom McClintock (CA-04)  
Congresswoman Cathy McMorris Rodgers (WA-05)  
Congressman Markwayne Mullin (OK-02)  
Congressman Randy Neugebauer (TX-19)  
Congresswoman Kristi Noem (SD-At Large)  
Congressman Devin Nunes (CA-22)  
Congressman Mike Pompeo (KS-04)  
Congressman Tom Reed (NY-23)  
Congressman Dennis A. Ross (FL-15)  
Congressman Matt Salmon (AZ-05)  
Congressman Steve Scalise (LA-01)  
Congressman David Schweikert (AZ-06)  
Congressman Mike Simpson (ID-02)  
Congressman Adrian Smith (NE-03)  
Congressman Lamar Smith (TX-21)  
Congressman Chris Stewart (UT-02)  
Congressman Glenn Thompson (PA-05)  
Congressman Greg Walden (OR-02)  
Congresswoman Mimi Walters (CA-45)  
Congressman Randy Weber (TX-14)  
Congressman Bruce Westerman (AR-04)  
Congressman Don Young (AK-At Large)

## **Principled Stewardship of the American West**

The American West is an immense area of land that varies from rugged mountains and highland prairies to rolling hills and painted deserts. The wildlife, weather, and resources in the West are diverse, unique and spectacular.

The American West provides abundant natural resources that improve the lives of millions of people across the country. Our energy, food, timber, and mineral production continue to power America's future. And our producers, small businesses and industries, employ tens of thousands of American families whose work and products are the foundation of our economy.

The **Senate and Congressional Western Caucuses** believe that the people who live on the land in the West are the best stewards of the land. Our main goal is to empower the residents, workers, and local leaders in the West and throughout the nation to make the decisions that best serve their families and their communities. This rings true with our members representing states and districts across the country who, under these latest devastating waves of federal regulation, are joining us to secure local management for their communities as well.

In this report, we establish the principles that will guide our caucuses in the years ahead. We will work to rein in federal agencies that consider themselves the authorities on issues in the West. We will work to transfer power from Washington bureaucrats back to the people of the West. And we will continue to advance an agenda that supports jobs, energy, agriculture, and conservation.

### **Joint Senate and Congressional Western Caucus Principles**

**Principle 1 – Energy:** *Promoting access to our nation's abundant, affordable, secure, diverse, and reliable energy and mineral resources, making the United States a global energy leader.*

**Principle 2 – Environmental Stewardship:** *Focusing on state and local environmental solutions that put communities first.*

**Principle 3 – Agriculture and Forestry:** *Promoting affordable, safe, and abundant domestic food production for American families, and creating healthy forests.*

**Principle 4 – Judicial and Regulatory Reform:** *Leveling the playing field for states, local governments, businesses, and individuals.*

**Principle 1 – Energy:** Promoting access to our nation’s abundant, affordable, secure, diverse, and reliable energy and mineral resources, making the United States a global energy leader.



*That means:*

- ✓ **Promoting energy security for the United States and its trading partners –** America is blessed with abundant energy resources and the know how to produce them responsibly. These resources could reduce our dependence on foreign energy, create good paying jobs at home and secure America’s energy future. Producing American energy with American workers supports our national security and the security of our trading partners. The Western Caucuses will support American energy, which will displace the influence of dictators who use their control of energy supplies to bully us and our allies. We will also work to curb the litigation abuses of those on the ideological fringe bent on isolating American energy from international markets and in the process marginalizing our global influence and eliminating American jobs.
- ✓ **Making energy and mineral production on public lands competitive with energy and mineral production on state and private lands –** Thanks to technological breakthroughs in the oil and gas field, vast untapped energy reserves in the United States are now technically and economically recoverable. Fueled by American entrepreneurship, energy booms on private and state lands are driving the United States out of economic recession. The Western Caucuses will fight to overcome the Obama Administration’s dogmatic opposition to energy production on public lands, which has handicapped America’s energy potential and robbed economic opportunity from local communities. Whether oil, gas, coal, rare earths or other mineral resources, America possesses the expertise necessary to produce

these resources consistent with the environmental stewardship Americans expect, especially those who live near and rely on the health of our public lands.

- ✓ **Expanding responsible production on the outer continental shelf** – The Obama Administration’s neglect of federally controlled energy resources extends offshore as the Administration erects regulatory and procedural barriers to producing the lion’s share of oil and natural gas resources on the outer continental shelf. These obstructive tactics belie any claims by the Administration of an “all-of-the-above” energy strategy, despite technological advances making offshore production even more safe and environmentally responsible. The Western Caucuses will support responsible and targeted offshore energy production that is vital to keeping our nation energy secure.
- ✓ **Opening up access to international markets for American energy and minerals** – The United States is poised for the first time in decades to become a global energy leader, surpassing Russia as the world’s leading oil and gas producer. America’s energy future, once thought to be characterized by scarcity, has the potential to be marked by abundance should we develop smarter policies. But the Administration has failed to keep up with this reality as outdated trade barriers threaten to strand burgeoning American energy products and the jobs they support. The Western Caucuses will work to reverse the Administration’s approach to American liquefied natural gas exports, which is holding our nation back economically and geopolitically. Likewise, the Administration’s misguided attacks on coal exports serve only to shift jobs from the United States to other nations far less concerned with environmental stewardship. Finally, the Western Caucuses will work towards a balanced oil export policy that will spur job creation and help keep gas prices affordable, stable, and not subject to the whims of Russia, Venezuela, and Middle Eastern nations.
- ✓ **Increasing access to affordable energy for low income Americans and developing countries** – The Obama Administration’s assault on coal production comes at a steep economic cost borne by the low and middle-income electricity ratepayers who can least afford it. Particularly as we work to integrate alternative, intermittent energy sources into our power grid, coal remains critical to keeping prices affordable and the grid reliable. The Western Caucuses believe the poor and the environment are best served by supporting the already remarkable progress in making the coal-fired power we need as clean as possible. With large parts of the world’s population lacking access to electricity, demand for affordable and reliable coal is soaring in developing nations. The Western Caucuses support the United States taking a global leadership role in providing developing nations with American energy and the means to use it cleanly and safely. If this Administration succeeds in killing coal, America will be relegated to the sidelines while other nations far less concerned with the environment will fill the void.
- ✓ **Opposing cap and trade and backdoor climate change regulations** – The Obama Administration’s proposed regulations on power plants will increase energy costs for American families, eliminate jobs, and disrupt the power grid. They are in effect new energy taxes on everything Americans do – from turning on the lights to using a cell phone. This handicaps American businesses compared to our competitors abroad, costing good paying American jobs. That is why the Western Caucuses support an all-of-the-above

energy strategy that makes American energy as clean as we can, as affordable as we can, while not harming the economy or increasing energy costs for families and businesses. Such a strategy has at its core the use of baseload energy that runs twenty four hours a day.

- ✓ **Recognizing and promoting hydro-power as a renewable energy resource** – The Western Caucuses know that a majority of the top renewable energy states in the country are western states that use hydro-power. Of all the clean renewable energy sources available to the West, hydro is the only one that runs twenty four hours a day, seven days a week. It does this while keeping folks' electricity bills low. Litigation focused organizations claiming to serve the environment often wage legal assaults on renewable hydro-power in favor of wind and solar power, which are not capable of providing the baseload power necessary to keep the lights on. The Western Caucuses will promote large and small hydro-power development, and oppose attempts to tear down safe and secure existing hydro-power dams.
- ✓ **Ensuring tribes have authority to manage and produce their own resources** – The Western Caucuses recognize the right of sovereign tribes to produce their own resources on tribal lands. The caucuses know that increasing energy production on these lands creates important jobs and revenue for these often struggling communities in Indian Country. The caucuses will continue to support tribal self determination to allow for the production of all safe forms of energy on tribal lands.

**Principle 2 – Environmental Stewardship:** Focusing on state and local environmental solutions that put communities first.



*That means:*

- ✓ **Encouraging locally led conservation partnerships** – The Western Caucuses believe states and local communities know best how to protect the land where they live and work. States have hundreds of professionals at state agencies who work every day to develop plans that properly manage and conserve the natural resources and wildlife in their own towns and counties. Top-down regulations imposed by Washington often undermine the boots-on-the-ground conservation practiced every day in western states to manage lands and natural resources. Wherever possible, the Western Caucuses will seek to promote state and local efforts to protect the West’s natural heritage.
- ✓ **Using sound science and supporting transparency in federal rulemakings** – The Western Caucuses believe the science underpinning federal rulemakings must be peer reviewed and accessible to the public. Often the data and research used to impose sweeping and costly regulations is not available for scrutiny by anyone except Washington bureaucrats. The caucuses will seek protections for western communities to ensure regulations that impact them are above board and adhere to sound science.
- ✓ **Maintaining current water rights and traditional state jurisdiction over water under the Clean Water Act and other federal laws** – The Western Caucuses believe there are limits to the federal government’s authority over water. Ditches, dry creek beds, stock ponds, prairie potholes and other non-navigable wet areas already regulated by the states were never meant to be under federal jurisdiction. The caucuses will pursue legislation to stop Washington bureaucrats at the Environmental Protection Agency (EPA) and U.S. Army Corps of Engineers who have pushed to assert federal control over state waters. In addition,

the caucuses will work to protect state surface and groundwater resources from additional federal encroachment by the U.S. Forest Service and other federal agencies.

- ✓ **Supporting locally driven management decisions, free of federal mandates, that ensure multiple-use of public lands including: energy and resource development, conservation, and tourism** – The Western Caucuses will promote policies to restore and strengthen the multiple-use mandate which is the cornerstone of how the vast majority of Federal public lands are to be managed. The caucuses will pursue legislation to increase responsible coal, oil, and natural gas production, as well as mining for rare earths and other materials vital to our economy and national defense. In addition, the caucuses will oppose federal land and water designations that block economic development and are foisted on communities that do not want them.
- ✓ **Creating a more sensible federal lands policy that reduces the size of the federal estate and puts land in more capable state and local hands** – The majority of the West is federally owned. This places an economic burden on counties and local communities in terms of lost economic activity and tax revenue to pay for things such as schools, police, and emergency services. The patchwork of federal, state, and private land holdings also creates inefficiencies and land use conflicts that remain unresolved while federal policy goes in only one direction – more federal land. The Western Caucuses will work to reduce the size of government by selling excess federal land suitable for disposal, making land management more efficient, and creating opportunities for local economic development.
- ✓ **Promoting recreational access to public lands** – Consistent with the multiple-use mandate, the Western Caucuses support Americans’ ability to access public land. The caucuses will support policies and will pursue legislation to protect Americans’ Second Amendment rights, promote hunting and fishing opportunities, and support other recreational activities such as snowmobiling, skiing, and responsible off-road vehicle use on federal lands. The caucuses recognize these activities create indirect and direct jobs for rural western communities.

**Principle 3 – Agriculture and Forestry:** Promoting affordable, safe, and abundant domestic food production for American families, and creating healthy forests.



*That means:*

- ✓ **Defending state primacy over farm regulations** – The Western Caucuses believe states are the most equipped to engage farmers and ranchers to develop appropriate farm oversight policies. Crops, breeds of livestock, best management practices, land ownership patterns, soil types, growing seasons, and landscapes all vary across different regions of the country. This means states are best positioned to address farm regulations unique to the types of farming and ranching practices in their region of the country. Across the board regulations imposed by Washington often fail to account for the differences in various production practices. Wherever possible, the Western Caucuses will seek to promote state primacy and solution based state policies.
- ✓ **Ensuring multiple-use of public lands includes American food production and security** – Food production was the first multiple-use on federal land with the passage of the Taylor Grazing Act. Today, the story of how our public lands help provide safe, healthy, and affordable protein products for the American diet often goes unnoticed. Amid the growing number of competing uses for public land, the ability of sheep and cattle to turn low quality grasses into high quality food and fiber is a benefit American consumers and western communities cannot afford to lose. With growing worldwide demand and increasing meat prices, raising livestock on public lands helps provide domestic food security to ensure families continue eating an affordable high quality product. The Western Caucuses will pursue policies to ensure multiple-use of our public lands continues to include American food production.

- ✓ **Promoting active, sustainable management of our forests to improve forest health, increase wildlife habitat, keep resources and communities safe, and create jobs** – The Western Caucuses believe proper active forest management is fundamental to improving forest health, reducing the risk of wildfire, creating rural jobs, and increasing wildlife habitat. Between 65 and 82 million acres of our National Forest System are in need of treatment to address forest health challenges such as fire, insect mortality, and invasive species. Far too many of our national forests are in deteriorating condition with severe risk of wildfire, which in turn causes erosion and threatens water quality. Additionally, wildlife populations depend on multiple age classes of forest stands. Overgrown and unhealthy forests stifle growth of habitat that is critical for elk, deer, and many other species of wildlife including wild turkeys, ruffed grouse, and small mammals. The caucuses will advocate for legislation allowing more responsible, active management to begin solving the many challenges plaguing our national forests.
  
- ✓ **Improving water storage and enhancing water supplies for communities** – Water is the lifeblood of the West. Farms, ranches, communities, wildlife, and recreational interests are all dependent on sufficient water supplies. To address the growing demand for water, the Western Caucuses will promote policies that expedite the construction of new water storage projects, repair existing aging projects, and enhance water supplies for all western states.
  
- ✓ **Expanding broadband access in rural areas** – In order to keep pace with the ever-changing technological landscape, the Western Caucuses will work to ensure our rural students, businesses, and households have adequate access to broadband internet technologies. Internet connectivity is not merely a luxury for our homes, schools, and businesses. For many, it is a necessity that can dramatically level the playing field between urban and rural areas. Securing affordable, reliable broadband access in rural areas will help ensure everyone has the tools they need to compete and succeed in the future. The Western Caucuses are committed to working with all stakeholders to ensure our rural areas are not left behind as our nation’s broadband build-out moves ahead.

## **Principle 4 – Judicial and Regulatory Reform: Leveling the playing field for states, local governments, businesses, and individuals.**



*That means:*

- ✓ **Stopping sue-and-settle-tactics that cut states, local governments, and impacted citizens out of the regulatory process** – For decades, regulatory procedures have remained stagnant, while clever attorneys have found ways to subvert the public process and use litigation to set agency policy. Through litigation, special interest groups force public policy decisions with no public process, often behind closed doors. The Western Caucuses will work to stem the deluge of procedural lawsuits that create judicially fashioned mandates on states and private citizens without the benefit of public process. State and local governments and all impacted citizens should be able to participate in an open and transparent regulatory process without their input being negated by serial litigants and activist judges.
- ✓ **Ensuring transparency in taxpayer-funded attorneys' fee awards** – The Equal Access to Justice Act (EAJA) was originally passed to ensure that individuals, veterans, small businesses, and non-profit organizations were able to recover both attorneys' fees and the costs associated with going to court against the federal government. In 1995, however, reporting of the fees was eliminated and it has since operated without congressional oversight. Congress has no way of knowing whether the law is effectively supporting people with legitimate legal claims who are truly overmatched by the government's legal resources. The Western Caucuses support reinstating the tracking and reporting of EAJA fees.
- ✓ **Improving access to the courts for states, local governments, and businesses** – The Western Caucuses believe that all citizens should be allowed due process of law. We have seen far too many instances of agencies violating the rights of local governments and business owners without granting them any chance for recourse. We have also seen serial

litigants delay needed development projects, hijacking the projects in endless court litigation. The Western Caucuses pledge to support legislation to make it easier for communities and businesses to have standing equal to that of the litigious special interest groups attacking their livelihoods in court. The caucuses also pledge to work to streamline the permitting process for infrastructure projects so that federal agencies must concurrently, as opposed to sequentially, review proposed projects; and set reasonable time limits on legal challenges to these projects.

- ✓ **Supporting fair and impartial judicial nominees** – The Western Caucuses believe it is time to stop playing politics with federal lifetime judicial nominees. We can no longer nominate and confirm judges who will use their positions to further any agenda apart from impartial adjudication. We have seen firsthand in the West how judges can use their positions to rubber stamp the policy wish list of special interest groups who can't get what they want in the democratic process. The Western Caucuses will work to only support the nomination of judges who will make and execute decisions fairly and impartially without an activist agenda.
- ✓ **Protecting private property owners from regulatory takings and excessive government requirements** – Agencies such as the EPA and the Bureau of Land Management have continued to interfere with the use of private property and attempts to override validly held legal rights through executive regulation. We have seen landowners and businesses throughout the West confronted, fined, and bullied in ways that defy common sense as a result of overregulation run amok. The Western Caucuses believe that the best environmental and conservation results occur through cooperative, locally-driven partnerships, not through a culture of “Washington-knows-best” intimidation. It is time to implement common sense policies that protect our air, land, water and wildlife without deterring the voluntary conservation efforts of communities, businesses and landowners through overregulation.

## Conclusion:

Our principles are based on what we have seen and heard from local communities throughout our states and our districts. They will enhance life, landscape, and work in the West by supporting local, boots-on-the-ground stewardship of our land, water, and natural resources. This will advance responsible energy, food, and timber production while preserving the beautiful nature enjoyed by our citizens and visitors from around the world.

We are committed to advocating for these policies and legislation and we will work to advance these principles in Washington. By empowering the people of the American West, the **Senate and Congressional Western Caucuses** will strengthen our entire nation.

