

ROLL CALL

'Old West,' 'New West' Come Head-to-Head

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Much has been written about the search for balance between environmental protection and economic prosperity. In my region of the country, this debate sometimes boils down to mythic descriptions of the "old West" versus the "new West." The old West is colored by the language of "manifest destiny" and places emphasis on exploiting natural resources for economic profit. In contrast, the new West is supposed to be about scenic playgrounds, tourism and woodsy landscapes for vacation homes. Policy makers from both parties and across ideological fault lines sometimes frame their ideas with the suggestion that the new West is slowly replacing the old West as a stereotype and metaphor for the future.

Both views of the West have elements of truth, but like all stereotypes, they are incomplete. The culture and economics of the West have always been dynamic, shaped by change and conflict. What is really new is that population growth and technology have made the West less distinct and more like the rest of the nation.

The West is not as rural as it used to be, and in fact is more urbanized and suburbanized than other regions of the country. One result of this change is that today's environmental conflicts - and the resulting political divisions - are not so much between Westerners and outsiders as among Westerners themselves.

History has shown that good policy is the best politics, and the best way to shape environmental policy is to work to bridge ideological divides to find ways that strike the right balance between old West economic activities and new West lifestyles.

Smart environmentalists recognize that some of the policy changes they propose involve costs with a human dimension, like a ranching family seeking to continue their livelihood or a student with a part-time job at a ski lodge who makes ends meet by cutting timber. Smart leaders in industry recognize that respect for the environment makes for a stronger economy and sustainable business opportunities. Indeed, there are many examples in which effective compromise is achievable and where common ground is within reach.

Let me describe two examples:

As energy demand increases, many farmers and ranchers in the West are concerned about how their lands will be affected. This is particularly true in large parts of the West where the minerals (including oil and gas) belong to the federal government, while the surface is privately owned - a "split-estate" situation that can lead to conflicts.

Experience has shown that careless oil and gas drilling can spoil water supplies. In particular, developing coal-bed methane often involves the extraction of groundwater. Some of this extracted water is reinjected, while some is retained in surface holding ponds or released and allowed to flow into streams or other water bodies, including ditches used for irrigation. Some of this extracted water is of good quality, but often it contains dissolved salts and minerals and has a high acidity and

temperature that can contaminate other waters and harm aquatic life, livestock and crops.

Most oil and gas companies want to avoid harming surface owners, just as most farmers and ranchers understand the need to develop these energy resources. But with the stakes so high, it is not enough to rely solely on mutual understanding and goodwill. That is why I have introduced legislation (H.R. 4017) that would protect water supplies and give farmers and ranchers more say about how energy developers will use their lands. The bill would not block energy development or let the surface owners veto a well. Instead, it would set some clear, reasonable rules that will provide greater assurance and certainty for Westerners - including energy developers and ranchers and farmers - whose future depends on careful use of our region's resources.

Another example of a gap between old West and new West perspectives involves the so-called "R.S. 2477" controversy. It takes its name from an 1866 mining statute designed to help settle and develop the old West. It granted rights-of-way for the construction of highways across federal lands not reserved for public uses.

More than a century after its enactment, R.S. 2477 was repealed by the Federal Land Policy and Management Act of 1976, often called FLPMA, which substituted a modern, comprehensive process for establishing rights-of-way on federal lands. However, FLPMA did not revoke valid R.S. 2477 rights - nor did it set a deadline for people to assert claims for those rights. So, nobody knows how many such claims might be filed or what lands might be involved. Still, it is clear that potential claims under R.S. 2477 could involve thousands of square miles of federal lands - and other lands that now are private property or belong to the states or other entities.

The time has come to let R.S. 2477 sleep in peace. And that is the purpose of a bill (H.R. 1639) I have introduced. It provides that any R.S.2477 claim not filed within four years will be considered abandoned.

The bill also recognizes that as things stand now, R.S. 2477 claims are a potential threat to the nation's conservation areas - including the National Parks, the National Wildlife Refuge systems, the National Trails system, the National Wild and Scenic Rivers system, designated wilderness and wilderness study areas - as well as privately owned lands across the West. It addresses this by providing that any claim for such lands will be considered to have been abandoned when the lands were designated for conservation-purpose management or when they were transferred out of federal ownership unless a claimant can establish by clear and convincing evidence that there was a well-established right-of-way whose use for highway purposes was intended to be allowed to continue.

These are a few examples of areas where I think we have an opportunity to rise above partisanship and move beyond the old West-new West debate and work for a West that retains the best of our past and helps realize the promise of our future.

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