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**Testimony Before the Senate Committee on Energy and Natural Resources,
Subcommittee on Public Lands, Forests, and Mining**

***The Bureau of Land Management's Planning 2.0 Initiative*
June 21, 2016**

BLM's Planning 2.0 initiative would elevate wildlife and preservationist values over the needs of people; it redefines the concept of multiple use, prioritizes preservation over responsible development of the food, fuel and fiber that support human life, limits public involvement in the planning process, and further strains overburdened BLM staff. The primary justification of landscape-level planning seems compelling, but represents an attempt to treat the West as a blank slate that can simply be written on anew, ignoring realities on the ground, state borders, congressional mandates, prior commitments, community economic needs, and individual livelihoods. BLM should withdraw the proposed rule and reconsider this approach to resource management planning.

Western Energy Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. The Alliance represents independents, the majority of which are small businesses with an average of fifteen employees.

Landscape-Level Planning

Land use planners tend to look at each new planning effort as a chance to start anew and reshape public lands management according to what they see as the pressing issues of the day, or dare I say current fashion. It's always easier to start with a blank slate and rework everything in accordance with a new concept, in this case "landscape level," than it is to take into consideration all the intricate and often conflicting details on the ground. The landscapes at issue reflect decades of management decisions and on-the-ground realities that must be taken into account in new land use plans. It would be easier to wish all those decisions and commitments away, such as leases and grazing permits, but that is neither legally feasible nor democratic. We all understand that wildlife, rivers and ecosystems don't respect state borders, but our Constitution does, and it does so within a federalist structure that allows us to think at the larger scale but within a democratic system that balances the needs of the People.

The ecosystem concept that ecologists have advanced for several decades has now morphed into the "landscape-level" term that has taken hold of the imagination of many environmental groups, public land managers and some academics. Of course looking at broad ecosystems is a very valuable perspective that can help land managers across large areas enact management strategies and on-the-ground measures suited for the particular ecosystem or "landscapes" at issue. But humans are part of the ecosystem as well, and a landscape-level planning approach cannot simply be imposed over realities on the ground and prior commitments.

That is the beauty of the balance achieved through the Federal Land Policy and Management Act (FLPMA). That balance arose from a democratic process that was enshrined into law by Congress and

the President in 1976. Is it perfect? Of course not. But did it achieve a reasonable balance between conservation and productive uses of public lands? Absolutely.

BLM is attempting to upset that balance with Planning 2.0. Updates to FLPMA-based regulation and guidance are appropriate, but updates that simply rewrite the law are not. If fully enacted as proposed, it would be a significant rewrite of Congressional intent, upending the multiple-use balance that Congress and replacing it with management for conservation only.

Obviously, there are lands that are appropriate for preservation only or limited use. The 110 million acres of wilderness lands are one example. The 85 million acres of National Parks are another. But these lands were designated through the democratic process by Congress. (I'll set aside designations of millions of acres of National Monuments as abuses of the Antiquities Act tangential to this testimony.) BLM protects 32 million additional acres for conservation only in the National Landscape Conservation System, removing those lands from multiple-use management. BLM continues to create additional designations administratively in land use plans, such as Areas of Critical Environmental Concern, lands with wilderness characteristics, wildlife emphasis areas and others.

But the vast majority of BLM's 245 million acreage is appropriate for productive multiple uses like grazing, mining, and energy development. These productive activities are important not only for supplying Americans with the basics of modern life, but also sustain rural communities across the West. Many will view these communities as inconvenient, and downplay their right to control their destinies by saying with a wave of their hand that all Americans own public lands. But the reality is that those East of the Mississippi were given their lands, and have control over how they are used, whether for state parks, productive uses, or in private ownership. Western states were deprived of much of their land. Yes, all Americans do own federal lands, but they also own the energy and minerals beneath those lands. And all Americans are not as invested in those lands as are western states, tribes and communities. FLPMA recognized the needs of states, tribes and local communities, and granted them cooperating status and a bigger voice in their lands, while still considering the interests of others.

State and Local Representation

Planning 2.0 aims to downplay the voice of communities that derive their livelihoods from appropriate multiple-use lands in the West by elevating certain conservation-only special interests over the broad public interest as represented by state governors, tribal councils, county commissioners, and other elected officials. Someone from New York cavalierly sending in a Sierra Club generated email opposing a rancher's grazing permit or a local oilfield worker's project simply is not invested as deeply as those living in western communities. Certainly, they have a say, and are often represented by various special-interest groups. Of course, they are also represented by their congressional representatives who do not have to worry that their constituents' livelihoods are directly impacted. But state governors, tribal councils, county commissioners, city councilmen, local groups and other stakeholders directly involved in the community should be afforded a higher level of deference than outside special interests.

That's the beauty of FLPMA and the cooperating agency status that has been given to local and state governments for decades. State and local governments do not represent just one interest. They must be responsive to all concerns of their citizens, from economic to conservation. They understand that their citizens need protected public lands for recreation, clean water, and wildlife, and they balance that with the need for jobs and economic opportunity. Planning 2.0 upends that balance.

Western Energy Alliance shares the goal of better public involvement. We more than many others understand how the federal government can dump obligations on the public, as we've had to wade through 49,226 pages of government documents over 47 proposed rules, policy changes, and land use plans in just the last year in an attempt to keep up with all the changes that affect responsible energy development. It's hard for the public to stay up on every public land action; thousands of bureaucrats can churn out tens of thousands of pages of dense documents, and short deadlines close off deliberative engagement. But Planning 2.0 would actually hamper public engagement by reducing the time available for public comment, and diminishing the ability of elected representatives of the People to engage effectively as full cooperating agencies.

BLM's messaging on the rule asserts that it will increase public engagement. But if it only serves to give special interests more power in the process at the expense of elected representatives of the People, then it will serve to diminish public participation. One example of how Planning 2.0 diminishes the role of elected officials is by ignoring state and county lines. BLM will have the discretion to ignore one governor's input if another governor's is more in line with its preferred approach, even though it will affect the first governor's state. The input of county commissioners is watered down even further, as an RMP amendment that covers several field offices also covers numerous counties, and one county's input can be drowned out by others. Another example is the new requirement that state, tribal and local agencies demonstrate expertise before being designated as cooperating agencies. State, local and tribal governments represent the citizens primarily affected by BLM planning decisions, and they should have every right to participate in the planning process as cooperating agencies, regardless of expertise.

But actually, in many instances, states, tribes and counties have more expertise and relevant data than the federal government. Planning 2.0 would result in numerous overlapping RMP amendments for various natural resource values, as modeled on the recent sage-grouse amendments. But sage grouse represents an area of landscape-level planning that states have been doing since at least 1954, well before the federal government got involved or the buzzword "landscape level" was coined. Last week, the 30th biennial Sage and Columbia Sharp-Tailed Grouse Workshop took place in Lander, Wyoming. An effort of the Western Association of Fish & Wildlife Agencies (WAFWA), an inter-state body that has been cooperating across state boundaries since the 1920s, the workshops are but a visible manifestation of the immense work that WAFWA and the states have been doing to conserve sage grouse for generations. There are many other examples of state cooperation across boundaries on other resource values such as water.

Additional Layers of NEPA

Another problem with landscape level planning is that it is not at the level of detail necessary for on-the-ground land management. The intent to have multiple, overlapping RMP amendments focused on particular resource values would lead to many areas being subject to several amendments depending on the number of resource values present. Counties, tribes and states would be caught in a never-ending web of RMP amendments. The result will amount to yet more layers of National Environmental Policy Act (NEPA) analysis before any meaningful public lands management decisions can be made. BLM will become trapped in paralysis by analysis while not reaching the level of detail needed by planning area to make project-specific decisions. Project approvals that create jobs and economic opportunities already take many years, which Planning 2.0 will only exacerbate.

BLM has a system of planning areas that respect state boundaries and are determined based on various factors such as number of federal acres; dispersal of that acreage; topography; and county, tribal and state boundaries. Planning areas boundaries are established with the intention of setting appropriately sized areas that can be reasonably managed by staff connected to the land who know the local stakeholders and understand the land, wildlife, cultural resources, and other on-the-ground resource values. Taking the process out of the hands of local land managers and concentrating it in Washington breaks that connection to actual conditions on the ground, elected officials, and local stakeholders. Distant, centralized control hardly seems conducive to managing the land wisely. Adding yet more layers of NEPA is especially counterproductive as BLM already struggles to conduct timely land use planning and follow it up with monitoring in the field to ensure the plans are properly implemented and resources values are protected. Yet more NEPA analysis will continue to keep BLM staff out of the field and behind their desks pushing paper.

In addition to more multi-year planning processes, BLM is struggling to formulate and implement new mitigation policies, onshore orders, sage grouse land use plan amendments for 68 planning areas, Master Leasing Plans, and rules. These significant policy changes would be difficult to implement in a perfect world, but are becoming nearly impossible when BLM already struggles to meet existing project planning, permitting, and inspection obligations. As the White House attempts to jam in as many policy changes as possible before January 2017, there are simply too many moving parts for one agency to manage in a short period of time. These policy changes are highly interrelated, and should be carefully crafted in a deliberative manner. Instead, confusion reigns on how these policies will interact without massive contradictions, much less implemented in the field by the very staff charged with protecting the land and its resources. The result will be even more delays on permitting for productive activities, creating job loss and economic stagnation in affected communities.

Conclusion

Thank you for the opportunity to testify. There are many other aspects of Planning 2.0 deserving of attention, but that time does not permit me to address. Please refer to [Western Energy Alliance's full Planning 2.0 comments](#) for additional information. I welcome questions on these and other aspects of the proposed rule.