



July 14, 2017

The Honorable Ryan Zinke
Secretary, Department of the Interior
1849 C Street, NW
Washington DC, 20240

**RE: Executive Order 13783 “Promoting Energy Independence and Economic Growth”
and Secretarial Order 3359 “American Energy Independence”**

Dear Secretary Zinke:

As a “significantly affected entity,” Public Land Solutions welcomes this opportunity to provide input on Interior Department plans to review, and potentially suspend, revise or repeal, existing regulations that may potentially “burden domestic energy production.”

Public Land Solutions (PLS) is a non-profit organization dedicated to providing comprehensive recreation planning and stakeholder coordination to support effective and sustainable public land solutions. For several years, PLS has been involved at the local, regional and national level during Bureau of Land Management (BLM) rulemaking, land use planning, and permitting proposals related to oil, gas, coal, renewable and potash developments. Our advocacy efforts to protect and enhance recreation assets on public lands have included organizing stakeholder workshops, providing detailed comments and proposed maps during BLM comment periods, providing presentations to local and state government, and communicating with a wide range of interested stakeholders. Public lands are diverse economic drivers. The economics of the 21st century require thoughtful consideration regarding how land use decisions affect local economies over the long-term.

Executive Order 13783 Directs the Interior Department to Seek Input from ‘Significantly Affected Entities’

Executive Order 13783 “Promoting Energy Independence and Economic Growth” directs federal agencies to review, and potentially suspend, revise or repeal, existing regulations, orders, guidance documents, policies, and any other similar agency actions that potentially “burden domestic energy production,” with particular attention to oil, natural gas, coal, and nuclear energy resources. To carry out this requirement, agencies must by July 26, 2017 provide a draft final report with specific recommendations that “as soon as practicable, suspend, revise, or rescind” those actions. A memo from the White House Office of Information and Regulatory Affairs regarding guidance on agency implementation of E.O. 13783 clarifies that related E.O. 13777 (“Presidential Executive Order on Enforcing the Regulatory Reform Agenda”) directs Regulatory Reform Task Forces from each agency to “*seek input and other assistance* ... from *entities significantly affected* by Federal regulations, including ... small businesses,

consumers, non-governmental organizations, and trade associations” regarding recommendations to carry out the projected reforms under E.O. 13783.¹

As a non-governmental organization that supports gateway communities and businesses, along with outdoor industry consumers who depend on Federal public lands, Public Land Solutions is a “significantly affected entity” under E.O. 13783. Public Land Solutions has garnered valuable expertise in coordinating energy development in and around recreation assets on public lands. Proposals to modify federal policies and rules governing energy development on public lands will have a profound effect on the recreation economy at both the local and national level. This letter highlights ways energy policy affects public land recreation and outdoor businesses, and why PLS would be a useful and productive addition to this important conversation.

The Outdoor Recreation Community is Significantly Affected by Policies Governing Energy Development on Public Lands

Outdoor recreation accounts for 7.6 million American jobs and contributes \$886 billion to the economy annually. Much of this is possible because of our public lands and the unparalleled opportunities they provide for outdoor recreation. Further, businesses of all types are using recreation assets on public lands to attract and retain employees. In the competition for top talent, states across the country are working to maintain and improve their recreation economies as evidenced by the growing list of State Recreation Directors.

Along with this important economic driver, Federal law explicitly requires that outdoor recreation be considered one of the “principal” or “major” uses of public lands, alongside grazing, energy development, fish and wildlife, rights-of-way, and timber production, as set forth in the Federal Land Policy and Management Act (FLPMA). In FLPMA Congress declared that “the public lands be managed in a manner ... [to] preserve and protect certain public lands in their natural condition ... that will provide for outdoor recreation and human occupancy and use.” This law places outdoor recreation on equal footing with energy development and other multiple uses when the Federal government makes decisions governing public land management.

In addition, the Multiple Use Sustained Yield Act requires the management of all renewable surface resources to “best meet the needs of the American people in perpetuity ... without impairment of the productivity of the land.” Accordingly, any one use of federal public lands cannot impair the productivity of another use. Specifically, this means Federal law requires that energy development on federal land cannot impair the productivity of recreational use and associated economic activity. In today’s markets, many communities are looking to supplement energy revenues with recreation economy investments. Ignoring concerns about energy integration with recreation assets puts these communities at a significant disadvantage in their efforts to diversify.

As outdoor recreation grows as a “principle” and increasingly economically important use of our public lands, recreation assets should be given the same level of consideration during land use

¹ See <https://www.whitehouse.gov/the-press-office/2017/05/08/memorandum-regulatory-reform-officers-and-regulatory-policy-officers>

planning as energy development. Given the growth of outdoor recreation in western communities, energy development must increasingly be balanced with other activities supplementing, not supplanting, rural and gateway economies.

Smart Planning Can Effectively Balance Outdoor Recreation and Energy Development

Unplanned and uncontrolled development often creates challenges for our public lands. However, we know firsthand that conflicts can be avoided through smart-from-the-start planning such as master leasing plans that balance the needs of energy development with the needs of other uses and sustainable activities. This approach has been successful in places such as Moab, Utah, where BLM recently completed a collaborative, locally-supported process that is allowing energy development to move forward, while protecting the national parks and world-class recreation resources that are the foundation of the area's local economy.

A variety of **problems** can and do result from poorly managing the interface between recreation and resource extraction. These issues require consideration with regard to their specific effect on the outdoor experience and related recreation assets and include:

- Placement and design of **industrial infrastructure** and necessary access roads.
- **Views of surrounding landscapes** that are an important component of any outdoor experience, including those from national parks. Poorly designed infrastructure—such as power lines and pipelines—can extensively degrade iconic views.
- **Safety of visitors** and industry employees must be considered at places where the two are expected to interact.
- **Noise, smell, air quality concerns** from industrial operations can also affect outdoor visitors including the potential for oil and gas spills.
- **Water quality** is another important consideration especially in places where people will have direct contact with the water.

Solutions to conflicts between recreation and energy development include:

- Smart from the start planning tools such as **Master Leasing Plans** are an established, proven mechanism for protecting recreation assets on BLM lands while bringing diverse local stakeholders together to achieve, balanced common-sense solutions.
- **Master development plans** and **unit agreements** can provide a more localized blueprint for coordinated drilling and development activity on a smaller scale than a Master Leasing Plan.
- Implementation of **best practices** and **improved technologies**, such as:
 - Development density limits and phased leasing.
 - Alternatives to pits used to store hydraulic fracturing fluids.
 - Directional drilling to minimize surface occupancy and consolidate drill rigs and pumps.
 - Technologies that minimize methane leaking and flaring to prevent wasteful, unnecessary and harmful emissions.
 - Other strategies to limit air, noise, light and water pollution, and to limit visual impact.

- **Engaging the public and key stakeholders** early and often in planning for energy development to optimize multiple land uses and foresee and address potential conflicts with energy development. Public engagement should include:
 - Community workshops.
 - Enhanced information sharing and NEPA processes.
 - The use of county public land officials and county sponsored public land committees to better interface key stakeholders at regular intervals as opposed to only when there is a crisis or during an official public comment period.
- **Supporting State Recreation Directors** to better incorporate the recreation economy needs of their communities with those of industry for improved long-term public land management.

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We ask that you determine Public Land Solutions a “significantly affected entity” concerning any agency actions pursuant to E.O. 13783, and consider the management strategies outlined herein to better mitigate conflicts between the outdoor recreation and business community with the activities associated with energy development on Federal lands. It is vital to communities across the country that we protect recreation assets and economic potential while also planning for smart energy development.

For more details on this topic, see our whitepaper “Best Practices for Balancing Recreation and Energy Development on Our Public Lands” found at <http://bit.ly/2p4tDnt>. Find more information about Public Land Solutions at www.publiclandsolutions.org or contact us directly at Jason@publiclandsolutions.org or 303-819-2969.

Sincerely,



Jason Keith
Managing Director
Public Land Solutions