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Testimony on H.R. 3794, the Public Lands Renewable Energy Development Act

Legislative Hearing on H.R. 3794

House Natural Resources Committee, Subcommittee on Energy and Mineral Resources July 25, 2019.

Chairman Lowenthal, Ranking Member Gosar, and members of the subcommittee,

Thank you for the opportunity to testify in support of H.R. 3794, the Public Lands Renewable Energy Development Act. My name is Chris Wood. I am the President and CEO for Trout Unlimited. Trout Unlimited strongly supports this legislation. We thank Congressman Gosar and Levin, and the bipartisan list of original co-sponsors, for reintroducing the bill. We also thank the committee for holding this hearing to consider testimony on H.R. 3794 and the role of public lands in our clean energy future.

Trout Unlimited is the nation's largest coldwater conservation organization, dedicated to the protection and restoration of America's trout and salmon populations and their habitats. Many of Trout Unlimited's 300,000 members and supporters are trout and salmon anglers who invest time and resources on public lands, in pursuit of hunting and fishing opportunities and in partnership with the federal agencies, states and counties to complete habitat conservation and restoration projects on public lands.

My testimony will share with you TU's perspective on the opportunity for responsible development of wind, solar and geothermal projects on public lands, and how H.R. 3794 can help set us on a path to responsible development that accounts for the interests of hunters and anglers, and the fish and wildlife habitat upon which we depend for these pursuits.

First, I would like to share a bit of the history that accompanies this legislation. The Public Lands Renewable Energy Development Act (PLREDA) has been introduced in every Congress since 2011, each time with broad and bipartisan support. In addition to sportsmen and outdoor recreation groups, the bill has consistently garnered the support of the Western Governors' Association, the National Association of Counties, and numerous state associations of counties from across the west. H.R. 3794 is also supported by leaders in the solar, wind and geothermal industries. A current list of supporters is attached to our testimony.

This diverse set of interests mirrors the spectrum of congressional support that exists for the bill. H.R. 3794 was introduced one week ago with 25 bipartisan cosponsors. Since introduction, more have joined in support and we expect the number to increase as more members learn about the benefits of this legislation.

July has become the month of PLREDA: On nearly this same day in 2017 the HNRC considered and marked up H.R.825 (115th), discharging it favorably. This committee also held hearings on this legislation in July of 2015

(H.R.2663, 114th) and 2014 (H.R.596, 113th). The Senate also heard and responded favorably to the legislation in previous Congresses: The bill was included, at least in part, in Sen. Murkowski's energy bill, S. 2012 (S.282, 115th). The Senate Energy and Natural Resources Committee heard their version of the bill in June 2015 (S.1407, 114th) and July of 2014 (S.279, 113th).

Incredibly, despite strong bipartisan support both on and off the Hill, this bill has yet to make it to a floor vote either chamber of Congress. We hope that this will finally be the year to see this bill advance into law.

Over the past several years, much attention has been given to our nation's energy mix and the need to expand our energy portfolio to increase clean, affordable, renewable energy sources. Similarly, a great deal of discussion has been focused around the value and role of public lands in our American heritage, and the need to balance the multiple use of these lands, including public access and recreational use, energy development, and conservation.

The importance of balancing these multiple uses is a lesson we have learned the hard way. A key historical example is the 1872 mining law, through which we promoted one social good – expansion into the West through giving people access to mining – but failed to include the necessary provisions to ensure protection and restoration of impacted resources, particularly the funds to clean up abandoned mines. Now, we are looking to promote renewable energy development on public lands, but unlike the approach of the past, we are seeking to do so in a way that provides funding for mitigation and restoration.

The Public Lands Renewable Energy Development Act will help to advance a balanced approach to developing wind, solar and geothermal projects on public lands. The bill adopts a “smart from the start” approach to siting and developing projects in areas identified with high energy potential and low impact to fish and wildlife values. Further, the bill establishes a revenue sharing model that will support agency engagement, provide revenues to local counties and states, and will support sportsmen's access and conservation of fish and wildlife values on these lands. This revenue sharing model will build new partners for renewable energy by linking community and conservation goals to project deployment. With this approach, PLREDA will expand renewable development in a manner that minimizes impacts to and supports the outstanding cultural and economic benefits of hunting and fishing and recreation on our public lands.

It is time to finally see this bill across the finish line.

Public lands are valuable to fish and wildlife and the American public.

Public Lands contain some of the best fish and wildlife habitat in the country. Millions of individuals visit public lands each year to hunt, fish, or recreate. In most western states, public lands comprise more than 70 percent of the remaining available habitat for native trout in the West, and virtually all of the strongholds for native trout.

According to *Outdoor Recreation Roundtable*, the outdoor recreation economy accounted for 2.2% of U.S. GDP in 2016, making it one of the nation's largest economic engines. That's more than the mining, utilities, chemical

products manufacturing, and broadcasting and telecommunications industries. The Outdoor Industry Association calculates annual gross output of outdoor recreation at \$887 billion. Additionally, outdoor recreation accounted for 7.6 million jobs in 2016—levels on par with many critical industries in our nation.

These impressive statistics are fundamentally linked to public lands. According to a 2018 Pew Trust report on economic contributions of wildlife-related recreation on BLM lands, an estimated 8.1 million trips were made on BLM lands in 2016 for outdoor recreation. Collectively, fishing, hunting and wildlife-viewing on these Western public lands supported an estimated 26,500 jobs, provided \$1 billion in salaries, contributed \$3.3 billion in total economic output, and generated about \$243 million in federal taxes.

Public lands also provide opportunity for responsible energy development.

In some cases, federal holdings also represent a reasonable setting for well-planned and properly mitigated renewable energy development projects. These energy projects could stimulate job growth, reduce carbon pollution, and contribute to the protection and restoration of fish and wildlife habitat on public lands. But balancing new development with protection of fish and wildlife values is essential.

Balancing energy development and fish and wildlife values is essential.

It is important to understand the context for energy development on public lands. Numerous stressors on the western landscape affect fish and wildlife habitat and hunting and angling opportunity. These include: traditional energy development, insect and disease outbreaks, intense and more frequent wildfire, invasive plants, private land development, and drought conditions in already over-subscribed basins.

Utility-scale wind and solar projects are a growing presence on our public lands. While the number of wind and solar projects on public lands hardly compares with traditional oil and gas development, renewable technologies are here, and their presence on the western landscape continues to grow.

The BLM manages approximately 245 million surface acres, located primarily in 12 western states. BLM estimates that among those acres, more than 20 million acres have high solar potential and more than 21 million acres have high wind potential. To date, the BLM has approved a total of 37 solar projects and 40 wind energy projects with the combined potential to provide nearly 15,000 megawatts (MW) of generation capacity; enough electricity to power millions of American homes.

These projects will help move us toward a clean energy future, but as with any energy source, they have impacts. Utility-scale wind and solar projects can take up large chunks of land for long periods of time and may cause serious adverse impact to fish, wildlife and water resources and recreational access, such as habitat fragmentation, cutting off wildlife corridors, water use (solar), soil erosion related to development of projects and associated infrastructure. However, when properly sited and mitigated, these projects can co-exist.

If we are going to add large-scale wind and solar development to this picture, we must do so in a thoughtful and balanced way.

PLREDA provides this needed balance.

PLREDA will help to strike that balance by creating a pathway to advance renewable energy projects in a way that minimizes impacts to and supports the outstanding cultural and economic benefits of hunting and fishing and recreation on our public lands. The bill accomplishes this through two primary mechanisms. First, PLREDA promotes a “smart-from-the-start” approach to siting and permitting by establishing a process for expanded designation of priority areas and an expedited permitting process for projects proposed in those zones. Second, PLREDA establishes a revenue sharing model that distributes a portion of revenues to state, county and conservation purposes, ensuring that public lands remain accessible, treasured places for hunting, fishing and recreating and that taxpayers receive fair value for the energy produced. We will discuss both components in more detail.

Siting and Permitting: PLREDA will build on recent improvements.

Although far from perfect, BLM has taken several significant steps in recent years toward establishing a sensible renewable energy program. For example, in 2016, the BLM finalized a rule for competitive leasing of BLM lands for solar and wind energy development. The 2016 rule complements the Department’s landscape-scale planning efforts, including the Western Solar Plan, California’s Desert Renewable Energy Conservation Plan, and Arizona’s Restoration Design Energy Project, which were designed to streamline development in areas with high generation potential, while protecting important environmental, cultural and recreational resources. Adoption of the 2016 Wind and Solar Energy Rule further modernized the management of renewable resources, adopting new mechanisms to collect fees and increasing flexibility in the permitting process while emphasizing the benefits of competitive leasing.

The BLM has also made progress in working through a large queue of backlogged applications for wind, solar, geothermal energy projects as well as the associated transmission infrastructure. Interior has approved over 100 utility-scale renewable energy projects on public lands, including 36 solar, 11 wind and 13 geothermal projects and associated transmission infrastructure that could support over 12,000 megawatts of renewable energy capacity, enough to power an estimated 5 million homes when built.

PLREDA will build on this recent activity by expanding the identification of wind, solar, and geothermal energy zones in areas with high potential for energy and low impact on wildlife and habitat. H.R. 3794 encourages siting of projects in these zones through an efficient and proactive permitting process that provides certainty for developers by encouraging efficient environmental review through use of programmatic environmental impact statements, which already exist for wind, solar and geothermal projects. The bill requires BLM to review and update each of these PEIS documents every five years to account for new information and changed circumstances.

We are confident that that if we fully embrace the approach to setting up zones to help avoid impacts through early planning, will have success in advancing projects in a manner that is good for industry, good for public, and good for impacted resources.

Application to USFS Lands: While not completely within the jurisdiction of this committee, we note that PLREDA establishes a responsible approach to siting wind, solar and geothermal that would be well-suited to USFS lands in addition to BLM lands which are currently the focus of this legislation. The U.S. Forest Service (USFS) currently manages over 190 million acres of public lands across the country. Some of these lands have opportunity for renewable energy development. We encourage Congress to consider adding the National Forests to the bill as it goes through the legislative process.

Permit Coordination Offices: Another positive aspect of the bill is its direction to establish renewable energy permitting offices. This system will help to improve agency coordination and efficient review and processing of permits by agency staff, assuming adequate funding exists to support these positions as discussed above.

Funding for BLM permitting: Strong funding for our federal resource management agencies is critical to ensure these agencies can properly manage lands and programs for the benefit of current and future generations. PLREDA establishes an enhanced approach that will require agency leadership and strong public engagement. We need to ensure that the BLM has the support it needs to manage the increased numbers of permits and comments that will come their way as a result of this legislation. It is also critical that this funding, and the funding provided to other accounts in the revenue sharing provisions, be additive to existing funding mechanisms and not used simply to fill holes from budget cuts or serve as rationale for decreased funding through other accounts.

Revenue Sharing: PLREDA benefits states, counties and fish and wildlife through revenue sharing.

PLREDA offers a way to offset unavoidable impacts on fish, wildlife, and water resources by creating a conservation fund derived from royalties and other revenues from public land wind and solar energy development. This fund is essential to our ability to maintain opportunities to hunt and fish on public lands, which are some of the best in the country. More importantly, it is a must-have tool for conserving critical habitat for fish and wildlife across the public landscape. In most western states, public lands comprise more than 70 percent of the available habitat for trout, and virtually all native trout strongholds.

A survey by the Fish & Wildlife Service found that 91.1 million U.S. residents fished, hunted, or wildlife watched in 2011, and they spent \$145 billion on their activities. This is a large, and growing, contributor to our economy: 11 percent more people fished in 2011 than in 2006, and 9 percent more people hunted. We need high quality, accessible habitat to sustain this economic activity. The conservation fund created by the Public Lands Renewable Energy Development Act would support the work needed to maintain our public land natural resource values.

The conservation fund would be used to support access to and restoration of land and water resources in regions where renewable energy development takes place. For example, planting of riparian vegetation to minimize sedimentation and runoff into nearby streams and to provide nesting habitat for bird and game, or projects to enhance instream flow and habitat to support sensitive populations of native trout and salmon in the area.

The Revenue Sharing approach will help to increase sportsmen's access to public lands. The model will also support states and counties and helps to ensure agency capacity to efficiently process the permitting program.

Summary

Public lands contain some of the most valuable trout and salmon habitat in the nation. These lands also provide a great opportunity for well-planned and properly mitigated renewable energy development projects that could bolster job creation, reduce carbon pollution, and contribute to the protection and restoration of natural resources for the benefit of this and future generations

PLREDA/H.R. 3794 will allow us to develop energy resources, bolster local economies, diversify county revenue streams, improve hunting and fishing access and make public land fishing and hunting better than we found it. In addition to these merits, I again urge you to consider the bill's broad and bipartisan support and to find a path forward for it this year.

Conclusion

Thank you for the opportunity to testify today. We appreciate the leadership of Representative Gosar and Representative Levin on this issue. Thank you to the Chairman, Ranking Member, and members of the subcommittee for holding this hearing. A particular note of thanks to those members who have signed on as cosponsors. We look forward to working with all of you to advance the Public Lands Renewable Energy Development Act.