

U.S. House of Representatives

Committee on Natural Resources

Washington, DC 20515

July 6, 2017

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

Dear Secretary Zinke,

During a June 12, 2017, Cabinet meeting you told President Trump it is “an honor to be your steward of our public lands and the generator of energy dominance.”¹ Since then, the phrase “energy dominance” has appeared in numerous official statements and reports suggesting it is the primary goal of the Department of the Interior. Other Interior Department officials have made comments indicating that the pursuit of “energy dominance” will be all-encompassing within the Department and largely defer to the oil and gas industry for direction, with the Acting Assistant Secretary for Land and Minerals Management saying in written testimony, “American’s free markets will help determine where and when energy development on public lands is feasible,”² and your energy counselor saying, “[t]he Department of the Interior is in the energy business.”³

However, it is unclear how you plan to balance your desire for “energy dominance” with your responsibility to protect and manage public lands under the Federal Land Policy and Management Act (FLPMA). While FLPMA requires public land management “be on the basis of multiple use and sustained yield,”⁴ over the past six months, the Department has placed production of fossil fuel energy sources at a premium, and seemingly neglected consideration of other land uses and land values. It also appears that the Department is inappropriately interpreting “multiple use” to mean that energy development should be allowed on all lands. The courts strongly disagree, and have very clearly interpreted FLPMA to recognize that, “The Act does not mandate that every use be accommodated on every piece of land,” and, “It is past doubt that the principle of multiple use does not require BLM to prioritize development over other uses.”⁵ One ruling speaks even more clearly to the issue at hand: “If all the competing demands reflected in FLPMA were focused on one particular piece of public land, in many instances only one set of demands could be satisfied. A parcel of land cannot both be preserved in its natural character and mined.”⁶

¹ Keith, Tamara, “Cabinet Members Heap Praise On Trump.” *NPR*. 13 June 2017.

<<http://www.npr.org/2017/06/13/532724771/cabinet-members-heap-praise-on-trump>>

² Statement of Katherine S. MacGregor, Acting Assistant Secretary, Land and Minerals Management, to the House Committee on Natural Resources Subcommittee on Energy and Mineral Resources, June 29, 2017.

³ P. King, “Zinke’s energy adviser touts new agency priority,” *E&E Publishing*, June 29, 2017.

⁴ 43 U.S.C. 1732(a)

⁵ *N.M. ex rel. Richardson v. BLM*, 565 F.3d 683, 710 (10th Cir. N.M. Apr. 28, 2009)

⁶ *Utah v. Andrus*, 486 F. Supp. 995, 1003 (D. Utah Oct. 1, 1979)

FLPMA articulates “that it is the policy of the United States that the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values.”⁷ Not all federal land is appropriate for coal, oil, or gas development and certain areas should be managed to protect the value they provide outside of their energy resource potential. Federal lands generate billions of dollars and support millions of jobs through an outdoor recreation economy comprised of camping, hiking, hunting, and off-roading businesses. Of equal importance is acknowledging the value of public land is not always tied to the revenue it generates, and policy decisions that affect this land should consider more than financials metrics.

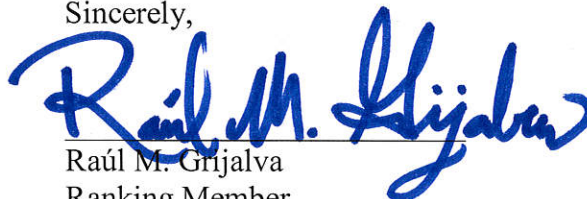
One of the difficulties in managing our resources is that public lands have multiple potential uses and values, and the promotion of a particular use can result in the diminishment of a competing use. A strategy of “energy dominance” will lead to an Interior Department conflicted between adhering to FLPMA and furthering the Administration’s desires to expand fossil fuel production across all public lands. Already your actions, including Secretarial Orders 3350 and 3352, and your review of existing national monuments, indicate maximizing energy production on public land is now the dominant factor driving agency decision-making.

In order to better understand how the Interior Department will implement its “energy dominance” policy while meeting the requirements of FLPMA; please respond to the following questions:

1. How does the Interior Department define “energy dominance”? Is there an end state at which the Department would be able to state that “energy dominance” has been achieved?
2. Will BLM lands be managed in full accordance with the Federal Lands Policy and Management Act, even if, in your opinion, the protection of “scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values,” conflicts with energy development on certain parcels of public land?
3. Does the Department agree with the reasoning in *Utah v. Andrus* and *N.M. ex rel. Richardson v. BLM* that FLPMA does not require that every use be mandated on every piece of public land?
4. To what extent will coal, oil, and natural gas companies influence the location, timing, and extent of energy development on public lands?

If you have any questions about this letter, please have your staff contact Steve Feldgus on the Democratic Staff of the Natural Resources Committee at (202) 225-6065.

Sincerely,



Raúl M. Grijalva
Ranking Member
Committee on Natural Resources

⁷ 43 U.S.C. 1701(a)(8)