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**Kate Miller**  
*Director of Government Affairs*

**Testimony of Trout Unlimited on the Public Land Renewable Energy Development Act, H.R. 3326.**

**House Natural Resources Committee, Subcommittee on Energy and Mineral Resources  
Subcommittee hearing, Expanding Clean Energy on Public Lands, May 24, 2021.**

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

Thank you for the opportunity to testify in support of the Public Lands Renewable Energy Development Act (PLREDA). My name is Kate Miller. I am the Director of Government Affairs for Trout Unlimited. 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 this bill 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.

Trout Unlimited strongly supports this legislation, which has been introduced in some form in every Congress since 2011, each time with broad and bipartisan support. A previous version of this bill passed the House last Congress as part of H.R.2, the Moving Forward Act, and several components were included the end-of-year energy package, which passed as part of the FY20 Omnibus Appropriations Act and was signed into law as the Energy Act of 2020 (P.L. 116-260). While we were pleased to see those provisions advance, we were disappointed that the heart of the bill was left behind. The bill before the committee today would carry those key provisions forward – including provisions on updating the upfront planning process for solar, wind and geothermal energy development and the revenue sharing program that will support responsible development of renewable energy resources on public lands in a way that invests in local communities and in local communities and in fish and wildlife resources. Given the history of broad and bipartisan support for this bill, as well as its legislative record and all of the stakeholders anxious to realize its benefits, I implore you to please work together to advance these provisions through the House.

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 to address the growing impacts of climate change on the Nation. Similarly, a great deal of discussion has been focused around the value and role of America's public lands in our hunting and fishing heritage and the opportunity and need to balance the multiple use of these lands, including public access and recreational use, energy development, and conservation and the outstanding cultural and economic benefits of hunting and fishing on these landscapes.

The importance of balancing these multiple uses is a lesson we've 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

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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 mining on federal lands approach of the past, we are seeking to do so in a way that provides funding for mitigation and restoration over the long run.

PLREDA 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 recreational 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.

**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. Thousands of individuals visit public lands each year to hunt, fish, or recreate on public lands. 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.

BLM managed lands alone provide vital habitat for more than 3,000 species of wildlife and support fisheries of exceptional regional and national value. Of particular note, last year, BLM-managed lands supported more than 73 million recreational visits. 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.

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. Outdoor recreation’s annual gross output was calculated at \$734 billion. Additionally, outdoor recreation accounted for 4.5 million jobs in 2016—levels on par with many critical industries in our nation.

**Public lands also provide opportunity for responsible energy development. Balancing energy development and fish and wildlife values is essential.**

In addition to the many recreational and cultural values provided by our public lands, in some locations these lands 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.

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. Concerns about climate change have compelled states such as California, Washington and New Mexico to pass laws requiring production of 100 percent of their future energy from renewable sources. More states are contemplating similar legislation. Given that public lands comprise nearly, or more than, half of the land in these three states, they are sure to play an important role in how these and other states meet their renewable energy goals—and they should.

We need to invest more in renewable energy, such as wind and solar, to help address the causes and the effects of a changing climate. At the same time, sportsmen and women who hunt and fish on public lands recognize the need to protect important rivers and landscapes as renewable energy development happens, and the need to invest in restoration so these areas can weather the effects of development and climate change.

These projects will help move us toward a clean energy future, but as with any energy source, they too 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.

**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 a streamlined 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 as well as to support agency permitting and review process, 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.***

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. In fiscal year (FY) 2020, the BLM permitted 2,148 megawatts (MWs) of new electricity generation capacity from wind, solar, and geothermal sources on public lands and is on-track to permit another 3,000 MWs in FY 2021. As of April 2021, permitted renewable energy

projects on BLM-managed lands include 51 operating geothermal power plants with a combined total of 2,462 MWs of generation capacity, 36 wind projects with a total capacity of over 2,900 MWs, and 36 solar projects with a total capacity of over 6,800 MWs.

Last year, Congress passed the Energy Act of 2020 (P.L. 116-260), which included a number of provisions (formerly included in PLREDA) aimed at expanding wind, solar and geothermal development on federal lands. Of particular note:

- Directs the BLM to create Renewable Energy Coordination Offices and establishes a permit coordination program among key federal agencies and interested Governors or Tribal leaders to better facilitate planning, coordination and processing of renewable energy permits on federal land.
- Requires the Secretary of Interior to set national goals for wind, solar and geothermal energy production on Federal land; establishes a permitting goal of at least 25 GW of electricity from these projects by 2025.
- Provides the Secretary of the Interior more authority to adjust rental rates and capacity fees for wind and solar projects if they would otherwise pose an economic hardship or exceed fair market value.

PLREDA will build on this recent activity by expanding the identification of wind, solar, and geothermal energy zones in areas with high potential for renewable energy and lower potential for impact on wildlife and habitat. PLREDA 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 ten years to account for new information and changed circumstances.

***Revenue Sharing: PLREDA supports permit processing, 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 native trout, and virtually all 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. Moreover, these restoration project won't just mitigate impacts from projects, they will help make ecosystems more resilient to the effects of climate change.

In addition to the conservation fund, the PRLEDA revenue sharing model will direct revenues to the **counties and states** of origin to offset the loss of the public lands for other multiple uses, and in recognition of the fact that these projects require a long-term investment, and a lot of patience, by adjacent local communities.

PLREDA will also direct revenues to support **permit processing**. 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. As noted above, the Energy Act of 2020 included provisions to establish renewable energy permitting offices and direct increased agency coordination. These provisions will help to improve agency coordination and efficient review and processing of permits by agency staff. We are pleased that provision advanced last congress, but we need to ensure that the BLM and other agencies have the support they need to manage the increased numbers of permits and comments that will come their way as a result of this legislation. PLREDA takes a step toward this goal by directing revenues from wind and solar projects to BLM and other agencies to support permitting.

Funding is one of the greatest limitations for agencies to conduct habitat restoration. Congress addressed the deferred maintenance backlog last year by passing the Great American Outdoors Act, but we must also address the restoration backlog that is degrading ecosystems. This bill will help to do that with a dedicated funding source. To be clear, the need is great and there is much that Congress can do to fund restoration, but the revenue sharing portion of this bill is an important and necessary piece of this puzzle. 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.

## **Summary**

Public lands contain some of the most valuable trout and salmon habitat in the nation. These lands also provide 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. The Public Land Renewable Energy Development Act will allow us to bolster local economies, diversify county revenue

streams, improve hunting and fishing access and make public land fishing and hunting better than we found it.

### **Conclusion**

Thank you for the opportunity to testify today. Trout Unlimited appreciate the leadership of this committee, and in particular the longstanding support from Representatives Levin and Gosar on this issue. Thank you to the Chairman, Ranking Member, and members of the subcommittee for holding this hearing. We look forward to working with all of you to advance the Public Lands Renewable Energy Development Act.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kate Miller". The signature is fluid and cursive, with the first name "Kate" and last name "Miller" clearly distinguishable.

Kate Miller