



September 18, 2019

Chairman Alan Lowenthal  
House Natural Resources, Subcommittee on  
Energy and Mineral Resources  
U.S. House of Representatives  
Washington, D.C. 20515

Ranking Member Paul Gosar  
House Natural Resources, Subcommittee on  
Energy and Mineral Resources  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Lowenthal, Ranking Member Gosar, and Members of the Subcommittee:

On behalf of The Wilderness Society's (TWS) over one million members and supporters, I write to offer our views on HR 2640 and HR 4026, scheduled for a hearing on September 19<sup>th</sup>. TWS supports both bills for the reasons below.

### **H.R. 2640, the Buffalo Tract Protection Act**

TWS supports H.R. 2640, the Buffalo Tract Protection Act, sponsored by Representative Haaland and Representative Lujan. H.R. 2640 would withdraw four tracts of land, totaling approximately 3,000 acres, managed by the Bureau of Land Management's (BLM) Rio Puerco Field Office from all forms of mineral development. These lands are located in the community of Placitas, New Mexico, where four of the largest gravel mines in New Mexico are already operating, including in areas immediately adjacent to residential development. Local residents, including Placitas and the Pueblos of Santa Ana and San Felipe, are seeking to limit further gravel mining due to impacts on air quality, recreation, wildlife corridors and conservation of cultural resources.

The BLM's Rio Puerco Resource Management Plan, completed in 1986, does not protect these areas from leasing or mining, but the substantial growth of the neighboring communities over the last 33 years has made the incompatibility of expanded gravel production with the public interest apparent. Withdrawal of the 3,000 acres encompassed in these four areas would not substantially reduce acreage available for leasing or mining in the region given the 3.6 million subsurface acres of federal mineral managed under Rio Puerco Resource Management Plan. However, because of their location in relation to Placitas and the Pueblos, withdrawal of these areas would make a significant difference for the local communities. In addition, the protection of recreation opportunities are important for public enjoyment, since these are public lands.

We appreciate the timely action taken by Representative Haaland and Representative Lujan to protect the overriding multiple uses present on these public lands and the quality of life and health of local communities.

### **HR 4026, The Enhancing Geothermal Production on Federal Lands Act.**

TWS supports the aims of HR 4026, the Enhancing Geothermal Production on Federal Lands Act, sponsored by Representative Fulcher and recommends several changes to strengthen the bill. The bill would encourage production of geothermal energy resources within identified priority areas on public lands and on and adjacent to already disturbed lands and would address long-standing issues of concern to the geothermal industry.

Section 2 appears to seek to expedite permitting for exploratory wells. The section creates a categorical exclusion under the National Environmental Policy Act and contains language that prohibits use of the categorical exclusion when extraordinary circumstances exist (Sec. 2(b)(1)), establishes disturbance limits for the extent of a test project – including a prohibition on off-road travel or new roads – and requires 30 day notice of intent with the opportunity for the Secretary to find the project does not qualify. Public input and environmental analysis under NEPA are critical components of effective and efficient decision-making, including for the expansion of renewable energy development on public lands. While we appreciate the steps taken to ensure the agency’s authority to process applications under the categorical exclusion is limited as identified above, we believe that existing NEPA mechanisms, including but not limited to effective programmatic planning and analysis and tiering, provide ample authority and flexibility for efficient geothermal permitting. Should permitting be shown by the agencies not to result in individually or cumulatively significant impacts, then a categorical exclusion may be appropriate.

Section 3 requires the Secretary to identify Geothermal Leasing Priority Areas. TWS supports the identification of priority leasing areas for geothermal, wind, and solar energy development on public lands. TWS would prefer that this concept be addressed instead through the passage of the Public Lands Renewable Energy Development Act (HR 3794) to ensure that priority areas are addressed for wind, solar and geothermal through a single process rather than through multiple statutes.

Section 4 addresses potential coproduction of geothermal energy on oil and gas leases. Section 5 establishes a process to noncompetitively lease adjoining areas for development of geothermal resources. Providing that the bill retains language ensuring taxpayers receive fair market value, TWS supports these provisions which would encourage production of geothermal energy on lands already disturbed by oil and gas development and adjacent to existing geothermal production facilities.

The Wilderness Society appreciates the opportunity to submit our views on these bills.

Sincerely,



Drew McConville  
Senior Managing Director of Government Relations