



March 25, 2026

The Honorable Peter Stauber  
Chairman  
Energy and Mineral Resources  
Subcommittee  
U.S. House Natural Resources Committee  
Washington, DC 20515

The Honorable Yassamin Ansari  
Ranking Member  
Energy and Mineral Resources  
Subcommittee  
U.S. House Natural Resources Committee  
Washington, DC 20515

Chairman Stauber, Ranking Member Ansari, and members of the House Natural Resources Committee's Subcommittee on Energy and Mineral Resources:

On behalf of our more than one million members and supporters, The Wilderness Society (TWS) writes to express our views on the bills listed below, which are scheduled to be heard by the House Natural Resources Committee's Energy and Mineral Resources Subcommittee on March 25, 2026.

### **H.R. 5639, Co-Location Energy Act (Rep. Kennedy UT-03)**

H.R. 5639 would allow the Department of the Interior to authorize wind and solar developers to study the feasibility of developing utility-scale projects on federal oil, gas, and geothermal leases. It would also empower the Secretary to issue permits for development. All activities would be subject to leaseholder consent and approval. Furthermore, the legislation would direct the Secretary to, within 180 days, consider issuing categorical exclusions for certain wind and solar activities – including new transmission or transportation infrastructure, storage, preliminary testing, or for the projects themselves. Finally, the legislation directs the Secretary to issue a rule implementing the bill.

We are heartened to see bipartisan interest in facilitating new wind and solar projects on federal land. Since July, when Secretary Burgum issued a series of orders targeting such projects, zero new applications have entered the permitting pipeline. Considering H.R. 1 included language requiring that wind and solar bonus bids, rents, and production fees be shared with states and counties, this failure to issue any such permits robs our grid of ready-to-deploy projects amid fluctuating energy costs and robs states and counties of a new and important revenue stream.

It is also worth highlighting that nearly 50% of acres covered by federal oil and gas leases are non-producing, i.e., there may be millions of acres of leases on lands with low production potential that could be more appropriate for responsible wind and solar development than they are for oil and gas.

We have several concerns about the legislation as written and improvement is needed.

First, the legislation does not contemplate how wind and solar rights-of-way issued on an oil, gas or geothermal lease would continue when the lease ends. Considering lease terms are 10 years, with options to extend if a lease is producing, and wind and solar rights-of-way last up to 50 years, this situation might arise with some frequency. Developers of any energy source need long-term certainty to invest, and this certainty should be enumerated in legislation and not delegated to an administration that is or could be hostile to wind and solar development. We recommend the bill's sponsors amend the legislation to clarify how renewals will be handled in the absence of a valid, underlying federal energy lease.

Second, the bill's sponsors should substantially narrow the direction to promulgate categorical exclusions, consistent with sideboards put forward in the 2024 Western Solar Plan. In 2024, the Bureau of Land Management updated its Western Solar Plan to open roughly 31 million acres of federal land to solar applications and exclude about 126 million acres, all while standardizing project design criteria to ensure impacts to lands, species, and resources are avoided, minimized, or mitigated. The plan involved years of scientific study across federal agencies and public comments from stakeholders across the West. Open lands include those that have been determined to be previously disturbed or degraded OR those that are within 15 miles of existing or planned transmission lines. While this effort did provide clarity for developers and helped focus BLM resources, it did not afford blanket process incentives – like a guaranteed “environmental assessment” instead of an “environmental impact statement” – because project- and location-specific analysis and agency decision making is still needed.

This legislation would empower the Secretary to issue blanket categorical exclusions for wind and solar, a significant process incentive, on oil and gas leases without any requirement that decisions be informed by the 2024 Western Solar Plan and without taking into account landscape intactness or transmission proximity.

At a minimum, the legislation should be amended to limit process incentives only to those lands that are both previously disturbed or degraded AND proximate to existing or planned transmission. This would help minimize the need for new infrastructure and to ensure projects move forward in low-conflict areas. The bill should also be amended to provide public notice and comment for any proposed categorical exclusions for wind and solar since current NEPA regulations at DOI do not require this.

Should the bill's sponsors amend the legislation to address our concerns, The Wilderness Society would support this legislation.

### **H.R. 1555, Bureau of Land Management Mineral Spacing Act (Rep. Bice OK-05)**

H.R. 1555 would allow oil and gas operators to drill on up to 57 million acres of split-estate resources without federal permits, exempting the exploration, development, or production of oil and gas from National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and Endangered Species Act (ESA) requirements – all enforced via the federal application for permit to drill (APD) process. Such a measure would invalidate the public's right, as well as the right of impacted landowners with holdings over subsurface federal minerals, to participate in the management of these lands and resources.

Additionally, it would deny federal land management agencies the valuable contributions that the public and Tribes often provide in furthering the efficient and equitable management of federal resources. If enacted, the public and impacted split-estate landowners would also be denied the right to seek redress when resource management decisions that may violate the law occur.

Finally, the bill eliminates the juncture at which BLM enforces bonding requirements. Current regulations require oil and gas operators to purchase bonds (\$150,000 per lease, or \$500,000 statewide) to serve as collateral in case the operators abandon their wells, go bankrupt, or otherwise fail to meet their reclamation obligations after production ends. BLM uses the APD process to ensure operators hold adequate bonds, or hold bonds at all, and, if not, can withhold approval until the operator purchases an adequate bond. If H.R. 1555 becomes law, BLM will need to identify another way to enforce bonding requirements, which could cost the agency time and resources and lead to a precipitous rise in unbonded wells that could one day require taxpayer funding to reclaim.

For these reasons, The Wilderness Society opposes this legislation and urges members of the Subcommittee not to advance it.

### **H.R. 7831, License to Drill Act (Rep. Kennedy UT-03)**

H.R. 7831 would reauthorize the permit processing improvement fund (PIIF) for 10 years. This program was created over two decades ago to address a drilling permit backlog at BLM. It requires the agency to charge a fee, currently \$12,850 per well, for operators to submit in concert with their APD. The agency then uses this funding to conduct the requisite site-specific analysis, including NEPA, archaeological, engineering, and safety studies. The program helps ensure the oil and gas permitting program, and the civil servants who conduct these studies, has dedicated funding so that it is somewhat shielded from the annual congressional appropriations process.

The PIIF both ensures long-term certainty for core permitting functions and requires the oil and gas industry to foot the bill.

The Wilderness Society supports this legislation and urges members of the Subcommittee to advance it.

Thank you for considering our views.

Sincerely,



Miranda Badgett  
Senior Government Relations Representative  
The Wilderness Society