

Amendment 679 – Strikes provisions that restrict the development of renewable energy on public lands, including but not limited to geothermal, wind, solar, biomass and related transmission infrastructure.

- The omnibus public lands bill will restrict access to our nation’s public lands and, by doing so, will prevent the development of renewable energy resources.
- The bill establishes new wilderness areas, wilderness study areas, wild and scenic rivers, additional units to the national park system and new national heritage areas
- These designations prevent the development of renewable energy sources such as geothermal, wind, solar, biomass and related transmission infrastructure
- Renewable sources of energy are abundant in the United States and must be a part of a larger strategy to achieve energy independence
- Secretary of the Interior, Ken Salazar, recently proclaimed the production and development of renewable energy “a top priority.”¹
- Renewable energy resources are vital to America’s energy security

¹DOI, News Release, March 11, 2009, http://www.doi.gov/news/09_News_Releases/031109c.html

Amendment 679 – Strikes provisions that restrict the development of renewable energy on public lands, including but not limited to geothermal, wind, solar and related transmission infrastructure.

This amendment would eliminate provisions that restrict the development of renewable energy on public lands.

The amendment would specifically remove 19 provisions that expressly prohibit all forms of entry on public land and, namely, geothermal leasing. Geothermal leasing provides access to natural resources on public lands for exploration and development² and is administered by the Bureau of Land Management.³

It would make lands with potential renewable energy resources available for future development.

U.S. public lands contain a significant amount of renewable energy

GEOHERMAL

There are 140 million acres of public land in the western states and Alaska that have geothermal resource potential.⁴

According to former Secretary of Interior Dirk Kempthorne, "Geothermal energy will play a key role in powering America's energy future and **90 percent of our nation's geothermal resources are found on federal lands.**"⁵

SOLAR

There are 29 million acres with solar energy potential in the six southwestern states.⁶ Specifically showcasing the importance of public lands under the Department of the Interior's jurisdiction, Secretary Salazar stated there is "a huge solar potential in the Southwest."

² Geothermal Leasing Doc.

³ <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=9fe7742c67074b603dcbdc944388707e&rgn=div5&view=text&node=43:2.1.1.3.53&idno=43#43:2.1.1.3.53.1.58.2>

⁴ DOI, News Release, March 11, 2009, http://www.doi.gov/news/09_News_Releases/031109c.html

⁵ Environment News Service: "Geothermal Development Planned for Western Public Lands." October 22, 2008, <http://www.ens-newswire.com/ens/oct2008/2008-10-22-092.asp>

⁶ *ibid*

BIOMASS

Wood is the most widely used ingredient in biomass.⁷ Approximately one-third or 747 million acres of the U.S. is covered in forest areas. Nearly 57 percent of these forests are owned by the government.⁸

There is approximately 590 million wet tons of biomass available in the U.S. annually.⁹

16 percent of renewable energy generated for electricity comes from biomass and 3 percent of total energy in 2000.¹⁰

The United States Forest Service notes: “The technology to generate energy from wood has entered a new millennium, with virtually limitless possibilities.”¹¹

WIND and TRANSMISSION INFRASTRUCTURE

There are approximately **21 million acres of public land with wind energy potential** in the 11 western states.¹²

Secretary Salazar recently stated, “Unless we are able to deal with the transmission issue, we will be standing in place 5 or 10 years from now. It is appropriate for...Congress and President Obama to be absolutely focused like a laser beam on transmission.”¹³

Transmission lines and pipelines will need to cross hundreds of public lands, rivers and streams to connect energy to consumers.

The omnibus public lands bill establishes new barriers to the development of alternative sources of energy

⁷Energy Information Agency, History of Energy in the United States: 1635-2000
<http://www.eia.doe.gov/emeu/aer/eh/renew.html>

⁸ http://www.nationalatlas.gov/articles/biology/a_forest.html

⁹ <http://www.eia.doe.gov/kids/energyfacts/sources/renewable/biomass.html>

¹⁰ http://findarticles.com/p/articles/mi_m2744/is_7_2002/ai_90360024

¹¹ United States Forest Service, Forest Products Library: “Wood Biomass for Energy,” April, 2004,
<http://www.fpl.fs.fed.us/documnts/techline/wood-biomass-for-energy.pdf>

¹²DOI, News Release, March 11, 2009, http://www.doi.gov/news/09_News_Releases/031109c.html

¹³ http://www.doi.gov/news/09_News_Releases/022309.html

This bill will prohibit renewable energy development, including geothermal leasing by designating wilderness area, wilderness study area, wild and scenic rivers and ten new National Heritage Areas.

Each new designation specifically withdraws the land from future mineral and geothermal leasing.

The bill includes 80 federal wilderness area designations of over 2 million acres and expressly prohibits all forms of entry on the lands

The following provision is repeated 19 times throughout the public lands bill:

WITHDRAWAL – Subject to valid existing rights, all Federal land within the [proposed area] is withdrawn from: (1) all forms of entry, appropriation, or disposal under the public land laws; (2) location, entry, and patent under the mining laws; and (3) disposition under all laws relating to mineral and geothermal leasing.

Today, there are 708 federally imposed “wilderness areas” totaling **107 million acres of land in 44 states.**¹⁴ **That will swell to 109.2 million acres with the passage of this bill.** While supporters will argue this is a small portion of the nearly two billion acres in this country, they fail to mention that with this bill, **Congress will have designated more U.S. property as federal wilderness areas than the total developed land in this country,** which now stands at **108 million acres** according to the U.S. Census.¹⁵

Each designation prevents Americans from harnessing clean, American energy.

Supporters of the wilderness designations will argue that many of the lands have “little or no energy potential.” (This begs the question: Why is the land being withdrawn from mineral leasing?)

In many instances such claims are plain wrong or the geologic formations have not been studied sufficiently to fully know the energy potential.¹⁶

¹⁴ <http://www.congress.gov/erp/rl/pdf/RL31447.pdf>

¹⁵ <http://www.census.gov/compendia/statab/tables/08s0351.pdf>

¹⁶ Bureau of Land Management: “Soda Mountain Study Area,” p 759

The simple fact is that Congress is viewing tomorrow's energy potential with today's technology.

In an archived study performed by the Bureau Land Management on an area designated in this bill the agency noted: "Resource conflicts in the WSA (wilderness study area) include moderate to high geothermal resource potential."¹⁷

The energy resources do not even have to be within the wilderness area to raise the ire of opponents.

Some overzealous anti-energy groups, who regularly sue to stop drilling on federal lands, go so far as to fight drilling **adjacent** to wilderness areas.¹⁸ Similar construction projects for renewable energy leasing that pose this scenario could also be challenged.

The National Park Service acknowledges this point and asserts that it should have control over lands **outside** of the wilderness areas. In testimony before Congress opposing a provision that would have protected the property rights of landowners surrounding a wilderness area, the National Park Service testified:

*"Section 4(d)(2) states that non-wilderness activities outside of designated wilderness shall not be precluded because they can be seen or heard within the wilderness. We are concerned that this section could affect the National Park Service's ability to protect the designated wilderness. Exempting activities outside wilderness could affect the National Park Service's ability to address **noise, pollutants,** or other **undesirable** effects on wilderness that come from outside the parks. We recommend that this section be removed from the bill."*¹⁹

For instance, a federal judge in Washington, DC, recently issued a restraining order to halt the development of major oil and natural gas

¹⁷ Bureau of Land Management: Granite Mountain Wilderness Study Area, CA-010-090

¹⁸ <http://www.lpfw.org/news/0704oillawsuit.htm>

¹⁹ Statement of Karen Taylor (National Park Service) before the House Subcommittee on National Parks, Forests and Public Lands (Resources), October 30, 2007.

http://resourcescommittee.house.gov/images/Documents/20071030/testimony_taylor-goodrich.pdf

reserves on over 100,000 acres of federal lands in portions of Utah, because it was **near** wilderness areas or lands known for their wilderness qualities. They further noted that some of the lands are also **near** national parks and national monuments. This decision set a dangerous precedent for all future energy development surrounding wilderness designations. This land contained “one of the largest onshore natural gas basins in the country,²⁰ and was closed off because of its **proximity** to wilderness lands.

The bill contains over 1,000 miles of national wild and scenic river designations, which threaten the development of renewable energy and energy infrastructure.

The bill establishes 92 new national wild and scenic river designations, totaling over 1,000 new miles. This is in addition to the 11,000 plus miles already designated.

The Wild and Scenic Rivers Act prohibits the development of dams, hydroelectric power, or transmission lines and other construction that may inhibit the flow of the river (pipelines). The prohibition extends beyond the actual designation and includes any other tributary or upstream/downstream activity that may inhibit the free flow of the river.

The bill includes the Taunton River designation in Massachusetts, offered by Representative Barney Frank that will likely block construction of a major Liquefied Natural Gas port (LNG). According to the company already planning to build the LNG port, the designations are also a favorite tool of anti-energy lawyers, and are used to block construction of needed transmission lines **(12,000-40,000 miles will be necessary to meet the need of new wind energy projects).**²¹ Senate Majority Leader Harry Reid himself notes: “The West will need 7,500 miles of new transmission lines over the next decade to significantly expand renewable energy production.”²²

Secretary Salazar recently stated, “Unless we are able to deal with the transmission issue, we will be standing in place 5 or 10 years from now. It

²⁰ United States District Court for the District of Columbia, “Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction, page 3. December 22, 2008.

²¹ <http://e360.yale.edu/content/feature.msp?id=2058>

²² http://reid.senate.gov/newsroom/pr_061708_energy.cfm?renderforprint=1&

is appropriate for...Congress and President Obama to be absolutely focused like a laser beam on transmission.”²³

A 2001 lawsuit was filed against the US Forest Service for failing to protect *potential* wild and scenic rivers in Arizona. The group was particularly concerned because a **major transmission line** was being built that would cross a river that the Forest Service was studying for possible inclusion in the wild and scenic river system.²⁴ A Ninth Circuit federal judge agreed with the group, and ruled that the Forest Service must go forward with interim management plans to protect the rivers. In declaring victory, the group noted the importance of providing “critical interim protection from destructive projects, including: **dam proposals, power line construction, excessive livestock grazing, and logging.**”²⁵

NATIONAL HERITAGE AREAS

National Heritage Areas are, in large part, a federal designation that supplies millions in federal funding (under the supervision of the National Park Service) to regional preservation groups who work, in part, to influence local zoning boards.

National Heritage Areas use National Park Service funds to subsidize community preservation and tourism groups in achieving more restrictive land use policies. It is difficult to uphold private property rights before state and local zoning boards when one party is receiving subsidies and “technical assistance” from the National Park Service to guide land use in a community or region.

These designations directly impact the construction of new transmission lines.

The National Park System is already comprised of 391 designations that expand over 84 million acres in every state in the continental U.S. except for Delaware.²⁶

²³ http://www.doi.gov/news/09_News_Releases/022309.html

²⁴ http://www.biologicaldiversity.org/news/press_releases/WILD9-26-01.HTML

²⁵ http://www.biologicaldiversity.org/news/press_releases/wild7-7-03.htm

²⁶ National Park Service, FAQs, <http://www.nps.gov/faqs.htm>

This bill seeks to establish 10 new National Heritage Areas in addition to the 40 existing ones.

While these designations allow some activities in contrast to wilderness areas, they seek to conserve the lands' resources. This is another attempt to expand land ownership for the federal government and tie up public and nonfederal lands from energy leasing.²⁷

Secretary of the Interior Ken Salazar recently issued a Secretarial Order calling for the production, development and delivery of renewable energy will be a top priority of the Interior,²⁸ but this bill restricts this order.

Secretary Salazar claimed this effort will include the identification of areas of high potential renewable energy, including geothermal, wind, solar and biomass. It also includes mapping out transmission infrastructure to connect power to consumers.

In total, the lands bill withdraws over 3 million acres from energy leasing, placing them outside the scope of the Secretary's endeavors.

Majority Leader Harry Reid summed up the difficulties imposed by these designations when he discussed energy resources in Nevada: "We know that our State has immense clean energy resources; **however, the federal government's management of 86 percent of Nevada's land makes it challenging to explore and develop our enormous renewable energy resources.**"²⁹

The potential to develop renewable sources of energy such as geothermal, wind, solar and biomass are abundant in the United States

The Department of the Interior's "Bureau of Land Management has identified about 21 million acres of public land with wind energy potential in the 11 western states and about 29 million acres with solar energy potential

²⁷Congressional Research Service, Federal Land Management Agencies: Background on Land and Resources Management, <http://apps.crs.gov/products/r/pdf/R40225.pdf>

²⁸DOI, News Release, March 11, 2009, http://www.doi.gov/news/09_News_Releases/031109c.html

²⁹<http://reid.senate.gov/issues/energy.cfm>

in the six southwestern states. There are also 140 million acres of public land in western states and Alaska that have geothermal resource potential.”³⁰

According to former Secretary of Interior Dirk Kempthorne, "Geothermal energy will play a key role in powering America's energy future and 90 percent of our nation's geothermal resources are found on federal lands." ³¹ This bill attempts to restrict these resources.

Regarding wood biomass energy potential, the United States Forest Service notes: "The technology to generate energy from wood has entered a new millennium, with virtually limitless possibilities.”³²

The new (wilderness) designations in the lands bill block access to the most widely used ingredient in biomass – wood.³³

Renewable energy resources are vital to America’s energy security

America is dependent on unstable, foreign regimes for the use of increasingly scarce fossil fuels.

Global supplies of fossil fuels will eventually be depleted. Compounding this dilemma is America’s dependence on foreign sources of energy.

The United States relies on foreign countries for approximately 58 percent of its petroleum consumption.³⁴

The U.S. consumes 24 percent of global petroleum supply, yet, it only produces 10 percent.³⁵

American consumers experienced record high fuel prices in the summer of 2008. Oil prices reached \$147 per barrel. In June 2008, the average price of gasoline was over \$4 per gallon.³⁶ Volatile relations with foreign nations

³⁰DOI, News Release, March 11, 2009, http://www.doi.gov/news/09_News_Releases/031109c.html

³¹ Environment News Service: "Geothermal Development Planned for Western Public Lands." October 22, 2008, <http://www.ens-newswire.com/ens/oct2008/2008-10-22-092.asp>

³² United States Forest Service, Forest Products Library: "Wood Biomass for Energy," April, 2004, <http://www.fpl.fs.fed.us/documnts/techline/wood-biomass-for-energy.pdf>

³³ Energy Information Agency, History of Energy in the United States: 1635-2000 <http://www.eia.doe.gov/emeu/aer/eh/renew.html>

³⁴ Energy Information Agency, Energy in Brief, August 2008 http://tonto.eia.doe.gov/energy_in_brief/foreign_oil_dependence.cfm

³⁵ ibid

³⁶ http://apps1.eere.energy.gov/consumer/news_detail.cfm/news_id=11813

that hinge on available energy reserves will only intensify without the development of abundant new energy supplies.

The Energy Information Agency predicts total energy consumption to grow by 1.2 percent in 2010 as the economy begins to improve.³⁷ At the same time, electricity from coal, our nation's most abundant energy resource, is increasingly demonized by its opponents.

Congress continues to restrict land from oil and gas production. Additionally, our fossil fuel supply is finite in nature. As a result, alternative forms of energy, such as geothermal energy, will play an increasingly important role in our nation's electricity consumption. But with this bill, Congress is now restricting the production of alternative energy in the U.S.

Americans must be allowed to develop energy on public lands to maximize alternative energy resources for all Americans.

Our nation's renewable energy resources are only limited to the extent that Congress prevents their development.

The Majority Leader recently revealed his intention to pass legislation that includes a Renewable Portfolio Standard and a national electric grid.³⁸

Mandating the use of more alternative energy while blocking its production goes beyond all common sense. Congress must retreat from this double standard that puts the future of American energy in jeopardy.

Wind power requires transmission infrastructure. Restricting access to public lands will prevent the construction of electricity infrastructure.

Geothermal and solar energy are abundant in the western United States. The omnibus public lands bill establishes new, restrictive wilderness areas in nine states across the western United States.

³⁷Energy Information Agency, Short Term Energy Outlook 2009

http://www.eia.doe.gov/emeu/steo/pub/contents.html?featureclicked=3&#Electricity_Markets

³⁸New York Times, Senate Leader Outlines 3 Steps to Meeting Obama's Energy Goals, February 25, 2009, <http://www.nytimes.com/gwire/2009/02/25/25greenwire-reid-outlines-3-steps-to-meeting-obamas-energy--9864.html>