

Vote No on HR 3565

September 6, 2017

Dear Chairman Gosar and Ranking Member Lowenthal,

On behalf of our organizations and members who live and recreate on and near public lands, we write to urge opposition to HR 3565, the Federal Land Freedom Act. This bill takes public lands out of public hands, turning them over to states for oil and gas activities and related energy development. While title remains with the Federal Government, transferring virtually all oil and gas permitting, leasing, and regulation to states removes critical protections for our air, water, public health, cultural resources, wildlife, and climate.

These protections form the basis for effective government decision making, especially those requiring community input that allows Americans to have a stake in Federal actions affecting their neighborhoods and quality of life. HR 3565 subverts the will of many communities living near public lands and threatens key cultural and wildlife resources by exempting public oil and gas development on public lands from the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), and Administrative Procedures Act (APA). Each of these bedrock laws provides well-established processes for meaningful community engagement, protection against ill-considered or arbitrary decisions, publishing of information, and requiring fair consideration of the American public's comments.

HR 3565 defines "available Federal land" as those public lands the Bureau of Land Management (BLM) or the Forest Service has, as of May 31, 2017, designated for exploration, development and production of oil and gas. The bill excludes Tribal lands, Wilderness Areas, National Wildlife Refuges, National Historic Preservation Areas and National Parks. Yet, this leaves millions of acres of public mineral estate at risk of losing some of the simple, cost-effective, and revenue saving protections currently afforded to us under federal law and regulation.

Our experience with state oil and gas regulation reveals a mixed record. Many states, especially those with large swaths of public lands designated for oil and gas development, have few resources available to conduct the additional inspections, monitoring, and enforcement for oil and gas activity on federal lands. Placing additional large acreages within their jurisdiction will create significant additional financial and regulatory burdens on these states. In addition, many states have fewer resources for endangered species protection and weaker provisions for environmental impact reviews, analysis, and community outreach compared to the existing federal framework. For instance, five states have no state version of the federal ESA.

We therefore respectfully urge the House Natural Resources Committee to oppose HR 3565. Our current federal protections for air, water, public health, wildlife, cultural resources, and climate span state borders, and the pollution from oil and gas development does as well. Without a Federal floor of protection, oil and gas operators, facing low market prices, will push to cut corners looking for the jurisdiction with the weakest rules. While states should have the flexibility to create additional protections, no American should enjoy less protection or fewer rights with respect to the oil and gas development on public lands.

Sincerely,

Earthworks
Defenders of Wildlife
Center for Biological Diversity
Earthjustice
Klamath Forest Alliance
Kentucky Heartwood
The Lands Council
Alaska Wilderness League
Southern Utah Wilderness Alliance
GreenLatinos
Heartwood
Grand Canyon Trust
National Parks Conservation Association
Natural Resources Defense Council
Friends of Bell Smith Springs
Oil Change International
Coalition for American Heritage
American Cultural Resources Association
Society for Historical Archeology
American Anthropological Association
Society for American Archeology
Shawnee Forest Sentinels