

Statement of Nick Lund
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Before the

Committee on Natural Resources
Subcommittee on Energy and Mineral Resources

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Chairman Lamborn, Ranking Member Holt and members of the Subcommittee, I am Nick Lund, Manager of the Landscape Conservation Campaign at the National Parks Conservation Association, or NPCA. NPCA is a nonpartisan, nonprofit advocacy organization that has been the leading independent voice in support of protecting and enhancing the National Park System since it was founded in 1919. Thank you for the opportunity to appear before you today on behalf of NPCA's 800,000 members and supporters nationwide.

National parks conserve and protect America's most treasured landscapes, our history, and our culture and are a vital resource to millions of Americans. The huge domestic and international interest in our national park system has created robust and stable economies in communities near national parks. For example, visitors to Colorado's Mesa Verde National Park spent more than \$43 million in 2011, supporting more than 550 jobs. Visitors to Arches and Canyonlands national parks contributed more than \$150 million dollars to the local economy during the same time.

Across the country, but especially in the West, our national parks exist next to or near other federal lands, including those managed by the Bureau of Land Management. The BLM manages millions of acres in the West under the principle of "multiple use," providing for the varying uses and values of these lands so that they are "utilized in the combination that will best meet the present and future needs of the American people."

Oil production has long existed in the West, but recent advancements in hydraulic fracturing technology have spurred a tremendous increase in the amount of new wells being drilled. Without careful planning, national parks may suffer negative side-effects of oil and gas development outside their borders. These side-effects include potential impacts to national park air quality; water quality and quantity; habitat fragmentation; and impacts to the national park visitor experience.

The production of oil and gas using hydraulic fracturing emits more pollutants than traditional methods, including hydrocarbons, carbon monoxide, ozone and methane, and concentrations of these pollutants could harm park air quality, visibility and visitor health. Water

quality could be impacted if wastewater is spilled, and water quantity is an issue in the arid West when millions of gallons of water can be required to frack a well. The habitats of animals that move across national park boundaries, such as pronghorn, elk, deer and grouse, are impacted by the increase in infrastructure to support oil and gas production. Finally, visitors to national parks may have their trips affected by the noise of compressors and traffic, the visual impacts of rigs and equipment, and the nighttime illumination of flared gas and well pads.

The BLM is responsible for maintaining a balance among all the different uses of the lands under its control. This mandate for balance was severely challenged in 2008 when the outgoing administration offered a set of oil and gas leases near Arches and Canyonlands national parks. Fearing that these national treasures would be irrevocably damaged by drilling so close to their borders, there was immediate outcry from the public and local businesses that rely on the millions of tourist dollars brought in by visitors to the Moab area each year. In response, the Interior Department in 2010 announced a series of leasing reforms, including a “smart-from-the-start” process called Master Leasing Plans (MLPs), to create a more balanced approach to oil and gas leasing of public lands. MLPs allow the BLM, in conjunction with other federal land managers, to more fully account for the multiple values present in a landscape where drilling is proposed – ecological, economic, and recreational – before lands are leased for drilling. By identifying conflicts before they arise, MLPs empower BLM managers to direct leasing to areas with the lowest potential for impairment of national parks and other lands of high ecological and recreational value.

By focusing at a smaller scale, Master Leasing Plans also help fix a flaw in the BLM’s current landscape-planning tool, Resource Management Plans (RMPs). Covering the mineral rights under the jurisdiction of an entire BLM field office, consisting of millions of acres, RMPs are simply too large to be effective planning tools. The immense scale and infrequent updating of RMPs mean that they are not useful when trying to resolve immediate conflicts in particular areas, especially when conflicts arise as quickly as is happening due to the current surge in oil and gas production. By focusing on the most controversial areas before they are developed, MLPs can help not only protect national parks and the economies they support, but also provide agencies and developers with a measure of assurance that they can avoid lengthy challenges down the line.

NPCA firmly believes that if properly applied, MLPs can result in a better balance of the multiple uses overseen by the BLM, and can result in less red-tape and fewer administrative and legal challenges. However, MLPs can only fulfill their promise if they are adopted and used by the BLM, the NPS and other affected agencies. Though the MLP concept was introduced in 2010, BLM field offices have been slow to embrace the tool and apply it to areas under their control. Currently, only three MLPs are underway, two of those – the Moab MLP and the White River MLP – have a direct national park connection.

MLPs continue receive endorsements from the Department of the Interior, who see them as an essential tool for the future of public lands. In October 2013 Interior Secretary Sally Jewell called MLPs and example of “the type of new, smart, balanced development” needed for “guiding development to areas of highest resource value and lowest environmental concern.” In last week’s State of the Union Address, President Obama touted the benefits of natural gas production while recognizing the need for “smart regional planning [to] ensure we develop shale gas the right way.”

Perhaps the biggest boost toward effective adoption of MLPs would be participation from the National Park Service. The agency can sometimes be reluctant to take part in land management processes outside park boundaries, but the NPS needs to focus some attention on impacts to the parks – and the economies they support – from poorly planned oil and gas development adjacent to them. Without its active engagement in MLPs, litigation is inevitable as it has been for decades when leasing is proposed outside national park units. A stronger voice from an agency with as much respect and national popularity as the NPS can and should help encourage the BLM to develop Master Leasing Plans that curtail oil and gas leasing in the vicinity of national park units specifically where the impacts are too great to mitigate.

Recent polling shows that parks continue to occupy an important place in the nation’s hearts, with over 95% percent of Americans viewing national parks as something that the federal government should be protecting and supporting. Master Leasing Plans are the best available tool for the Interior Department to protect and support national parks without having to forego the benefits of oil and gas production on other federal lands nearby. Americans don’t have to face the false choice of being pro-national parks or pro-oil production; we can work to find a reasonable and sustainable balance through simple “smart from the start” planning. That is what the MLP concept is designed to provide.

I would be happy to answer any questions members of the Subcommittee might have.

NPCA Air Cases – January 2014

Case name	Venue	State/ Region	Summary	Status
<i>Public Service Company of New Mexico v. EPA</i> Case Nos. 11-9552, 11-9557 and 11-9567	10 th Circuit	NM	Intervening on behalf of EPA to defend the nitrogen oxide (NO _x) Best Available Retrofit Technology (BART) Federal Implementation Plan (FIP) for San Juan Generating Station.	Active
<i>NPCA v. EPA</i> Case No. 12-1343 (and consolidated cases)	DC Court of Appeals	Eastern US	Appealing the Cross State Air Pollution Rule (CSAPR) Better than BART Rule. The rule exempts all power plant BART sources from regional haze emission controls substituting the BART program with the CSAPR trading program requirements. State-based Circuit Court appeals consolidated in DC Court.	Stayed
<i>NPCA v. EPA</i> Case No. 12-2910	8 th Circuit	MN	Appealing aspects of SIP that erroneously (1) relied on CSAPR to satisfy BART requirements, (2) determined inadequate BART determination for Sherco, and (3) approved reasonable progress/long term strategy.	Stayed
<i>NPCA v. EPA</i> Case No. 12-2331	8 th Circuit	ND	Appealing inadequate (1) BART determinations for Leland Olds and MR Young plants and (2) reasonable progress analysis for Coyote coal plant.	Decision on 9/23/13
<i>NPCA v. EPA</i> Case No. 12-3061.	8 th Circuit	NE	Appealing inadequate portions of SIP and FIP that relied on CSAPR to satisfy BART requirements and issued improper BART determination for Gerald Gentleman that was inconsistent with EPA findings analysis.	Stayed
<i>NPCA v. EPA</i> Case No. 12-3534	3 rd Circuit	PA	Appealing portions of inadequate SIP for (1) improper reliance on CSAPR to satisfy BART requirements for power plants and (2) inadequate BART determinations for non-coal plant industrial polluters, including refineries, pulp and paper mills and cement kilns.	Stayed
<i>NPCA v. EPA</i> Case No. 12-4316	2 nd Circuit	NY	Appealing (1) portions of SIP for failure to require adequate sulfur dioxide (SO ₂) BART at Danskammer coal plant and long	Stayed

			term strategy and (2) portions of FIP for failing to require adequate NOx BART for Danskammer.	
<i>Moapa Band of Paiutes v. EPA</i> Case No. 12-73388	9 th Circuit	NV	Appealing inadequate NOx BART determination for Reid Gardner coal plant.	Stayed
<i>Dine' CARE v. EPA</i> Case No. C 12-03987 JSW	Northern District of California	NGS deadline case	Appealing EPA's unreasonable delay to perform nondiscretionary duty to promulgate a BART determination for NGS.	Active
<i>NPCA v. EPA</i> Case Nos. 12-2910 and 12-3481 Consolidated	8 th Circuit	MN	Appealing EPA's unreasonable delay to perform nondiscretionary duty to promulgate a Reasonably Attributable Visibility Impairment (RAVI) BART determination for Sherco	Stayed
<i>NPCA v. EPA</i> Case No. 12-73757	9 th Circuit	MT	Appealing inadequate regional haze plan for MT including claims regarding inadequate emission controls for three coal plants and two cement kilns. If industry appeals we may also intervene in defense of good (NOx and SO2) emission controls for cement kilns.	Active
<i>Medical Advocates for Healthy Air v. EPA</i> Case No. 12-73386	9 th Circuit	CA	Appealing revisions to CA State Implementation Plan that allows San Joaquin Air Quality District to pass emission fines to the public through DMV fees instead of fining major stationary sources of emissions as required under the CAA.	Active
<i>Dine' Citizens Against Ruining Our Environment v. Arizona Public Service Company</i> Case No. 1:11-cv-00889-JB-KBM	District Court for the District of NM	NM/Four Corners Power Plant	Challenging APS for upgrades made to the Four Corners Power Plant in the 1980s and 1990s as being in violation of CAA provisions requiring review of modern emission controls and improved emission limits where "major modifications" have been made.	Stayed
<i>NPCA v. EPA</i> Case No. 13-70425	9 th Circuit	AZ	Intervening on behalf of EPA in defense of 7 excellent NOx BART determinations affecting pollution control requirements at the following AZ coal plants: Apache, Cholla and Coronado. Cholla has the greatest visibility impact on Class I areas of any coal plant in the country.	Active

<i>NPCA v. EPA</i> Case No. 13-#9525	10 th Circuit	CO	Challenging the BART and reasonable progress determinations for the Craig in the Colorado regional haze plan.	Stayed
<i>HEAL Utah v. EPA</i> WY Case No. 13-9510 NM Case No. 13-9509 UT Case No. 13-9507 ABQ Case No. 13-9508	10 th Circuit	WY, NM, UT	Challenging Western Backstop Trading Program (WBTP) as a replacement for the source specific SO2 BART requirements for Utah, Wyoming, New Mexico, and Bernalillo County/Albuquerque sources of pollution. We expect cases to be consolidated.	Active
<i>National Parks Conservation Association, et al. v. U.S. Department of EPA</i>	United States Court of Appeals, Eleventh Circuit	FL	Appeal of the Florida regional haze state implementation plan	Active