

DEPARTMENT OF THE INTERIOR

William Perry Pendley

The U.S. Department of the Interior (DOI) oversees, manages, and protects the nation’s natural resources and cultural heritage; provides scientific and other information about those resources; and honors the nation’s trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

AGENCY OVERVIEW

DOI’s purview encompasses more than 500 million acres of federal lands, including national parks and national wildlife refuges; 700 million acres of sub-surface minerals; 1.7 billion acres of the Outer Continental Shelf (OCS); 23 percent of the nation’s energy; water in 17 western states; and trust responsibilities for 566 Indian tribes and Alaska Natives. DOI’s 2024 budget request totals \$18.9 billion, an increase of \$2 billion, or 12 percent, more than the 2023 enacted level. The budget also provides an estimated \$12.6 billion in permanent funding in 2024. In 2024, DOI will generate receipts of \$19.6 billion.

A “Home Department” had been considered in 1789 and urged by Presidents over the decades until DOI’s creation in 1849. The variety of its early responsibilities—the Indian Bureau, the General Land Office, the Bureau of Pensions, and the Patent Office, among others—earned it various nicknames, including “Great Miscellany,” “hydra-headed monster,” and “Mother of Departments.”¹ Its mission became more focused on natural resources with the rise of the conservation movement in the early 20th century; however, it kept its historic (since the days of the Founding Fathers) role as overseer of vast working landscapes involving grazing,

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logging, mining, oil, and gas and, with the Bureau of Reclamation in 1902, as the nation's dam builder. Today, DOI has 70,000 employees in approximately 2,400 locations with offices across the United States, Puerto Rico, and U.S. Territories and Freely Associated States.

Historically, DOI operated in a bipartisan manner consistent with the laws enacted by Congress pursuant to its powers under the Property Clause.² Thus, DOI fulfilled its statutory responsibilities in a manner that ensured the ability of western states, counties, and communities to be sustained by both economic and recreational activities on neighboring federal lands, especially given that in some rural western counties, federal lands constituted 50, 60, 70, 80—even 90 percent of the county's landmass.³

That ended with the Administration of President Jimmy Carter, who, beholden to environmental groups that supported his election, adopted DOI policies consistent with their demands, much to the horror of western governors, most of whom were Democrats. President Ronald Reagan campaigned against this “War on the West,” declared himself a “Sagebrush Rebel,” and, on taking office,⁴ quelled the rebellion by reversing Carter Administration policies. President George H. W. Bush distanced himself from Reagan's western policies, committed to a “kinder and gentler America,” and proclaimed his desire to be “the environmental President,” which resulted in changes at the his Administration's DOI—again, much to the dismay of westerners.⁵ President Bill Clinton resumed Carter's “War on the West,” epitomized by his DOI's deploying of wolves into the states bordering Yellowstone National Park; the decreed death of a world-class mine in Montana; and the designation of a vast national monument in Utah over the objections of Utah leaders—but with the support of the Hollywood elite.⁶

Although Texas Governor George W. Bush and former Wyoming Representative Dick Cheney (R-WY) campaigned in 2000 against Clinton's worst outrages, including the Utah monument, there was no significant ratcheting back of DOI policies that were either objected to by westerners or contrary to the express provisions of federal statutes. President Barack Obama's DOI resumed the anti-economic federal lands policies activated by Carter and amplified by Clinton; however, Obama's DOI's antipathy to oil and gas activity on federal lands as mandated by Congress could not have come at a worse time.

After the demonstrated success of fracking on Bureau of Land Management (BLM) acreage in Wyoming in 1993, the fracking revolution soon swept the nation,⁷ yielding massive discoveries on state and private land from coast to coast, but not, thanks to Obama, on western federal lands.⁸ President Donald Trump, on the other hand, immediately ordered his DOI to comply with federal law, conduct congressionally mandated lease sales, and seek to achieve energy dominance or independence. Thanks in part to the success of oil and gas operations on federal land in the West, the United States achieved energy security for the first time since 1957 in 2019.⁹

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President Joe Biden’s DOI, as is well documented, abandoned all pretense of complying with federal law regarding federally owned oil and gas resources. Not since the Administration of President Harry S. Truman—prior to creation of the OCS oil and gas program—have fewer federal leases been issued.¹⁰

At DOI, not since the Reagan Administration was the radical environmental agenda (first implemented by Carter, resumed by Clinton, and revitalized by Obama) rolled back as substantially as it was by President Trump. Trump’s DOI change affected not only oil and gas leasing, as noted above, but all statutory responsibilities of its various agencies, bureaus, and offices. Thus, whether the statutory mandate was to promote economic activity, to ensure and expand recreational opportunities, or to protect valuable natural resources, including, for example, parks, wilderness areas, national monuments, and wild and scenic areas, efforts were expended, barriers were removed, and career employees were aided in the accomplishment of those missions.

Unfortunately, Biden’s DOI is at war with the department’s mission, not only when it comes to DOI’s obligation to develop the vast oil and gas and coal resources for which it is responsible, but also as to its statutory mandate, for example, to manage much of federal land overseen by the BLM pursuant to “multiple use” and “sustained yield” principles.¹¹ Instead, Biden’s DOI believes most BLM land should be placed off-limits to all economic and most recreational uses. Worse yet, Biden’s DOI not only refuses to adhere to the statutes enacted by Congress as to how the lands under its jurisdiction are managed, but it also insists on implementing a vast regulatory regime (for which Congress has not granted authority) and overturning, by unilateral regulatory action, congressional acts that set forth the productive economic uses permitted on DOI-managed federal land.

BUDGET STRUCTURE

At \$18.9 billion, DOI’s 2024 proposed budget is small relative to many other federal agencies. On the other side of the ledger, the DOI forecasts it will generate more than \$19.6 billion in “offsetting receipts” from oil and gas royalties, timber and grazing fees, park user fees, and land sales, among other sources. Most of the proposed allocations are divided among nine bureaus.

Bureau of Indian Affairs. Fulfills Indian trust responsibilities on behalf of 566 Indian tribes; supports natural resource education, law enforcement, and social service programs delivered by tribes; operates 182 elementary and secondary schools and dormitories and 29 tribally controlled community colleges, universities, and post-secondary schools.

Bureau of Land Management. Manages and conserves resources for 245 million acres of public land and 700 million acres of subsurface federal mineral estate, including energy and mineral development, forest management, timber and biomass production, and wild horse and burro management.

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Bureau of Ocean Energy Management. Manages access to renewable and conventional energy resources of the Outer Continental Shelf, including more than 6,400 fluid mineral leases on approximately 35 million OCS acres; issues leases for 24 percent of domestic crude oil and 8 percent of domestic natural gas supply; oversees lease and grant issuance for offshore renewable energy projects.

Bureau of Reclamation. Manages, develops, and protects water and related resources, including 476 dams and 337 reservoirs; delivers water to one in every five western farmers and more than 31 million people; is America's second-largest producer of hydroelectric power.

Bureau of Safety and Environmental Enforcement. Regulates offshore oil and gas facilities on 1.7 billion acres of the Outer Continental Shelf; oversees oil spill response; supports research on technology for oil spill response.

National Park Service. Maintains and manages 401 natural, cultural, and recreational sites, 26,000 historic structures, and more than 44 million acres of wilderness; provides outdoor recreation; provides technical assistance and support to state and local programs.

Office of Surface Mining Reclamation and Enforcement. Regulates coal mining and site reclamation; provides grants to states and tribes for mining oversight; mitigates the effects of past mining.

U.S. Fish and Wildlife Service. Manages the 150-million-acre National Wildlife Refuge System; manages 70 fish hatcheries and other related facilities for endangered species recovery; protects migratory birds and some marine mammals.

U.S. Geological Survey. Conducts scientific research in ecosystems, climate, and land-use change, mineral assessments, environmental health, and water resources; produces information about natural hazards (earthquakes, volcanoes, and landslides); leads climate change research for the department.

RESTORING AMERICAN ENERGY DOMINANCE

Given the dire adverse national impact of Biden's war on fossil fuels, no other initiative is as important for the DOI under a conservative President than the restoration of the department's historic role managing the nation's vast storehouse of hydrocarbons, much of which is yet to be discovered. The U.S. depends on reliable and cheap energy resources to ensure the economic well-being of its citizens, the vitality of its economy, and its geopolitical standing in an uncertain and dangerous world. Not only are valuable natural resources owned generally by the American people involved, so too are those owned separately by American Indian tribes and individual American Indians, both of which have been injured by Biden's illegal actions.

The federal government owns 61 percent of the onshore and offshore mineral estate of the U.S., but only 22 percent of the nation's oil and 12 percent of U.S. natural gas comes from those federal lands and waters—and even that amount is

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declining. Additionally, 42 percent of coal production takes place on federal lands in 11 states.¹² DOI manages a subsurface mineral estate of 700 million acres onshore and 1.76 billion acres offshore, for a total of 2.46 billion acres.

The total land area of the U.S. is 2.263 billion acres. Private and state lands, at 1.563 billion acres, make up only 39 percent of the total onshore and offshore subsurface area of the United States. Oil, natural gas, coal, and other minerals on federal lands and waters are managed by the Bureau of Land Management, Bureau of Ocean Energy Management, and Office of Surface Mining Reclamation and Enforcement; these agencies' responsibilities frequently overlap with resource management by the U.S. Forest Service in the U.S. Department of Agriculture, state governments, and private property owners.

Biden is “aligning the management of...public lands and waters...to support robust climate action,” as envisioned in Executive Orders 14008 and 13990.¹³ One of his first actions was to ban federal coal, oil, and natural gas leasing on federal lands and waters to fulfill his campaign promise of “no federal oil,” followed by actions from Interior Secretary Deb Haaland to rescind the Trump Administration’s Energy Dominance Agenda. To this end, DOI unilaterally overhauled resource management plans, lease sales, fees, rents, royalty rates, bonding requirements, and permitting processes to prevent new production of coal, oil, and natural gas on federal lands and waters; to dramatically increase production of solar and wind energy; and to accomplish its “30 by 30,” “America the Beautiful” agenda to remove federal lands from “multiple”—that is, productive—use.

DOI is abusing National Environmental Policy Act (NEPA)¹⁴ processes, the Antiquities Act,¹⁵ and bureaucratic procedures to advance a radical climate agenda, ostensibly to reduce greenhouse gas emissions, for which DOI has no statutory responsibility or authority.¹⁶ The Federal Land Policy and Management Act (FLPMA), Outer Continental Shelf Lands Act (OSCLA), General Mining Law,¹⁷ and other congressional acts clearly set forth multiple-use principles and processes that include production of coal, oil, natural gas, and other minerals, as legitimate activities consistent with the welfare of all Americans and of environmental stewardship.

Biden’s DOI is hoarding supplies of energy and keeping them from Americans whose lives could be improved with cheaper and more abundant energy while making the economy stronger and providing job opportunities for Americans. DOI is a bad manager of the public trust and has operated lawlessly in defiance of congressional statute and federal court orders.

ADMINISTRATION PRIORITIES

Rollbacks. A new Administration must immediately roll back Biden’s orders, reinstate the Trump-era Energy Dominance Agenda, rescind Secretarial Order (SO) 3398, and review all regulations, orders, guidance documents, policies, and

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similar agency actions made in compliance with that order.¹⁸ Meanwhile, the new Administration must immediately reinstate the following Trump DOI secretarial orders:

- SO 3348: Concerning the Federal Coal Moratorium;¹⁹
- SO 3349: American Energy Independence;²⁰
- SO 3350: America-First Offshore Energy Strategy;²¹
- SO 3351: Strengthening the Department of the Interior’s Energy Portfolio;²²
- SO 3352: National Petroleum Reserve—Alaska;²³
- SO 3354: Supporting and Improving the Federal Onshore Oil and Gas Leasing Program and Federal Solid Mineral Leasing Program;²⁴
- SO 3355: Streamlining National Environmental Policy Reviews and Implementation of Executive Order 13807, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects”;²⁵
- SO 3358: Executive Committee for Expedited Permitting;²⁶
- SO 3360: Rescinding Authorities Inconsistent with Secretary’s Order 3349, “American Energy Independence”;²⁷
- SO 3380: Public Notice of the Costs Associated with Developing Department of the Interior Publications and Similar Documents;²⁸
- SO 3385: Enforcement Priorities;²⁹ and
- SO 3389: Coordinating and Clarifying National Historic Preservation Act Section 106 Reviews.³⁰

Actions. At the same time, the new Administration must:

- **Reinstate** quarterly onshore lease sales in all producing states according to the model of BLM’s IM 2018–034, with the slight adjustment of including expanded public notice and comment.³¹ The new Administration should work with Congress on legislation, such as the Lease Now Act³² and

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ONSHORE Act,³³ to increase state participation and federal accountability for energy production on the federal estate.

- **Conduct** offshore oil and natural gas lease sales to the maximum extent permitted under the 2023–2028 lease program,³⁴ with the possibility to move forward under a previously studied but unselected plan alternative.³⁵
- **Develop** immediately and finalize a new five-year plan, while working with Congress to reform the OCSLA by eliminating five-year plans in favor of rolling or quarterly lease sales.
- **Review** all resource management plans finalized in the previous four years and, when necessary, select studied alternatives to restore the multi-use concept enshrined in FLPMA and to eliminate management decisions that advance the 30 by 30 agenda.
- **Set** rents, royalty rates, and bonding requirements to no higher than what is required under the Inflation Reduction Act.³⁶
- **Comply** with the Alaska National Interest Lands Conservation Act (ANILCA) and the Tax Cuts and Jobs Act of 2017 to establish a competitive leasing and development program in the Coastal Plain, an area of Alaska that was set aside by Congress specifically for future oil and gas exploration and development. It is often referred to as the “Section 1002 Area” after the section of ANILCA that excludes the area from Arctic National Wildlife Refuge’s wilderness designation.³⁷
- **Conclude** the programmatic review of the coal leasing program, and work with the congressional delegations and governors of Wyoming and Montana to restart the program immediately.³⁸
- **Abandon** withdrawals of lands from leasing in the Thompson Divide of the White River National Forest, Colorado; the 10-mile buffer around Chaco Cultural Historic National Park in New Mexico (restoring the compromise forged in the Arizona Wilderness Act³⁹); and the Boundary Waters area in northern Minnesota if those withdrawals have not been completed.⁴⁰ Meanwhile, revisit associated leases and permits for energy and mineral production in these areas in consultation with state elected officials.
- **Require** regional offices to complete right-of-way and drilling permits within the average time it takes states in the region to complete them.

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Rulemaking. The following policy reversals require rulemaking:

- **Rescind** the Biden rules and reinstate the Trump rules regarding:
 1. BLM waste prevention;
 2. The Endangered Species Act rules defining Critical Habitat and Critical Habitat Exclusions;⁴¹
 3. The Migratory Bird Treaty Act;⁴² and
 4. CEQ reforms to NEPA.⁴³
- **Reinstate** President Trump’s plan for opening most of the National Petroleum Reserve of Alaska to leasing and development.

Personnel Changes. The new Administration should be able to draw on the enormous expertise of state agency personnel throughout the country who are capable and knowledgeable about land management and prove it daily. States are better resource managers than the federal government because they must live with the results. President Trump’s Schedule F proposal⁴⁴ regarding accountability in hiring must be reinstated to bring success to these reforms. Consistent with the theme of bringing successful state resource management examples to the forefront of federal policy, DOI should also look for opportunities to broaden state–federal and tribal–federal cooperative agreements.

IMMEDIATE ACTIONS

BLM Headquarters. BLM headquarters belongs in the American West. After all, the overwhelming majority of the 245 million surface acres (10 percent of the nation’s landmass) managed by the agency lies in the 11 western states and Alaska: A mere 50,000 surface acres lie elsewhere. Moreover, 97 percent of BLM employees are located in the American West.

Thus, the Trump Administration’s decision to relocate BLM headquarters from Washington, D.C., to the West was the epitome of good governance: That is, it was not only well-informed, but it was also implemented efficiently, effectively, and with an eye toward affected career civil servants. Plus, despite overblown chatter from the inside-the-Beltway media, Congress, with bipartisan support, approved funding the move.

Meanwhile, state, tribal, and local officials, the diverse collection of stakeholders who use public lands and western neighbors became accustomed to having top BLM decision-makers in Grand Junction, Colorado, rather than up to four

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time zones away. All of them also appreciated that the BLM's top subject matter experts were located not in the District of Columbia, but in the western states that most need their knowledge and expertise. Westerners no longer had to travel cross country to address BLM issues. Neither did officials in the West, closest to the resources and people they manage.

On July 16, 2019, Secretary of the Interior David L. Bernhardt delivered to Congress the proposal for the relocation of nearly 600 BLM headquarters employees. On August 10, 2020, Secretary Bernhardt formally established the Robert F. Burford headquarters—named after the longest-serving BLM director, a Grand Junction native—with a staff of 41 senior officials and assistants. Another 76 positions were assigned to BLM state offices in western communities such as Billings, Montana; Boise, Idaho; Reno, Nevada; Salt Lake City, Utah; and Cheyenne, Wyoming, to meet critical needs. Scores of other positions were assigned to the states that required BLM expertise. For example, wild horse and burro professionals were relocated to Nevada, home to nearly 60 percent of these western icons. Sixty-one positions were retained in Washington, D.C., to address public, congressional, and regulatory affairs, Freedom of Information Act compliance, and budget development.

Despite the dislocating impact of the COVID-19 pandemic, the BLM successfully filled hundreds of long-vacant positions, as well as those that opened because of the move West. The BLM saw notable numbers of applicants for these positions—so numerous that the BLM capped the number of eligible applicants to no more than 50. Obviously, reduced commuting times (often from hours to mere minutes), lower cost of living, and opportunity to access vast public lands for recreation made these jobs attractive to potential employees. Many, if not most, applicants stated they would not have applied had the positions been based in Washington, D.C. At the same time, western positions attracted those with the skills needed to meet the BLM's multiple-use, sustained-yield mandate, disproving the claim that the BLM was suffering a “brain drain.”

The Trump Administration recognized that, despite its attractions, not everyone employed by BLM in Washington, D.C., could move West. The Administration applied a hands-on approach, with all-employee briefing and question-and-answer sessions, regular email communications, and a website devoted to frequently asked questions. Two human resources teams aided employees wishing to remain in federal jobs in the D.C. area: All received new opportunities.

The BLM's move West incurred no legal challenges, no formal Equal Employment Opportunity or U.S. Merit Systems Protection Board complaints, and no adverse union activity. It is hard to please everyone, but the Trump Administration's BLM did just that, putting the lie to assertions, by some, that the BLM was trying to “fire” federal employees.

The total cost of \$17.9 million for relocation incentives, permanent change-of-station moves, temporary labor, travel, printing, rent, supplies, equipment, and

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other contracts will save money for the American people. For example, in fiscal 2020, the BLM estimated \$1.6 million in travel costs savings, which will grow slightly over time, and \$1.9 million in savings from its terminated lease in Washington, D.C. Furthermore, BLM estimated that, by October 2022, the BLM move West would generate a net savings of \$3.5 million, which, the following fiscal year, would increase to \$10.3 million.

Those funds can be devoted to reducing the risk of wildfires, increasing recreational opportunities, conserving public lands, and addressing tough issues such as wild horses and burros. Moreover, those funds will be used more wisely thanks to the efficiency of senior, seasoned managers working closely with BLM field employees in near daily contact with western officials, stakeholders, and neighbors.

In late 2022, Secretary of the Interior Deb Haaland announced the return of headquarters and scores of highly paid, senior employees to Washington, D.C. Subsequently, BLM Director Tracy Stone-Manning revealed 56 BLM jobs in BLM's "Western Headquarters" and 70 other BLM jobs will remain in Grand Junction, an increase of 15 from the 41 announced by Trump's BLM in 2019, and an increase of 40 other jobs above the 16 first announced by Biden officials. Thus, the director, the two deputy directors, six of seven assistant directors (ADs) and their staffs are now or soon will be in Washington.

The Biden Administration failed to recognize the wisdom of having BLM's leadership, including its director, deputy directors, and ADs in the West. That is why, decades ago, the AD and staff in charge of BLM's firefighters were relocated to Boise, Idaho, where they remain. Not so the head of BLM law enforcement and security, who supervises over 200 uniformed law enforcement rangers and 76 special agents stationed mainly in 11 western states and Alaska. Haaland moved that official to Washington, far from state troopers, county sheriffs and deputies, and city police with whom BLM law enforcement officers keep the peace in the West's wide-open spaces. BLM's "top cop" might as well be on the moon.

The AD in charge of oil, gas, and minerals was also moved to Washington, D.C., notwithstanding that most oil, gas, and minerals are in the West and Alaska; New Mexico's Permian Basin, for example, is second only to Alaska in petroleum potential, and Montana and Wyoming's Powder River Basin contains the world's best low-sulfur coal. The AD responsible for wild horses and burros was moved east as well, despite the fact that the uncontrolled growth of wild horses and burros poses an existential threat to public lands; 60 percent of the nation's wild horses are in Nevada,⁴⁵ but thousands are in nine other western states. There is no way these and other ADs can professionally manage issues thousands of miles and multiple time zones away.

It is not just effective and responsive management that has been lost; Colorado lost its chance to become a must-visit destination for BLM's stakeholders. Those seeking to develop world-class mineral deposits in Minnesota or another Prudhoe

Bay in Alaska; to expand recreation across BLM's vast, diverse, and unique landscapes; or to manage timber and rangelands to prevent wildfires, would all journey to Grand Junction. Convention opportunities on Colorado's western slope would abound for BLM's disparate constituencies to congregate and meet with BLM leadership. The Western States Sheriffs' Association, for example, whose annual gathering attracts hundreds of law enforcement officers from 17 western and plains states might have moved its event to Grand Junction.

Law Enforcement Officers. In 2002, at the direction of the Secretary of the Interior in the days following the 9/11 attack, the Inspector General (IG) for DOI made a series of department-wide recommendations regarding law enforcement. Then-Secretary of the Interior Gale Norton ordered adoption of those recommendations, which drew strong bipartisan support from Congress. Over the years, most were implemented. One, however, remained undone: placing all BLM law enforcement officers (LEOs), that is, its 212 Law Enforcement Rangers and 76 Special Agents, in an exclusively law enforcement chain of command.

This was not just the IG's recommendation in 2002, but that of every IG who followed. It is also the strong recommendation of the department's top LEO. Moreover, it has been the urgent recommendation of law enforcement professionals across the country, especially in the West, for decades, including the Western States Sheriffs Association. Unfortunately, over time, BLM leadership stonewalled, adhering to a haphazard system in which LEOs reported to non-LEO superiors, including not only state directors, but also district and field managers with expertise in other fields—range management or petroleum engineering, for example—with only 24 hours of law enforcement study. Obviously, those managers lack a comprehensive understanding of law enforcement issues—constitutional, legal, and tactical. In addition, they do not uniformly apply or enforce rules of conduct or ethical standards for LEOs and special agents, leading to weakened *esprit de corps* and morale. Worse yet, because of their duties as managers of the multiple-use lands under their jurisdiction, they are exposed to conflicts of interests and may intentionally or unintentionally prevent LEOs from investigating violations or applying the law.

In the final days of the Trump Administration, Secretary David L. Bernhardt ordered, and Deputy Director William Perry Pendley implemented, the IG's recommendation. Of course, leadership heads exploded; they were furious with their loss of authority, not to mention subordinates and budgets. Unfortunately, in the first days of the Biden Administration, BLM Deputy Director Mike Nedd suspended Pendley's order.

Nonetheless, LEOs, the BLM, and westerners want LEOs—who make life-and-death decisions—to be as well-trained and well-equipped as possible. They should report to a professional, expert, and knowledgeable chain of command. After all, they protect visitors to BLM lands and the natural and cultural resources of those lands, as well as the employees who manage those lands.

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BLM's LEOs must keep in touch, work closely, and coordinate with fellow federal, state, and local law enforcement officers. In the Trump Administration, they joined state and local law enforcement in arresting dangerous suspects in Cortez, Colorado; responded to a request from a rural sheriff in Arizona to rescue a family stuck in freezing temperatures; and, teamed up in an all-hands-on-deck effort to locate a missing American Indian teenager in rural Montana. More important, western LEOs need the assurance that the BLM LEOs with whom they work are professionals who report through a professional chain of command.

Wild Horses and Burros. In 1971, Congress ordered the BLM to manage wild horses and burros to ensure their iconic presence never disappeared from the western landscape. For decades, Congress watched as these herds overwhelmed the land's ability to sustain them, crowded out indigenous plant and other animal species, threatened the survival of species listed under the Endangered Species Act, invaded private and permitted public land, disturbed private property rights, and turned the sod into concrete. BLM experts said in 2019 that some affected land will never recover from this unmitigated damage.

There are 95,000 wild horses and burros roaming nearly 32 million acres in the West—triple what scientists and land management experts say the range can support. These animals face starvation and death from lack of forage and water. The population has more than doubled in just the past 10 years and continues to grow at a rate of 10 to 15 percent annually. This number includes the more than 47,000 animals the BLM has already gathered from public lands, at a cost to the American taxpayer of nearly \$50 million annually to care for them in off-range corrals.

This is not a new issue—it is not just a western issue—it is an American issue. What is happening to these once-proud beasts of burden is neither compassionate nor humane, and what these animals are doing to federal lands and fragile ecosystems is unacceptable. In 2019, the American Association of Equine Practitioners and the American Veterinary Medication Association—two of the largest organizations of professional veterinarians in the world—issued a joint policy calling for further reducing overpopulation to protect the health and well-being of wild horses and burros on public lands. The National Wild Horse and Burro Advisory Board, a panel of nine experts and professionals convened to advise the BLM, endorsed the joint policy. Furthermore, animal welfare organizations such as the American Society for the Prevention of Cruelty to Animals and the Humane Society of the United States recognize that the prosperity of wild horses and burros on public lands is threatened if herds continue to grow unabated.

The BLM's multi-pronged approach in its 2020 Report to Congress⁴⁶ included expanded adoptions and sales of horses gathered from overpopulated herds; increased gathers and increased capacity for off-range holding facilities and pastures; more effective use of fertility control efforts; and improved research, in concert with the academic and veterinary communities, to identify more effective

contraceptive techniques and strategies. All of that will not be enough to solve the problem, however. Congress must enact laws permitting the BLM to dispose humanely of these animals.

IMMEDIATE ACTIONS REGARDING ALASKA

Alaska is a special case and deserves immediate action.⁴⁷ When Alaska was admitted to the Union in 1959, nearly its entire landmass was federally owned; therefore, Alaska was granted the right to select 104 million acres (out of 375 million acres) to manage for the benefit of its residents.⁴⁸ In less than eight years, Alaska selected 26 million acres. Then-Interior Secretary Stewart Udall—who served during the Kennedy and Johnson Administrations—put a freeze on further land selections to protect any claims that might be asserted by Native Alaskans.⁴⁹

Alaska Native Claims Settlement Act. The discovery of oil at Prudhoe Bay in 1968 made resolution of the issue by Congress a matter of urgency. As a result, in 1971, Congress passed the Alaska Native Claims Settlement Act (ANCSA), which allowed the Native community to select 44 million acres.⁵⁰

Environmentalists, upset that too much of the land they coveted would be selected by the state and Native Alaskans for development, demanded the inclusion in the act of a provision—Section 17(d)(2)—that ordered the Interior Secretary to withdraw 80 million acres for future designation by Congress as parks, refuges, wild and scenic rivers, and national forests.⁵¹ The deadline for this congressional action was 1978, and as it neared, the Carter Administration, impatient and worried, decided to force Congress's hand. The Administration unilaterally withdrew 100 million acres from any use by the state or Native Alaskans.⁵² Alaska promptly sued, charging that the Administration had failed to comply with the National Environmental Policy Act.⁵³

In a lame duck session at the end of 1980, Congress passed (over the objections of the Alaskan delegation) the Alaska National Interest Lands Conservation Act, which revoked all of the withdrawals of the Carter Administration and substituted congressional designations that put 100 million acres permanently in federal enclaves, doubled the acreage of national parks and refuges, and tripled the amount of land declared to be wilderness.⁵⁴ Through all of this, Alaska pressed for the DOI to convey the lands to which Alaska was entitled by federal law, but the department grudgingly transferred only portions of that land.

By the time Ronald Reagan took office, Alaska had received less than half the lands to which it was entitled after its admission into the Union, and Native Alaskans had received only one-third of the land due to them.⁵⁵ From January of 1981 through 1983, however, under Reagan, Alaska received 30 million acres and a commitment of land transfers at the rate of 13 million acres annually. In the same period, Native Alaskans received 11 million acres, which constituted nearly 60 percent of their entitlement, and an additional 15 million acres were transferred by the end of 1988.⁵⁶

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Despite the passage of nearly 40 years since the end of the Reagan Administration, the federal government has yet to fulfill its statutory obligation to Alaska and Alaska Natives—specifically, each group has 5 million acres of entitlement remaining. Standing in the way are Public Land Orders (PLOs) issued by the BLM seizing that land for the agency. Those PLOs must be lifted to permit Alaska and Alaska Natives to select what was promised by Congress.

For example, revocation of PLO 5150⁵⁷ will provide the state of Alaska 1.3 million acres of its remaining state entitlement. This revocation should be a top priority. BLM recommended this revocation in the 2006 report to Congress based on the Alaska Land Transfer Acceleration Act, and the Interior Secretary has authority to revoke based on the Alaska Native Claims Settlement Act under section d(1).⁵⁸ All other remaining BLM PLOs—all of which are more than 50 years old—should be revoked immediately.

Alaska has untapped potential for increased oil production, which is important not just to the revitalization of the nation's energy sector but is vital to the Alaskan economy. One-quarter of Alaska's jobs are in the oil industry, and half of its overall economy depends on that industry. Without oil production, the Alaskan economy would be half its size.

A new Administration must take the following actions immediately:

- **Approve** the 2020 National Petroleum Reserve Alaska Integrated Activity Plan (NPRA-IAP) by resigning the Record of Decision. (Secretary Haaland's order reverted to the 2013 IAP, the science for which is out of date, unlike the 2020 IAP.)
- **Reinstate** the 2020 Arctic National Wildlife Refuge Environmental Impact Statement (EIS) by secretarial order and lift the suspension of the leases.
- **Approve** the 2020 Willow EIS, the largest pending oil and gas projection in the United States in the National Petroleum Reserve-Alaska, and expand approval from three to five drilling pads.⁵⁹

Minerals. Alaska is not just blessed with an abundance of oil, it has vast untapped mineral potential. Therefore, the new Administration must immediately approve the Ambler Road Project⁶⁰ across BLM-managed lands, pursuant to the Secretary's authority under the ANILCA and based on the Final Environmental Impact Statement on the project.⁶¹ This will permit construction of a new 211-mile roadway on the south side of the Brooks Range, west from the Dalton Highway to the south bank of the Ambler River, and open the area only to mining-related industrial uses, providing high-paying jobs in an area known for unemployment.

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Wildlife and Waters. Throughout Alaska’s history, the federal government has treated Alaska as less than a sovereign state. This is especially the case when it comes to two of Alaska’s most valued resources, its wildlife and its waters. Immediate action is required to end, at least in part, this injustice. A new Administration should:

- **Revoke** National Park Service and U.S. Fish and Wildlife Service rules regarding predator control and bear baiting, which are matters for state regulation. Such revocation is permitted under the 2017 Congressional Review Act.⁶²
- **Recognize** Alaska’s authority to manage fish and game on all federal lands in accordance with ANILCA as during the Reagan Administration, when each DOI agency in Alaska signed a Memorandum of Understanding with the Alaska Department of Fish and Game ceding to the state the lead on fish and wildlife management matters.⁶³
- **Issue** a secretarial order declaring navigable waters in Alaska to be owned by the state so that the lands beneath these waters belong to Alaska. This will force the BLM to prove that water is not navigable, since in the case of non-navigability, any submerged lands belong to the BLM. Currently, BLM requires Alaska to prove navigability at its own expense—including the BLM’s preposterous assertion that the mighty Yukon River is non-navigable.
- **Reinstate** President Trump’s 2020 Alaska Roadless Rule⁶⁴ for the Tongass National Forest in Alaska, which was replaced by a Biden Roadless Rule that continues a 2001 Clinton rule affecting 9.37 million of the forest’s 16.7 million acres.⁶⁵ The Clinton rule affects an area where communities are in small islands with no road access. It has prevented multiple infrastructure projects, including roads, electric transmission lines, and water and sewer projects, and it forces residents to use a heavily subsidized ferry system. Logging has been shut down to the extent that New York harvests more timber than does all of Alaska.

OTHER ACTIONS

The 30 by 30 Plan.⁶⁶ President Biden’s Executive Order 14008 (30 by 30 plan)⁶⁷ requires that the federal government, which already owns one-third of the country: (1) remove vast amounts of private property from productive use; and (2) end congressionally mandated uses of all federal land. The end result will be “total federal control of an additional 440 million acres of land or oceans in the U.S. by 2030.”⁶⁸

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Although the new President should vacate that order, DOI under a conservative President must take immediate action on the 30 by 30 plan by vacating a secretarial order issued by the Biden DOI⁶⁹ that eliminated the Trump Administration's requirement for the approval of state and local governments before federal acquisition of private property with monies from the Land and Water Conservation Fund.⁷⁰

National Monument Designations. As has every Democratic President before him beginning with Jimmy Carter, Joe Biden has abused his authority under the Antiquities Act of 1906. Like the outrageous, unilateral withdrawals from public use of multiple use federal land under the Carter, Clinton, and Obama Administrations, Biden's first national monument was one in Colorado—adopted over the objections of scores of local groups and at least one American Indian tribe.⁷¹ In the days before the 2024 election, Biden will likely designate more western monuments.

Although President Trump courageously ordered a review of national monument designations, the result of that review was insufficient in that only two national monuments in one state (Utah) were adjusted.⁷² Monuments in Maine and Oregon, for example, should have been adjusted downward given the finding of Secretary Ryan Zinke's review that they were improperly designated. The new Administration's review will permit a fresh look at past monument decrees and new ones by President Biden.

Furthermore, the new Administration must vigorously defend the downward adjustments it makes to permit a ruling on a President's authority to reduce the size of national monuments by the U.S. Supreme Court.

Finally, the new Administration must seek repeal of the Antiquities Act of 1906, which permitted emergency action by a President long before the statutory authority existed for the protection of special federal lands, such as those with wild and scenic rivers, endangered specials, or other unique places. Moreover, in recent years, Congress has designated as national monuments those areas deserving of such congressional action.

Oregon and California Lands Act. One national monument worthy of downward adjustment is in Oregon, where its designation and subsequent expansion interfere with the federal obligation to residents to harvest timber on its BLM lands. A federal district court ruled in 2019 that land subject to the Oregon and California (O&C) Grant Lands Act of 1937⁷³ was set aside by Congress to be harvested for the benefit of the people of Oregon. Specifically, those federal lands are to be “managed...for permanent forest production” and its timber “sold, cut, and removed in conformity with the princip[le] of sustained yield.”⁷⁴

As the district court concluded,⁷⁵ beginning in 1990, the federal government erected a trifecta of illegal barriers to the accomplishment of the congressional mandate, beginning with a response to the listing of the northern spotted owl,⁷⁶ continuing a decade later with the designation of the Cascade–Siskiyou National Monument,⁷⁷ and concluding in 2017 with an expansion of that monument.⁷⁸ In

order to fulfill the yet-unaltered congressional mandate contained in federal law, to provide for jobs and well-paying employment opportunities in rural Oregon, and to ameliorate the effects of wildfires, the new Administration must immediately fulfill its responsibilities and manage the O&C lands for “permanent forest production” to ensure that the timber is “sold, cut, and removed.”⁷⁹

NEPA Reforms. Congress never intended for the National Environmental Policy Act to grow into the tree-killing, project-dooming, decade-spanning monstrosity that it has become. Instead, in 1970, Congress intended a short, succinct, timely presentation of information regarding major federal action that significantly affects the quality of the human environment so that decisionmakers can make informed decisions to benefit the American people.

The Trump Administration adopted common-sense NEPA reform that must be restored immediately. Meanwhile, DOI should reinstate the secretarial orders adopted by the Trump Administration, such as placing time and page limits on NEPA documents and setting forth—on page one—the costs of the document itself. Meanwhile, the new Administration should call upon Congress to reform NEPA to meet its original goal. Consideration should be given, for example, to eliminating judicial review of the adequacy of NEPA documents or the rectitude of NEPA decisions. This would allow Congress to engage in effective oversight of federal agencies when prudent.

Settlement Transparency. Interior Secretary David Bernhardt required DOI to prominently display and provide open access to any and all litigation settlements into which DOI or its agencies entered, and any attorneys’ fees paid for ending the litigation.⁸⁰ Biden’s DOI, aware that the settlements into which it planned to enter and the attorneys’ fees it was likely to pay would cause controversy, ended this policy.⁸¹ A new Administration should reinstate it.

The Endangered Species Act. The Endangered Species Act was intended to bring endangered and threatened species back from the brink of extinction and, when appropriate, to restore real habitat critical to the survival of the species. The act’s success rate, however, is dismal. Its greatest deficiency, according to one renowned expert, is “conflict of interest.”⁸² Specifically, the work of the Fish and Wildlife Service is the product of “species cartels” afflicted with groupthink, confirmation bias, and a common desire to preserve the prestige, power, and appropriations of the agency that pays or employs them. For example, in one highly influential sage-grouse monograph, 41 percent of the authors were federal workers. The editor, a federal bureaucrat, had authored one-third of the paper.⁸³

Meaningful reform of the Endangered Species Act requires that Congress take action to restore its original purpose and end its use to seize private property, prevent economic development, and interfere with the rights of states over their wildlife populations. In the meantime, a new Administration should take the following immediate action:

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- **Delist** the grizzly bear in the Greater Yellowstone and Northern Continental Divide Ecosystems and defend to the Supreme Court of the United States the agency's fact-based decision to do so.⁸⁴
- **Delist** the gray wolf in the lower 48 states in light of its full recovery under the ESA.⁸⁵
- **Cede** to western states jurisdiction over the greater sage-grouse, recognizing the on-the-ground expertise of states and preventing use of the sage-grouse to interfere with public access to public land and economic activity.
- **Direct** the Fish and Wildlife Service to end its abuse of Section 10(j) of the ESA by re-introducing so-called "experiment species" populations into areas that no longer qualify as habitat and lie outside the historic ranges of those species, which brings with it the full weight of the ESA in areas previously without federal government oversight.⁸⁶
- **Direct** the Fish and Wildlife Service to design and implement an impartial conservation triage program by prioritizing the allocation of limited resources to maximize conservation returns, relative to the conservation goals, under a constrained budget.⁸⁷
- **Direct** the Fish and Wildlife Service to make all data used in ESA decisions available to the public, with limited or no exceptions, to fulfill the public's right to know and to prevent the agency's previous opaque decision-making.
- **Abolish** the Biological Resources Division of the U.S. Geological Survey and obtain necessary scientific research about species of concern from universities via competitive requests for proposals.
- **Direct** the Fish and Wildlife Service to: (1) design and implement an Endangered Species Act program that ensures independent decision-making by ending reliance on so-called species specialists who have obvious self-interest, ideological bias, and land-use agendas; and (2) ensure conformity with the Information Quality Act.⁸⁸

Office of Surface Mining. The Office of Surface Mining Reclamation and Enforcement (OSM) was created by the Surface Mining Control and Reclamation Act of 1977 (SMCRA)⁸⁹ to administer programs for controlling the impacts of surface coal mining operations. Although the coal industry is contracting, coal constitutes

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20 percent of the nation's electricity and is a mainstay of many regional economies. The following actions should ensure OSM's ability to perform its mission while complying with SMCRA and without interfering with the production of high-quality American coal:

- **Relocate** the OSM Reclamation and Enforcement headquarters to Pittsburgh, Pennsylvania, to recognize that the agency is field-driven and should be headquartered in the coal field.⁹⁰
- **Reduce** the number of field coal-reclamation inspectors to recognize the industry is smaller.
- **Reissue** Trump's Schedule F executive order to permit discharge of nonperforming employees.⁹¹
- **Permit** coal company employees to benefit from the OSM Training Program, which is currently restricted to state and federal employees.
- **Revise** the Applicant Violator System, the nationwide database for the federal and state programs, to permit federal and state regulators to consider extenuating circumstances.
- **Maintain** the current "Ten-Day Notice" rule, which requires OSM to work with state regulators in determining if a SMCRA violation has taken place in recognition of the fact that a coal mining state with primacy has the lead in implementing state and federal law.
- **Preserve** Directive INE-26, which relates to approximate original contour, a critical factor in permitting efficient and environmentally sound surface mining, especially in Appalachia.⁹²

Western Water Issues. The American West, from the Great Plains to the Cascades Range, is arid, as recognized by John Wesley Powell during his famous trip across a large part of its length. Pursuant to an Executive Order signed by President Trump, and consistent with its authority along with other federal agencies, DOI's Bureau of Reclamation must take the following actions:

- **Develop** additional storage capacity across the arid west, including by:
 1. Updating dam water control manuals for existing facilities during routine operations; and

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2. Engaging in real-time monitoring of operations.
- **Reduce** bureaucratic inefficiencies by consolidating federal water working groups.
 - **Implement** actions identified in the Federal Action Plan for Improving Forecasts of Water Availability,⁹³ especially by adopting improvements related to:
 1. Forecast Informed Reservoir Operations; and
 2. Aerial Snow Observation Systems.
 - **Clarify** the Water Infrastructure Finance and Innovation Act⁹⁴ to ensure consistent application with other federal infrastructure loan programs under the Federal Credit Reform Act. This should be done to foster opportunities for locally led investment in water infrastructure.
 - **Reinstate** Presidential Memorandum on Promoting the Reliable Supply and Delivery of Water in the West.⁹⁵

AMERICAN INDIANS AND U.S. TRUST RESPONSIBILITY

The Biden Administration has breached its federal trust responsibilities to American Indians. This is unconscionable. Specifically, the Biden Administration's war on domestically available fossil fuels and mineral sources has been devastating. To wit:

- The ability of American Indians and tribal governments to develop their abundant oil and gas resources has been severely hampered, depriving them of the revenue and profits to which they are entitled during a time of increasing worldwide energy prices, forcing American Indians—who are among the poorest Americans—to choose between food and fuel.
- Indian nations with significant coal resources have some of the highest quality and cleanest-burning coal in the world, but the Biden Administration has sought to destroy the market for their coal by eliminating coal-fired electricity in the country and to prevent the transport of their coal for sale internationally. Meanwhile, the Biden Administration, at great public expense, artificially boosted the demand for electric vehicles, which, because of their remote locations, the absence of increased electricity demands for charging electric vehicles nearby, and the distances to be traveled, are not a choice for Indian communities.

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- A significant percentage of critical minerals needed by the United States is on Indian lands, but the Biden Administration has actively discouraged development of critical mineral mining projects on Indian lands rather than assisting in their advancement.
- Despite Indian nations having primary responsibility for their lands and environment and responsibility for the safety of their communities, the Biden Administration is reversing efforts to put Indian nations in charge of environmental regulation on their own lands.

Moreover, Biden Administration policies, including those of the DOI, have disproportionately impacted American Indians and Indian nations.

- By its failure to secure the border, the Biden Administration has robbed Indian nations on or near the Mexican border of safe and secure communities while permitting them to be swamped by a tide of illegal drugs, particularly fentanyl.
- When ending COVID protocols at Bureau of Indian Education (BIE) schools, Biden's DOI failed to ensure an accurate accounting of students returning from school shutdowns, which presents a significant danger to the families that trust their children to that federal agency.
- The BIE is not reporting student academic assessment data to ensure parents and the larger tribal communities know their children are learning and are receiving a quality education.

The new Administration must take the following actions to fulfill the nation's trust responsibilities to American Indians and Indian nations:

- **End** the war on fossil fuels and domestically available minerals and facilitate their development on lands owned by Indians and Indian nations.
- **End** federal mandates and subsidies of electric vehicles.
- **Restore** the right of tribal governments to enforce environmental regulation on their lands.
- **Secure** the nation's border to protect the sovereignty and safety of tribal lands.

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- **Overhaul** BIE schools to put parents and their children first.

Finally, the new Administration should seek congressional reauthorization of the Land Buy-Back Program for Tribal Nations,⁹⁶ which provided a \$1.9 billion Trust Land Consolidation Fund to purchase fractional interests in trust or restricted land from willing sellers at fair market value, but which sunsets November 24, 2022. New funds should come from the Great American Outdoors Act.⁹⁷

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