



Protect America's Climbing

April 15, 2021

The Honorable Deb Haaland  
Secretary of the Interior  
1849 C Street  
Washington, D.C. 20240  
Via email: [energyreview@ios.doi.gov](mailto:energyreview@ios.doi.gov)

**RE: Access Fund Comments to Department of Interior Comprehensive Review of the Federal Onshore Oil and Gas Program**

Dear Secretary Haaland:

**The Access Fund**

The Access Fund is a national advocacy organization whose mission keeps climbing areas open and conserves the climbing environment. A 501(c)(3) non-profit supporting and representing over 7 million climbers nationwide in all forms of climbing—rock climbing, ice climbing, mountaineering, and bouldering—Access Fund is the largest U.S. climbing organization with over 20,000 members and 115 affiliates. We currently hold memorandums of understanding<sup>1</sup> with the BLM, the National Park Service, and the U.S. Forest Service to work together regarding how climbing will be managed on federal land. Access Fund provides climbing management expertise, stewardship, project specific funding, and educational outreach for climbing areas across the country. For more information about the Access Fund, visit [www.accessfund.org](http://www.accessfund.org).

Access Fund's primary concern regarding the current leasing system is that the Department of Interior (DOI) has long allowed oil and gas developments to dominate land use planning and use. This practice conflicts with the Federal Land Policy and Management Act (FLPMA) and the fundamental principle that outdoor recreation such as climbing is one of the “major” uses of public lands, alongside grazing, energy development, fish and wildlife, rights-of-way, and timber production. In addition, the Multiple Use Sustained Yield Act (MUSY) mandates that public resources are managed “so that they are utilized in the combination that will best meet the needs of the American people ...” and that renewable resources shall be managed in a manner that avoids “impairment of the productivity of the land.”

In other words, any primary use of federal public lands should not impair the productivity of another use. Federal law requires that energy development on federal land cannot impair the productivity of recreational use and associated economic activity. As the social and economic importance of outdoor recreation increases, it is critical that recreation assets such as climbing

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<sup>1</sup> See [http://www.accessfund.org/site/c.tmL5KhNWLrH/b.5000797/k.40E2/Collaboration\\_with\\_federal\\_agencies.htm](http://www.accessfund.org/site/c.tmL5KhNWLrH/b.5000797/k.40E2/Collaboration_with_federal_agencies.htm).

areas should be given the same level of consideration during land use planning as energy development. However, DOI has long facilitated rules and policies that prioritize oil and gas developments at the expense of other uses and the protection of invaluable natural and cultural resources.

Without a careful consideration of the interface between outdoor recreation and energy development, the benefits of outdoor recreation can be diminished. Resource extraction is certainly a valid and important use of federal lands, but the effects of industrial infrastructure (including access roads) on viewsheds, soundscapes, air quality, water quality, visitor safety, and sensitive cultural and natural resources need to be systematically analyzed and considered in order to satisfy FLPMA and MUSY, as well as protect America's outdoor recreation economy and quality recreation opportunities for future generations.

This programmatic review of the federal onshore oil and gas leasing program is a rare opportunity for the Interior Department to modify their practices to better adhere to the mandate of FLPMA and protect unique outdoor recreation opportunities such as climbing.

### **Climbing and Oil & Gas Conflicts**

Recreational use of public land—and climbing in particular—often suffers from the industrial impacts of oil and gas developments. Examples of these conflicts include the massive oil and gas leases in the Moab area. The Mineral Leasing Act of 1920 (MLA) “reserves” federal public lands for economic uses and preservation of certain resources in service of the national interest. The MLA applies to all deposits of oil, natural gas, oil shale, coal, and other fossil fuels, as well as to certain fertilizers and applies to approximately 564 million acres of federal lands (Bureau of Land Management or US Forest Service lands usually). A permit to enter the public lands and explore for minerals must be obtained from the government. There is no right to “prospect” as there is under the Mining Law. Under the MLA the federal government grants the authority to drill and extract minerals by lease—typically 20 years for coal and 10 years for oil and gas. The government may place conditions on leases to ensure consistency with land management plans, and receives royalties which are distributed between the federal government, the states and local governments where the leases are located.

Several common conflicts between recreation and the activities authorized under the MLA and Mining law include:

- The placement and design of **industrial infrastructure** and access roads can significantly impact climbing areas where climbers remain in the same place for extensive periods of time, and noise, dust, and congestion from nearby road traffic undermines the outdoor experience.
- **Views of surrounding landscapes** are an important component of any outdoor experience, including those from national parks. Poorly designed infrastructure—such as power lines and pipelines—can extensively degrade iconic views from climbing areas.
- **Noise, smell, air quality concerns** from industrial operations can also affect outdoor visitors including the potential for oil and gas spills.
- **Speculative Oil and Gas Leasing of Low Potential Lands** - Over 90 percent of over 200 million acres of public lands managed by the BLM remain available for leasing. The failure to update the Mineral Leasing Act of 1920—and related rules and policies—will lead to more speculative leasing, which casts a growing shadow over nearby public lands and

impacts outdoor recreation management because land managers typically focus on leasing permits rather than outdoor recreation opportunities. A leasing update by the Interior Department could also mean instructing the BLM to fulfill its multiple-use mandate by providing staff and resources that can improve and manage recreation assets like climbing areas.

- **Abandoned and At-Risk Oil and Gas Wells Cause Environmental Impacts** – DOI has also failed to require adequate bonding for oil and gas projects, leading to abandoned or at-risk wells that can impact outdoor recreation. According to a new report by the National Wildlife Federation and Public Land solutions, at least 97 of at-risk well sites are within a mile of recreation sites, with many more are close to dispersed recreation locations such as mountain bike trails, climbing crags, and hunting and fishing areas. Abandoned, orphaned, and non-producing wells put our public lands, wildlife populations, clean air and drinking water at serious risk. DOI Department of Interior should require adequate bonding to prevent oil and gas companies from walking away from depleted or otherwise dry wells—leaving cleanup costs to taxpayers—and causing environmental impacts that impair recreation experiences such as climbing.

### **Policy Recommendations**

DOI can address the above conflicts by **reforming its leasing program and land use management practices** in the following ways:

- Require extensive public participation from stakeholders and tribal interests during both leasing and permitting of oil and gas developments. State recreation directors can assist in this work by connecting stakeholder such as recreation interests with local communities and industry representatives.
- Limit the quantity and scope of competitive sales declaring high value recreation lands such as climbing areas as unavailable for leasing. A formal nomination process could better identify lands suitable for oil and gas developments and which should be protected for other multiple uses such as recreation.
- Formalize a new discretionary procedure that allows leases only when consistent with FLPMA and will not impair other multiple uses such as climbing and other recreation.
- End anonymous lease nominations and noncompetitive leasing to expose bad actors that abuse the system (leaving orphan wells, causing environmental damage) and end rampant speculation that often ties up public lands from other multiple uses such as recreation.
- Increase the 100-year-old 12.5% royalty rate and bring a better return to taxpayers for leasing public land.
- Strengthen bonding requirements to avoid the cost of reclamation being imposed on taxpayers and reduce the amount of abandoned and orphaned wells.

DOI can also require the use of key **effective planning tools** and **best management practices** to prevent impacts to outdoor recreation, including:

- Master development plans, unit agreements, development density limits, and phased leasing to limit oil and gas development footprints.

- Alternatives to pits, directional drilling, technologies that minimize methane leaking and flaring, and other strategies to prevent wasteful, unnecessary and harmful emissions, and reduce light pollution.

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Access Fund appreciates your consideration of these comments and hopes that our recommendations will help improve the oil and gas leasing program, support the growing outdoor recreation economy and improve America's exceptional climbing opportunities.

Sincerely,

A handwritten signature in black ink that reads "Erik Murdock". The signature is written in a cursive, slightly slanted style.

Erik Murdock  
Policy Director  
Access Fund