



American Bridge

Trump Policy Brief: Planning 2.0

Rule

3.28.17

PLANNING 2.0 RULE

President Trump signed a bill repealing the Bureau of Land Management's "Planning 2.0" Rule, which was meant to streamline the Bureau's public land use planning process while increasing public input.

- ✓ The rule was repealed under the Congressional Review Act, meaning no similar rule could ever again be issued without Congressional approval. Leaders of the Independent Petroleum Association of America and the Petroleum Association of Wyoming wrote to House Speaker Paul Ryan in support of repealing Planning 2.0 through the CRA.
- ✓ The rule allowed the BLM to better address community concerns regarding public land development. Public and outside groups, not just cooperating agencies, were permitted to provide input during the early stages of public land development projects.
- ✓ The rule encouraged environmental preservation, and critics worried repealing it would facilitate increased drilling on public lands.
- ✓ The rule encouraged the use of modern technology in public land use development.

Trump Nullified The BLM's "Planning 2.0" Rule

TRUMP SIGNED A BILL NULLIFYING THE BUREAU OF LAND MANAGEMENT'S "PLANNING 2.0" RULE

March 27, 2017: President Trump Signed H.J.Res. 44, Nullifying "The Department Of The Interior's Bureau Of Land Management's Final Rule Relating To Resource Management Planning."

According to the White House Office of the Press Secretary, "On Monday, March 27, 2017, the President signed into law: [...] H.J.Res. 44, which nullifies the Department of the Interior's Bureau of Land Management's final rule relating to resource management planning." [White House Office of the Press Secretary, [3/27/17](#)]

February 2017: The Trump Administration Issued A Statement Of Support For H.J.Res 44, Nullifying "Planning Rule 2.0." According to a White House statement of administration policy, "The Administration strongly supports the actions taken by the House to begin to nullify unnecessary regulations. The regulations that the House is voting to overturn under the Congressional Review Act establish onerous reporting requirements and other constraints on States, local communities, and institutions of higher education. [...] H.J. Res. 44 would nullify the final rule relating to Resource Management Planning, 81 Fed. Reg. 89580 (Dec. 12, 2016), promulgated by the Department of the Interior, Bureau of Land Management (BLM). This rule, also known as the BLM Planning Rule 2.0, would prioritize regional and national considerations over state and local interests in land use planning for activities on public lands." [White House, [2/7/17](#)]

The BLM Finalized The Planning 2.0 Rule In Late 2016. According to The Washington Post, "Planning 2.0, which was finalized late last year by the Bureau of Land Management, was intended to shorten and streamline the process associated with federal land use planning, while making it more transparent and accessible by allowing for earlier and greater public input on proposed management plans." [Washington Post, [3/8/17](#)]

THE RULE WAS REPEALED UNDER THE CONGRESSIONAL REVIEW ACT, MEANING NO SIMILAR RULE COULD EVER BE ISSUED AGAIN WITHOUT CONGRESSIONAL APPROVAL

The Planning 2.0 Rule Was Repealed Under The Congressional Review Act, Which Allows Congress To Overturn Recently Finalized Federal Rules. According to The Washington Post, “If President Trump signs the resolution, the Planning 2.0 rule would become the second major Obama-era environmental regulation to meet its demise under the Congressional Review Act, a law that allows Congress a finite period of time to overturn federal rules after they have been finalized.” [Washington Post, [3/8/17](#)]

- **The Congressional Review Act Prevents The BLM From Ever Issuing A Substantially Similar Rule Again Without New Legislation From Congress.** According to an opinion by Western Renewable Energy Project senior deputy director Bobby McEnaney for the Natural Resources Defense Council, “In its march to turn the clock back, the Senate passed legislation today repealing an effort by the Bureau of Land Management (BLM) to improve the management of the broad array of ecological and economic resources found on the 247 million acres of public lands managed by this key agency. The Senate passed the repeal using the once obscure Congressional Review Act (CRA). [...] [T]he CRA allows Congress to adopt an expedited process, with no hearings and preventing Senators from using the normal safeguard that prevent bills from passing without 60 votes. But that is far from the worst part of the CRA. Incredibly the law purports to prevent ‘an agency from ever issuing any “new rule that is substantially the same” without new authorizing legislation from Congress.’” [Bobby McEnaney – Natural Resources Defense Council, [3/7/17](#)]

Western Environmental Law Center Attorney Kyle Tisdell Said That Repealing The Planning 2.0 Rule Using The Congressional Review Act Was “An Attempt To Keep The Public In The Dark.”

According to E&E News, “Killing BLM’s planning rule is an attempt to shut out public input and limit the bureau’s authority, said Kyle Tisdell, an attorney with the Western Environmental Law Center. Planning 2.0 could have been tweaked without wielding the CRA, which pre-empts agencies from reissuing ‘substantially similar’ rules, he said. ‘To a large extent, the federal government already acts as a rubber stamp in the leasing and development of our public lands, particularly in major oil and gas producing areas,’ Tisdell wrote in an email. ‘Planning 2.0 represented an opportunity to broaden the consideration of impacts, regardless of jurisdictional boundaries, to better understand the sacrifice to our land, air, water, and communities. The CRA is an attempt to keep the public in the dark, and agency consideration siloed.’” [E&E News, [2/8/17](#)]

WildEarth Guardians Program Director Jeremy Nichols Said That Repealing The Planning 2.0 Rule Was An “Example Of How This Congress Has Declared A War On Public Lands.”

According to E&E News, “Conservation advocates seemed puzzled by the rule’s opposition from industry and Republicans in Congress. Planning 2.0 is a ‘wishy-washy’ process rule that sets goals for BLM, but does not dictate outcomes, as the agency carries out its duty to manage public lands, said Jeremy Nichols, climate and energy program director for WildEarth Guardians. ‘There’s something deeper going on here,’ he said. ‘This is another example of how this Congress has declared war on public lands.’” [E&E News, [2/8/17](#)]

ENERGY INDUSTRY INTERESTS WROTE TO HOUSE SPEAKER PAUL RYAN IN SUPPORT OF USING THE CONGRESSIONAL REVIEW ACT TO UNDO PLANNING 2.0

The Independent Petroleum Association Of America (IPAA) And The Petroleum Association Of Wyoming (PAW) Wrote To House Speaker Paul Ryan In Support Of Using The Congressional Review Act To Undo Planning 2.0. According to a letter sent by the Petroleum Association of Wyoming public lands vice president Esther Wagner and Independent Petroleum Association of America senior vice

president Dan Naatz to Speaker Paul Ryan, “On behalf of the members of the Petroleum Association of Wyoming (PAW) and the Independent Petroleum Association of America (IPAA), we would like to express our support for use of the Congressional Review Act (CRA) to repeal the unnecessarily burdensome regulations finalized during the Obama Administration. [...] PAW and IPAA believe Planning 2.0 presents multiple challenges that will prejudice multiple use interests with a bias against oil and gas resources on public lands.” [Esther Wagner & Dan Naatz via House Natural Resources Committee, [1/18/17](#)]

- **Letter: Planning 2.0 Presents A “Bias Against Oil And Gas Resources On Public Lands.”** According to a letter sent by the Petroleum Association of Wyoming public lands vice president Esther Wagner and Independent Petroleum Association of America senior vice president Dan Naatz to Speaker Paul Ryan, “On behalf of the members of the Petroleum Association of Wyoming (PAW) and the Independent Petroleum Association of America (IPAA), we would like to express our support for use of the Congressional Review Act (CRA) to repeal the unnecessarily burdensome regulations finalized during the Obama Administration. [...] PAW and IPAA believe Planning 2.0 presents multiple challenges that will prejudice multiple use interests with a bias against oil and gas resources on public lands.” [Esther Wagner & Dan Naatz via House Natural Resources Committee, [1/18/17](#)]
- **In The Letter, IPAA And PAW Criticized The Planning 2.0 Rule For Suggesting A Standard Of “Net Benefit Or Net Conservation Gain” For Public Land Use.** According to a letter sent by the Petroleum Association of Wyoming public lands vice president Esther Wagner and Independent Petroleum Association of America senior vice president Dan Naatz to Speaker Paul Ryan, “Planning 2.0 requires Resource Management Plans (RMPs) and Plan Amendments to include, as part of the Objectives, mitigation guidance and standards consistent with BLM Policy. The Presidential Memorandum ‘Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment’ (Presidential Memo) dated November 3, 2015, directed that federal agency mitigation policies establish a mitigation standard of a net benefit goal or, at a minimum, a no net loss goal. [...] The mitigation standard of a net benefit, or net conservation gain, is policymaking that has been put in place through recent Executive and Secretarial directives and memorandums, and is not based upon laws or rules that have gone through the lawmaking or rulemaking process.” [Esther Wagner & Dan Naatz via House Natural Resources Committee, [1/18/17](#)]

Planning 2.0 Allowed The BLM To Better Address Community Concerns Regarding Public Land Development

PLANNING 2.0 ALLOWED THE BLM TO MAKE QUICKER DECISIONS ON LAND USE WHILE INCREASING PUBLIC INPUT

Planning 2.0 Would Allow The BLM To Make Faster Decisions On Land Use While Still Taking Communities’ Concerns Into Consideration. According to The Washington Post, “Planning 2.0, which was finalized late last year by the Bureau of Land Management, was intended to shorten and streamline the process associated with federal land use planning, while making it more transparent and accessible by allowing for earlier and greater public input on proposed management plans. It was touted by BLM officials as a way to make faster decisions that best reflect the concerns and priorities of the communities they affect.” [Washington Post, [3/8/17](#)]

The Planning 2.0 Rule Aimed To Streamline Federal Land Use Planning, And Increase Transparency And Public Input On Proposals. According to The Washington Post, “Planning 2.0, which was finalized late last year by the Bureau of Land Management, was intended to shorten and streamline the

process associated with federal land use planning, while making it more transparent and accessible by allowing for earlier and greater public input on proposed management plans.” [Washington Post, [3/8/17](#)]

The BLM’s Planning Process For Use Of Public Lands Takes An Average Of Eight Years

As Of December 2016, BLM Land Use Plans Took An Average Of Eight Years To Complete.

According to CNN, “The plan was drawn up, the bureau said in December, in an attempt to use more data when deciding whether to allow logging, mining and other commercial uses on federal land. It also looked to reduce the amount of time required to decide what to do with federal lands. ‘Under the current system, it takes an average of eight years for the BLM to finish a land use plan,’ Bureau of Land Management Director Neil Kornze said in December.” [CNN, [3/27/17](#)]

Planning 2.0 Allowed The Public To Participate In The Early Stages Of Public Land Use Planning, Previously Restricted To Cooperating Agencies

Wyoming Wildlife Federation Executive Director Chamois Andersen: Before Planning 2.0, Only Cooperating Agencies Could Participate In The Early Stages Of BLM Planning, “With Public Comment Way Down The Road.” According to an opinion by Wyoming Wildlife Federation executive director Chamois Andersen for The Hill, “But with Planning 2.0, it goes even a step further by allowing the public, including groups such as the Wyoming Wildlife Federation, to attend meetings on these plans and participate from the start. Currently, only cooperating agencies can participate in the early BLM planning meetings, with public comment way down the road, sometimes years out and when alternatives have already been crafted.” [Chamois Andersen – The Hill, [3/2/17](#)]

- **The Planning 2.0 Rule Allowed The Public And Outside Groups To Attend Planning Meetings From The Beginning Of The BLM’s Process.** According to an opinion by Wyoming Wildlife Federation executive director Chamois Andersen for The Hill, “But with Planning 2.0, it goes even a step further by allowing the public, including groups such as the Wyoming Wildlife Federation, to attend meetings on these plans and participate from the start. Currently, only cooperating agencies can participate in the early BLM planning meetings, with public comment way down the road, sometimes years out and when alternatives have already been crafted.” [Chamois Andersen – The Hill, [3/2/17](#)]
- **Andersen: Cooperating Agencies Involved In The BLM Planning Process For Public Land Use “Might Not Always Represent All Members Of The Public.”** According to an opinion by Wyoming Wildlife Federation executive director Chamois Andersen for The Hill, “The public has a right to know and to get involved in decisions involving public lands, which belong to all Americans. Planning 2.0 allows the public to directly engage versus having to rely on these cooperating agencies that might not always represent all members of the public or, in our case, hunters and anglers. This rule will certainly help the BLM with accountability.” [Chamois Andersen – The Hill, [3/2/17](#)]

Western Landowners Alliance Executive Director Lesli Allison Said That Before The Planning 2.0 Rule, There Wasn’t Much Opportunity For Landowners To Be Involved In The Planning Process For Public Land Use.

According to The Washington Post, “An Obama-era rule aimed at modernizing the management of public lands is one step closer to being repealed. The Senate voted Tuesday to overturn an Interior Department regulation known as the Planning 2.0 rule in a move that critics say hands too much influence to the oil and gas industry and takes away input from local communities. [...] ‘Under the former rule ... there’s really not been much transparency or opportunity for landowners to be involved early on in the planning process,’ said Lesli Allison, executive director of the Western Landowners Alliance. ‘We didn’t know where those decisions came from, who was forming them, and certainly landowners didn’t have an opportunity to be part of an early planning process.’” [Washington Post, [3/8/17](#)]

Repealing Planning 2.0 Would “Silence The Public Voice On The Management Of Public Lands”

Wilderness Society Bureau Of Land Management Action Group Assistant Director Phil Hanceford Said That Repealing Planning 2.0 Would “Silence The Public Voice On The Management Of Public Lands.” According to The Washington Post, “An Obama-era rule aimed at modernizing the management of public lands is one step closer to being repealed. The Senate voted Tuesday to overturn an Interior Department regulation known as the Planning 2.0 rule in a move that critics say hands too much influence to the oil and gas industry and takes away input from local communities. [...] ‘Republican members of Congress want to silence the public voice on the management of public lands,’ said Phil Hanceford, assistant director of the Wilderness Society’s BLM Action Group, in an interview with The Washington Post.” [Washington Post, [3/8/17](#)]

- **Hanceford: The Planning 2.0 Rule Allowed For “More Transparency And More Public Opportunity For Participation In The Management Of Our Public Lands, Period.”** According to The Washington Post, “‘Republican members of Congress want to silence the public voice on the management of public lands,’ said Phil Hanceford, assistant director of the Wilderness Society’s BLM Action Group, in an interview with The Washington Post. ‘It’s a simple rule that allows for more transparency and more public opportunity for participation in the management of our public lands, period. And because of special interests getting involved, the Congress essentially wants to roll that back.’” [Washington Post, [3/8/17](#)]

Western Renewable Energy Project Senior Deputy Director Bobby McEnaney Called The Planning 2.0 Rule “An Earnest And Long-Overdue Attempt” To Engage The Public And Stakeholders “To Improve Management Decisions That Could Impact Lands All Across The Western U.S.” According to an opinion by Western Renewable Energy Project senior deputy director Bobby McEnaney for the Natural Resources Defense Council, “The rule, known as Planning 2.0, was an earnest and long-overdue attempt by the BLM to modernize how the public and stakeholders are engaged in order to improve management decisions that could impact lands all across the Western U.S.” [Bobby McEnaney – Natural Resources Defense Council, [3/7/17](#)]

Western Landowners Alliance Executive Director Lesli Allison Said That Improving Public Input Regarding The Use Of Public Lands “Absolutely Should Transcend Partisan Boundaries.” According to The Washington Post, “Allison added that there’s a great diversity of opinion among Western landowners about how their environments should be managed, including on issues such as energy development, and that improving the system for public input ‘absolutely should transcend partisan boundaries.’” [Washington Post, [3/8/17](#)]

Planning 2.0 Encouraged Environmental Preservation And Critics Worried Repealing It Would Facilitate Drilling On Public Lands

PLANNING 2.0 SUGGESTED THAT PUBLIC LAND DEVELOPMENT HAVE “NO NET LOSS” OF ENVIRONMENTAL ASSETS

The Planning 2.0 Rule Attempted To Mitigate “Undesirable Impacts” To Federal Lands, And Suggested That Public Land Development Have “No Net Loss” Of Environmental Assets.

According E&E News, “In its final rule, BLM amends its procedures for preparing, revising and amending land-use plans with the goal of mitigating ‘undesirable impacts’ to federal resources. The rule suggests, but

does not require, that a mitigation standard might call for ‘no net loss’ of an environmental asset.” [E&E News, [2/8/17](#)]

The Rule Was An Attempt For The BLM To Address A Wider Variety Of Issues, Including Wildfire Risks And The Appropriate Demand For Renewable Energy Sources. According to Congressional Quarterly, “The final rule is intended to more readily address a wider variety of issues and possible impacts, including wildfire risk, wildlife habitat, appropriate development or the demand for renewable and non-renewable energy sources. It emphasizes the role of using high-quality information in the planning process, including the best available scientific information, and the importance of evaluating resource, environmental, ecological, social and economic conditions at the outset of planning.” [Congressional Quarterly, [2/3/17](#)]

CRITICS WORRIED REPEALING PLANNING 2.0 WOULD FACILITATE INCREASED DRILLING ON PUBLIC LANDS

Washington Post: Critics Worried That Repealing The Planning 2.0 Rule Would Give Too Much Influence Over Public Lands To The Oil And Gas Industry. According to The Washington Post, “An Obama-era rule aimed at modernizing the management of public lands is one step closer to being repealed. The Senate voted Tuesday to overturn an Interior Department regulation known as the Planning 2.0 rule in a move that critics say hands too much influence to the oil and gas industry and takes away input from local communities.” [Washington Post, [3/8/17](#)]

Wilderness Society President Jamie Williams Said That Repealing The Planning 2.0 Rule Might Make It Easier To Increase Drilling On Public Lands. According to The Washington Post, “In a statement, the Wilderness Society’s president, Jamie Williams, added that the Planning 2.0 rule’s repeal may make it easier to implement management plans that allow for increased drilling on public lands, which many environmental groups have opposed.” [Washington Post, [3/8/17](#)]

- **Williams: Congress Was “Bent On Using Its Power To Permanently Impede Public Input On Where And How Often We Drill On Our Public Lands.”** According to The Washington Post, “In a statement, the Wilderness Society’s president, Jamie Williams, added that the Planning 2.0 rule’s repeal may make it easier to implement management plans that allow for increased drilling on public lands, which many environmental groups have opposed. ‘Congress is bent on using its power to permanently impede public input on where and how often we drill on our public lands,’ he said.” [Washington Post, [3/8/17](#)]

Phil Hanceford Of The Wilderness Society Said That Voting To Repeal The Planning 2.0 Rule Proved That Oil And Gas Industry Stakeholders Had A Disproportionate Amount Of Power Over The Senate. According to The Washington Post, “Now, some groups are arguing that the rule’s repeal could plunge federal land management, particularly in the Western states, back into an outdated system that fails to adequately take public concerns into account. ‘Republican members of Congress want to silence the public voice on the management of public lands,’ said Phil Hanceford, assistant director of the Wilderness Society’s BLM Action Group, in an interview with The Washington Post. [...] An Obama-era rule aimed at modernizing the management of public lands is one step closer to being repealed. The Senate voted Tuesday to overturn an Interior Department regulation known as the Planning 2.0 rule in a move that critics say hands too much influence to the oil and gas industry and takes away input from local communities. [...] Hanceford, of the Wilderness Society, suggested that the Senate’s vote speaks to a disproportionate amount of power given to industry stakeholders.’ [Washington Post, [3/8/17](#)]

Planning 2.0 Encouraged The Use Of Modern Technology In Public Land Use Development

PLANNING 2.0 ENCOURAGED THE USE OF MODERN TECHNOLOGY IN PUBLIC LAND USE DEVELOPMENT

CNN: The Planning 2.0 Rule Promoted The Use Of “More Data When Deciding Whether To Allow Logging, Mining And Other Commercial Uses On Federal Land.” According to CNN, “This bill, HJ Resolution 44, sponsored by Wyoming Republican Rep. Liz Cheney, looks to halt an Obama administration plan for the millions of acres managed by the Bureau of Land Management, especially those concentrated in the Western United States. The plan was drawn up, the bureau said in December, in an attempt to use more data when deciding whether to allow logging, mining and other commercial uses on federal land. It also looked to reduce the amount of time required to decide what to do with federal lands.” [CNN, [3/27/17](#)]

Western Renewable Energy Project Senior Deputy Director Bobby McEnaney: Planning 2.0 “Allowed The BLM To Adopt More Advance Planning Tools, Such As Geographic Information System Mapping, To Improve Transparency And Outcomes.” According to an opinion by Western Renewable Energy Project senior deputy director Bobby McEnaney for the Natural Resources Defense Council, “The rule, known as Planning 2.0, was an earnest and long-overdue attempt by the BLM to modernize how the public and stakeholders are engaged in order to improve management decisions that could impact lands all across the Western U.S. It established a dynamic framework intended to involve developers and other stakeholders alike earlier in the planning process. The rule also allowed the BLM to adopt more advance planning tools, such as Geographic Information System mapping, to improve transparency and outcomes.” [Bobby McEnaney – Natural Resources Defense Council, [3/7/17](#)]

- **McEnaney: Repealing The Planning 2.0 Rule May Require The BLM To Abide By Its 1983 Planning Framework, Preventing The Bureau From Using Modern Tools Like GIS Mapping Or Online Databases.** According to an opinion by Western Renewable Energy Project senior deputy director Bobby McEnaney for the Natural Resources Defense Council, “Since the 1980s, there has been a rapidly accelerating amount of pressure placed on our federal lands, including increased oil and gas drilling and the expansion of recreational activities on federal lands, not to mention dramatic changes to our public landscapes thanks to climate change. But with a CRA, even if the BLM wanted to make minor modifications in how it plans for change in the future, it may have to go through the Congressional process first for approval. And that means that the BLM would be handcuffed with a framework from 1983, to the point where staff may not even be able to employ modern tools—including now-standard technology like GIS maps or online databases—to inform the public.” [Bobby McEnaney – Natural Resources Defense Council, [3/7/17](#)]