
July 25, 2025

Gregory Zerzan
Acting Solicitor
U.S. Department of the Interior
Office of the Solicitor
1849 C Street NW
Washington, DC 20240

Dear Mr. Zerzan:

In response to the Department of the Interior's (DOI) Regulatory Reform Request for Information (89 FR 21504; DOI-2025-0005), the Western Governors' Association (WGA) has identified rules, guidance, and other policy documents for which Western Governors have relevant, bipartisan policy recommendations. Subject matter experts on WGA's staff are available to provide clarification and discuss any of these matters in greater depth to better inform DOI's efforts.

Thank you for your consideration. Please contact me if you have any questions or require further information.

Sincerely,


Jack Waldorf
Executive Director

Attachment



Department of the Interior Regulatory Reform Request for Information

Energy and Permitting		
Regulation	WGA Policy	Notes
Adoption of Categorical Exclusions	<p>WGA Policy Resolution 2023-10, Infrastructure Permitting:</p> <p>Federal agencies should fully utilize existing mechanisms to streamline the environmental review process, such as any available categorical exclusions, where appropriate, while ensuring that robust consideration of environmental factors remains integral to the process.</p> <p>WGA Policy Resolution 2025-01, Energy in the West, incorporates recommendations from The Heat Beneath Our Feet Chair initiative report:</p> <p>Congress should expand Section 390 of the Energy Policy Act of 2005 to include geothermal exploration, which would allow agencies to use existing categorical exclusions to facilitate increased geothermal exploration and discovery of new resources without compromising environmental protections.</p>	<p>WGA policy generally supports this policy.</p> <p>WGA policy supports the cross-agency adoption of categorical exclusions. In the specific context of geothermal energy development, WGA policy explicitly supports expanding the scope of existing categorical exclusions established in Section 390 of the Energy Policy Act of 2005. The Department should consider providing legislative language to Congress to this effect.</p> <p>The Bureau of Land Management's (BLM) adoption of the categorical exclusion (90 FR 4768) to support authorizing geothermal resource confirmation achieves a similar effect, eliminating redundancy of reviews for geothermal exploration drilling and resource testing.</p>

Rights-of-Way, Leasing, and Operations for Renewable Energy (43 CFR Part 2800)	<p>WGA Policy Resolution 2025-01, Energy in the West, incorporates recommendations from The Heat Beneath Our Feet Chair initiative report. The report recommends developing streamlined processes for geothermal leasing on par with other energy categories:</p> <p>BLM should establish priority leasing areas for geothermal energy as it has done for wind and solar energy.</p>	<p>WGA policy contains recommendations for improving or expanding the policy.</p> <p>The rule, Rights-of-Way, Leasing, and Operations for Renewable Energy (89 FR 35634), modified the BLM's approach to prioritizing solar and wind energy development applications and eliminated the need for the previous guidance (IM 2022-027). Like IM 2022-027, the 2024 rule applies only to solar and wind energy; WGA policy supports extending the priority leasing procedure for geothermal energy projects.</p>
BLM IM 2017-103 – Pre-plan of Operation Coordination	<p>WGA Policy Resolution 2025-06 National Minerals Policy:</p> <p>A National Minerals Policy should consider the extensive regulatory experience of states, address the length of the federal permitting process, including the NEPA process.</p> <p>Western Governors encourage Congress and the Executive Branch to promulgate and pursue improvements to federal regulations and policies based on best available science to provide certainty, predictability, and speed in the federal permitting process.</p>	<p>WGA policy generally supports the policy contained in this document.</p> <p>IM 2017-103 encourages voluntary pre-submittal meetings between BLM staff and mining operators to improve the quality and efficiency of Plan of Operations submissions by identifying necessary information early in the review process. WGA policy supports improvements, including consultation with states, that streamline or accelerate the lengthy mine permitting process.</p>

Land Exchanges		
Regulation	WGA Policy	Notes
BLM Manual 9310 – Appraisal of Real Property	<p>WGA Policy Resolution 2022-10, Federal-State Land Exchanges and Purchases:</p> <p>Western Governors encourage Congress to introduce and pass legislation updating, accounting for inflation, the existing \$150,000 threshold for using an expedited exchange process since the \$150,000 threshold was adopted in 1986.</p> <p>Western Governors also encourage Congress to introduce and pass legislation allowing the use of a statement of value to replace the appraisal process in federal-state exchanges of similar rural lands.</p>	<p>WGA policy contains recommendations for improving the policy contained in this document.</p> <p>BLM does not have the authority to revise the appraisal rules, but should consider providing legislative language to Congress that would implement these changes.</p>
BLM Manual H-2200-1 – Land Exchange Handbook	<p>WGA Policy Resolution 2022-10, Federal-State Land Exchanges and Purchases:</p> <p>Western Governors call on the Administration to avoid land transfers and sales that may result in diminished use or financial capacity of adjacent state or deeded lands.</p>	<p>WGA policy generally supports the policy contained in this document.</p> <p>H-2200-1 discusses the use of deed use restrictions to protect public interests. The document notes that, “it is the BLM’s policy to limit reservations [such as deed restrictions] to those supported by the environmental documentation, public benefit determination process and fully considered in the appraisal process.” WGA policy supports the guidance’s focus on ensuring that land conveyances do not impair state resources.</p>
BLM Manual H-2740-1 – Recreation and Public Purposes	<p>WGA Policy Resolution 2022-10, Federal-State Land Exchanges and Purchases:</p>	<p>WGA policy generally supports the policy contained in this document.</p>

	<p>Western Governors encourage the Bureau of Land Management to work with states to identify lands for disposal under the authorities provided by the Recreation and Public Purposes Act (RPPA) and/or the Federal Land Policy and Management Act (FLPMA). Such lands must be suitable for public purposes such as affordable housing development. Congress and the federal land agencies should also evaluate lands for disposal that are difficult or inefficient to manage due to complex ownership patterns, such as being enclosed by state, private, or municipal land. Congress and the federal land management agencies should show deference to states in the selection of these land parcels.</p>	<p>H-2740-1 describes processes for repurposing land under the authority provided by RPPA. Even though the act defines “habitation” as a permissible public purpose under certain circumstances, there is no agency guidance to facilitate RPPA land transfers for public housing projects. WGA policy supports these types of transfers, and BLM should consider developing guidance to support RPPA land transfers for public housing development.</p>
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Grazing		
Regulation	WGA Policy	Notes
BLM IM 2025-011 – Flexibility in Livestock Grazing Management	<p>Policy Resolution 2024-02, National Forest and Rangeland Management:</p> <p>Federal and state land managers should identify opportunities to improve flexibility and integration of grazing management and targeted grazing as tools to achieve restoration and land management goals. They should also promote grazing allotment flexibility on federal lands, within U.S. Forest Service (USFS) and BLM permitting systems and across ownership boundaries, to respond to changing rangeland conditions and environmental considerations.</p>	<p>WGA policy explicitly supports the policy contained in this document.</p> <p>IM 2025-011 describes a process for increasing the flexibility of grazing permits and developing outcome-based grazing plans. WGA policy supports this guidance and encourages the increased use of grazing as a tool to achieve land management objectives.</p>
BLM Manual M-4100 – Grazing Administration	<p>Policy Resolution 2024-02, National Forest and Rangeland Management:</p>	<p>WGA policy explicitly supports the policy contained in this document.</p>

	<p>Western Governors support the continued responsible use of federal lands for grazing and increased funding for grazing management, monitoring, and permit condition compliance.</p> <p>Livestock grazing on federal lands is compatible with recreation and wildlife management and fulfills the multiple use and sustained yield mission of both the USFS and BLM. Policies, analyses, or planning decisions that lead to closing allotments must be based on science, documented threats, and causal factors consistent with state policies and programs as well as federal multiple use missions. It should also be taken into consideration that grazing suspensions and closures after wildfire allow for the onset of invasive grasses causing a quicker fire return interval, which can exacerbate the threat of wildfire.</p> <p>BLM should engage collaboratively with livestock grazing permittees when developing Annual Operating Instructions and aim to minimize economic burdens to permittees.</p> <p>Federal land management agencies must give interested state agencies an opportunity to fully participate in or provide input to grazing permit actions – prior to their initiation – including generalized review of livestock operations on federal lands, any assessment of grazing conditions as part of a federal planning process, review of past compliance of the operator with grazing allotment conditions, and individual allotment reviews. Grazing permit decisions should not be finalized until after this opportunity for</p>	<p>Manual M-4100 provides overarching policy on grazing administration and is supplemented by additional BLM handbooks. The objectives presented in Manual M-4100 align with WGA policy, which support responsible grazing practices as well as coordination with state governments, grazing permittees, and other interested parties.</p>
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	meaningful consultation with the states, local governments, and the affected permittees.	
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Forestry		
Regulation	WGA Policy	Notes
BLM IM 2022-03 – Update and Reissuance of Good Neighbor Authority Policy Guidance	<p>Policy Resolution 2024-02, National Forest and Rangeland Management:</p> <p>Federal agencies should modify Good Neighbor Authority (GNA) guidance for all eligible partners to allow 20-year contracts, retention of timber sale revenue, a broader set of authorized restoration services, and the expenditure of project revenue on non-federal lands.</p> <p>WGA Policy Statement 2025-08, Biosecurity and Invasive Species Management:</p> <p>State invasive species managers and applicable federal authorities should consider using GNA on certain federal lands for cross-boundary collaborative invasive species control, management and eradication programs.</p>	<p>WGA policy contains recommendations for improving the policy contained in this document.</p> <p>IM 2022-03 describes qualifying criteria for GNA projects. While WGA policy generally supports these criteria, it also proposes reforms which would improve GNA project outcomes. Among these reforms are an expanded set of Authorized Restoration Services, permanent authorization of timber sale receipt retention for all partners, and more flexibility in where project revenue can be used. Some of these reforms are at the discretion of the agency, however others may require Congressional action and the agency should consider providing legislative language to Congress. It is also worth noting that 16 U.S.C 2113a authorizes the Secretary of the Interior to enter into GNA agreements with respect to BLM lands; however, recent statutes have expanded GNA into other federal land ownerships which are not yet reflected in U.S. Code.</p>

Species Conservation and the ESA		
Regulation	WGA Policy	Notes
Endangered and Threatened Species: Designation of Experimental Populations Under the Endangered Species Act (88 FR 42642)	<p>WGA Policy Resolution 2024-03 Species Conservation and the Endangered Species Act, states:</p> <p>The U.S. Fish and Wildlife Service should acknowledge that variability in state approaches for conservation of species is acceptable, particularly for species with a wide geographic range, as long as established conservation goals and objectives are met.</p>	<p>WGA policy generally supports this policy.</p> <p>The Endangered Species Act (ESA) Section 10(j) Experimental Populations, especially nonessential experimental populations, allow for more flexible reintroductions of species, as they are subject to fewer restrictions on take than traditional ESA populations. On July 3, 2023, USFWS published a final rule in the Federal Register allowing 10(j) populations to be established outside of their historical range. While this opens the door for introductions into non-native areas, it allows states that wish to engage in ESA recovery to do so, and removes some burden from states in the historical range.</p>
<p>BLM IM 2012-043 – Greater Sage-Grouse Interim Management Policies and Procedures</p> <p>BLM IM 2012-044 – BLM National Greater Sage-Grouse Land Use Planning Strategy</p> <p>BLM IM 2018-021 – Gunnison and Greater Sage-Grouse (including the Bi-State Distinct Population</p>	<p>WGA Policy Resolution 2024-03 Species Conservation and the Endangered Species Act, states:</p> <p>Western Governors support all reasonable proactive management efforts to conserve species and the ecosystems upon which they depend to sustain populations of diverse wildlife and habitats, recover species before they are so imperiled they need Endangered Species Act (ESA) protection, and retain the West’s wildlife legacy for future generations</p> <p>Western Governors believe states should be full partners in listing, critical habitat designations, recovery planning, recovery efforts, and delisting decisions.</p>	<p>WGA policy supports provisions of the three BLM IMs and the 2021 Land Use Plan on Sage Grouse which direct BLM programs to cooperate with states for planning and implementation.</p> <p>WGA has long engaged with BLM to prevent the listing of Greater Sage Grouse under the ESA, including through the Western Governors’ Task Force on Collaborative Conservation. Most recently, the 2021 Management Plan Amendment process resulted in two states signing new amendments, and the remaining unsigned states expressing that they would like to continue the current engagement process,</p>

<p>Segment) Habitat Assessment Policy</p> <p>2021 Land Use Plan Amendments for Greater Sage Grouse</p>		<p>incorporate existing feedback, and not restart the consultations from scratch.</p>
<p>BLM IM 2018-062 – Addressing Hunting, Fishing, Shooting Sports, and Big Game Habitats, and Incorporating Fish and Wildlife Conservation Plans and Information from Tribes, State Fish and Wildlife Agencies, and Other Federal Agencies in BLM NEPA Processes</p>	<p>WGA Policy Resolution 2024-03 Species Conservation and the Endangered Species Act, states:</p> <p>Western Governors believe that federal land management agencies should allow states and tribes to lead in identifying key wildlife migration corridors and habitat in the West, acknowledge the value of multiple-use landscapes, and engage in early and substantive consultation with Governors prior to the promulgation of any policy pertaining to the management of wildlife corridors and habitat.</p> <p>Western Governors believe in applying the best available state-led science and models for precise, data-driven decision making.</p> <p>Western Governors also encourage federal land management agencies to take proactive steps to ensure that management plans and projects are consistent with and supportive of state wildlife migration priorities, programs, and policies.</p>	<p>WGA policy is generally supportive of the policies contained within the IM.</p> <p>The IM directs BLM to consult with states, collect input, and develop a dedicated alternative to Land Use Plans that incorporates state and state association conservation plan goals.</p>

Biosecurity and Invasive Species Management		
Regulation	WGA Policy	Notes
DOI Departmental Manual 517 DM 1 – Integrated Pest Management Policy USFWS Service Manual 569 FW 1 – Integrated Pest Management BOR Reclamation Manual (Policy) ENV P02 – Integrated Pest Management and Invasive Species BOR Reclamation Manual (Directive) ENV 01-01 – Integrated Pest Management and Invasive Species BLM Record of Decision – Vegetation Treatments Using Herbicides (DOI-BLM-WO-2200-2022-0001-EIS)	<p>WGA Policy Statement 2025-08, Biosecurity and Invasive Species Management, states:</p> <p>The Environmental Protection Agency (EPA), U.S. Department of Agriculture, and USFWS should likewise pursue opportunities to streamline the approval of new pesticides and biocontrol species as they are developed and become available.</p> <p>The Executive Branch can support jurisdiction-led rapid response programs by streamlining federal permitting and approval processes for treatment and management actions for new invasive species detections.</p>	<p>WGA policy supports the timely approval of pesticides and biocontrol species for the treatment of invasive species.</p> <p>Despite being already approved for use on USFS lands, several pesticides had to complete a separate EPA approval process for use on BLM lands.</p> <p>Biocontrol species have also become a critical component of integrated pest management regimes, but require research and approval before they can be released.</p> <p>This is an opportunity for the approval process to be streamlined. Further, the DOI guidance on integrated pest management was last updated in 2007, and USFWS guidance was last updated in 2010.</p>
DOI Departmental Manual 524 DM 1 – Invasive Species Management	<p>WGA Policy Statement 2025-08, Biosecurity and Invasive Species Management, states:</p> <p>When possible, federal agencies should look for collaborative projects and funding opportunities that multiply state resources and support locally led biosecurity and invasive species management projects.</p>	<p>WGA policy supports the collaborative process outlined in 524 DM 1.</p> <p>524 DM 1 directs the Department to collaborate with states to prevent the introduction, establishment, and spread of invasive species, in addition to coordinating outreach and messaging.</p>

	Federal agencies are encouraged to expand the use of cooperative agreements with state, territorial, tribal, and local governments and should ensure they are approved in a timely manner and in collaboration with implementing jurisdictional agencies.	
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Water Resource Management		
Regulation	WGA Policy	Notes
BOR Reclamation Manual PEC-P05 – Water-Related Contracts and Charges – General Principles and Requirements	<p>WGA Policy Resolution 2024-07, Water Resource Management, states:</p> <p>Authorization of federal water resources development legislation, proposed federal surplus water rulemakings, and/or storage reallocation studies should recognize natural flows and defer to the states’ legal right to allocate, develop, use, control, and distribute such waters, including but not limited to state storage and use requirements.</p> <p>Water resource planning must preserve state authority to manage water through policies which recognize state law and financial, environmental, and social values of water to citizens of western states today and in the future.</p>	<p>WGA policy supports the deference to state law within PEC-P05.</p> <p>The manual states that source, quantity of supply, and authorized uses for the Bureau of Reclamation must comply with applicable state laws.</p>