

United States Senate  
WASHINGTON, DC 20510

May 11, 2023

The Honorable Tracy Stone-Manning  
Director  
Bureau of Land Management  
1849 C Street NW  
Washington, DC 20240

Dear Director Stone-Manning:

We write to express our serious concerns regarding the Bureau of Land Management's (BLM) proposed Public Lands Rule entitled, "Conservation and Landscape Health," published on April 3, 2023. BLM's proposed rule threatens the longstanding approach governing multiple use on our nation's public lands, and we request that the proposed rule be withdrawn.

As you know, the Federal Land Policy and Management Act of 1976 (FLPMA) provides the statutory direction for the administration of the over 245 million acres of land and 700 million acres of subsurface minerals managed by BLM. Importantly, FLPMA requires BLM to "manage the public lands under principles of multiple use and sustained yield," providing the appropriate balance and certainty for access to the vast federal estate. The proposed rule, however, includes a number of problematic initiatives that will result in limited access to energy production, grazing, recreation, and other statutory uses as mandated under FLPMA.

First, the proposal enables "protection and restoration activities" to be considered as multiple use of public lands under a restrictively defined term of "conservation." This newly created use through regulation raises questions to whether a use identified for "conservation" under the proposed regulation would override a mandated use enshrined in statute. As clearly outlined under FLPMA, Congress intended that, "the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from the public lands including implementation of the Mining and Minerals Policy Act of 1970..." This proposed use under a limited definition of conservation is contrary to the congressional intent to prioritize the productive multiple use of our taxpayer-owned resources.

Additionally, the proposal creates a framework for "conservation leases" without authorization from Congress. The proposal specifically notes that "BLM shall not authorize any other uses of the leased land" that it determines are "inconsistent" with this new framework, thereby interrupting the successful balance of other responsible uses from hunting and grazing, to energy development and recreation. This new leasing regime opens the door for a new, noncompetitive process designed to lock away parcels of land, with no limits to size, for a period of 10 or more years. It's clear that anti-grazing and anti-development organizations would abuse this tool to attempt to halt ranching and block access to our nation's abundant energy reserves located on public lands.

Tellingly, the proposal does not include recognition of the important conservation benefits that grazing permittees bring to our public lands. Grazing provides billions of dollars in ecosystem services and responsibly conserves millions of acres. Yet, there have been continued efforts to target grazing leases on public lands—including by the BLM. In grazing regulatory revisions in the 1990s, BLM attempted to weaponize conservation as a means to decrease grazing levels across the West. Moreover, BLM has repeatedly justified decreases in grazing activities through erroneous assertions that other uses provide more “benefit” to conservation. These past actions, coupled with the lack of transparency with which this proposed rule was drafted, create a valid concern that this proposal will be used to reduce or eliminate grazing on public lands.

We also have strong concerns with the section of the proposal that may prohibit general public and recreational access to federal lands. While this proposal is couched in terms of allowing restoration work, there are no guardrails that would limit the time period of closure or what this closure might look like. It simply reads, “[s]ome public lands could be temporarily closed to public access for purposes authorized by conservation leases, such as restoration activities or habitat improvements.” Without strong protections for public and recreational access, this section would directly contradict the goal of public lands for public enjoyment, and could mean that public access is cut off with little notice.

In this proposal, BLM also requests public comments on whether the rule could include “specific direction to conserve and improve the health and resilience of forests on BLM-managed lands.” We are concerned with the possibility that harmful “specific direction” could be included in a final rule that would effectively block important forest management activities. This concern is heightened by the fact that, at a time when the agency is considering comments on a Request for Information to unnecessarily re-define old and mature forests, the proposal also asks how BLM can foster the resilience of “old and mature” forests. We have major concerns that a nation-wide definition for this complex topic will hamper active forest management, and we believe that the inclusion of this request in this proposed rule reflects a desire to circumvent a robust and transparent process on the original Request for Information. In addition, we are dismayed that active forest management was not expressly acknowledged as a vital way to conserve and maintain healthy forests. At a time when catastrophic wildfires are burning millions of acres per year, it should be a priority of the agency to acknowledge that if we do not cut trees and remove hazardous fuels, they will burn.

Finally, the proposal seeks to expand the designation of Areas of Critical Environmental Concern (ACECs), while limiting public participation in the process. New, unsuitable designations of ACECs could impact large areas of land and result in substantial restrictions on multiple use. When ACEC designation proposals are made, interested stakeholders must be able to fully analyze and comment on the potential impacts of a proposed ACEC and its consistency with the FLPMA. That is why, BLM is currently required to notify the public of proposed ACECs and allow for a minimum 60 days of comment. Troublingly, this requirement would be eliminated by the proposed rule. BLM previously attempted to weaken this requirement through a 2016 rule that was subsequently overturned by Congress.

It is concerning that BLM's May 3, 2023 announced meeting dates included only three in-person public meetings on the proposed rule, with a limited focus for the public "to ask questions that facilitate a deeper understanding of the proposal." You also state in the announcement "[w]e want to hear from our permittees," so at a minimum, it is imperative that BLM hold in-person meetings in every western state to allow our constituents the full opportunity to engage and have their feedback considered.

To summarize, BLM's proposed Public Lands Rule is an effort to empower special interests that have long opposed BLM's statutory mandate by prioritizing non-development over the principles of multiple use and sustained yield. Taking large parcels of land out of BLM's well-established multiple use mandate would cause significant harm to many western states and negatively impact the livelihoods of ranchers, energy producers, and many others that depend on access to federal lands. As such, the proposal should be withdrawn immediately. Thank you for your attention to our concerns.

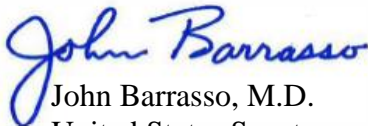
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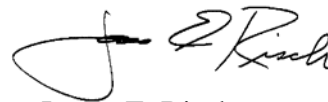
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