

# Congress of the United States

Washington, DC 20515

May 17, 2023

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

Dear Director Stone-Manning:

As the Chairs of the Senate and Congressional Western Caucus representing 128 members of both the House and Senate, we write to express our deep concern with the Bureau of Land Management's (BLM) proposed Public Lands Rule entitled, "Conservation and Landscape Health" published on April 3, 2023. This proposed rule is one of the most significant changes to federal land management since the passage of the Federal Land Management and Policy Act (FLPMA) in 1976. It is imperative that the BLM provide a timeframe for review commensurate with the scope of the proposal. As such, we request the BLM extend the comment period to a minimum of 120 days.

The proposed rule would stretch the original intent and meaning of FLPMA beyond recognition. Under FLPMA, Congress requires the BLM to "manage the public lands under the principles of multiple use and sustained yield." The law specifically defines "principal or major uses" as limited to mineral exploration and production, livestock grazing, rights-of-way, fish and wildlife development, recreation, and timber. By proposing to add "conservation" as a "use" under FLPMA and defining conservation so narrowly as to only encompass restoration and protective actions, the BLM is seeking to avoid their clear responsibility to manage the land for multiple use and sustained yield. Congress expected conservation to be the natural result of managing the land for *sustained* yield.

The establishment of a conservation leasing program and significant expansion of Areas of Critical Environmental Concern (ACECs) are further troubling proposals. Many of these provisions are similar to the BLM Planning 2.0 rule overturned by Congress on a bipartisan basis in 2017 under the Congressional Review Act. These proposed actions appear to be an intent by the BLM to sidestep not only FLPMA, but statutory mandates in the Mineral Leasing Act, the 1872 Mining Law, and the Taylor Grazing Act.

Beyond substance concerns, we have heard from numerous constituents that the process by which this proposed rule was developed was secretive, uninformed, and rushed. It is for this reason that we reiterate our request for an extension of the comment period to a minimum of 120 days to allow careful consideration of the many views related to this consequential proposal.

Sincerely,



Cynthia M. Lummis  
United States Senator



Dan Newhouse  
Member of Congress

cc: Secretary Deb Haaland, U.S. Department of the Interior