

MICHAEL F. BENNET
COLORADO

COMMITTEES:
AGRICULTURE, NUTRITION, AND FORESTRY
FINANCE
INTELLIGENCE

United States Senate

WASHINGTON, DC 20510-0609

WASHINGTON, DC:
261 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5852

COLORADO:
CESAR E. CHAVEZ BUILDING
1244 SPEER BOULEVARD
DENVER, CO 80204
(303) 455-7600

<http://www.bennet.senate.gov>

November 29, 2023

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

The Honorable Tracy Stone-Manning
Director
Bureau of Land Management
U.S Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Haaland and Director Stone-Manning:

From the snow-dusted 14,000-foot peaks of Sunshine and Handies to the depths of the red rock walls in the Dolores River Canyon, the Bureau of Land Management (BLM) oversees some of Colorado's most iconic landscapes. These lands are home to more than 350 developed recreational sites, five wilderness areas, and more than 670 wildlife species. Over 90 percent of these lands are grazed and nearly 20 percent are actively leased for oil and gas.¹ BLM lands in Colorado are also the ancestral homelands of native Tribes and contain more than 55,000 cultural sites. The lands BLM manages are central to Colorado's identity, heritage, and economy. The agency has the critical task of balancing the many uses of these lands for the long-term benefit of the American people.

The proposed *Conservation and Landscape Health* rule (the "Public Lands Rule") is an important step toward ensuring the health of the BLM's lands, but I believe the agency could improve the rule by providing greater clarity and certainty to existing major users of BLM lands.

¹ US Department of the Interior, Bureau of Land Management. *2023 BLM Briefing Book - Colorado*.

I support BLM's much-needed guidance on how to manage lands for conservation uses, including restoration, for long-term ecological benefit. Given the threats of climate change and rapidly spreading invasive species across the American West, the Public Lands Rule modernizes the agency's practices at a critical time. The rule provides the BLM with helpful new tools to protect intact landscapes, restore degraded habitat, and collect new data to ensure better science informs agency decisions. Together, these tools will make our public lands more resilient to increasing ecological stress. Healthier BLM lands will not only benefit our ecosystems, but will also serve a variety of BLM users including grazers, sportsmen, and outdoor recreationists.

I applaud the BLM's inclusion of Tribal consultation and indigenous knowledge and its effort to create additional opportunities for co-stewardship. As the BLM finalizes the rule, it should work directly with Tribal governments to further develop the regulatory language to ensure that it fully advances opportunities for Tribal engagement and respect for Tribal sovereignty.

Although the Public Lands Rule's overall framework is a needed update to agency policy, the BLM can improve the proposed rule to ensure the rule is more effective and durable. Given the significant concerns I have heard from public lands users, the BLM should:

- Explicitly address how the rule will interact with valid existing rights and previously authorized uses, including grazing leases and permits;
- Clarify how the rule interacts with other agency policies at the programmatic, plan, and project levels; and
- Review the rule's provisions to ensure they do not unduly burden recreational use or renewable energy development, including transmission lines.

Conservation leases, in particular, would benefit from several improvements to ensure that they do not impair other major uses of BLM lands, including grazing. The conservation leasing program's success will depend, in part, on the ecological benefits that well-managed grazing can provide and the extent to which the agency actively partners with grazers. I urge the agency to consider the following recommendations to clarify this new tool:

- Rename "conservation leases" to "restoration and mitigation leases" to better reflect the two stated purposes of the new tool;
- Require public review and comment to ensure every conservation lease is established through a transparent public process, and is likely to provide a restoration benefit;
- Provide guidance that conservation leases cannot supersede and should not make economically unviable existing grazing leases or permits;
- Clarify that conservation leases do not preclude active stewardship and management, including grazing and appropriate recreational uses; and
- Explicitly allow grazing permittees to also obtain conservation leases.

In addition to these important substantive clarifications, I have also heard widespread concerns about the BLM's process for developing the rule. I appreciate that the BLM, particularly the Colorado State Office, conducted significant outreach following the publication of the proposed rule, and as the agency finalizes the rule, I encourage it to be responsive to these concerns. To ensure a durable and effective final rule, the BLM should strive to meet the needs of a wide variety of public lands users.

Thank you for your commitment to balancing and improving the management of our public lands. The Public Lands Rule will help keep these vital resources intact and healthy for generations to come. I look forward to seeing an improved finalized rule and working with the BLM to ensure its successful implementation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael F. Bennet". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael F. Bennet
United States Senator