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Overwhelming response to proposed Public Lands Rule presents a difficult task for BLM

Federal agency receives more than 150,000 letters

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A mountain biker enjoys a Bureau of Land Management trail in Eagle. The bureau has proposed a new rule which could expand access to outdoor recreation.

Jeff Woods | Special to the Daily

The Bureau of Land Management's proposed Public Lands Rule, which was announced in late March, has drawn more than 150,000 comments, many of which came in at the last minute.

The Public Lands Rule establishes frameworks for interested parties to pursue [conservation leases](#) with the BLM, with restoration or mitigation as a stated goal of the land use outcome.

A conservation land use would be placed “on an equal footing with other uses,” [according to the BLM](#), in an effort to “help guide responsible development while safeguarding important places for the millions of people who visit public lands every year to hike, hunt, camp, fish and more.”

BLM had targeted an original deadline of June 20 for public comments on the rule, but extended the deadline to July 5 following a June 15 legislative hearing which was held by the House Committee on Natural Resources.

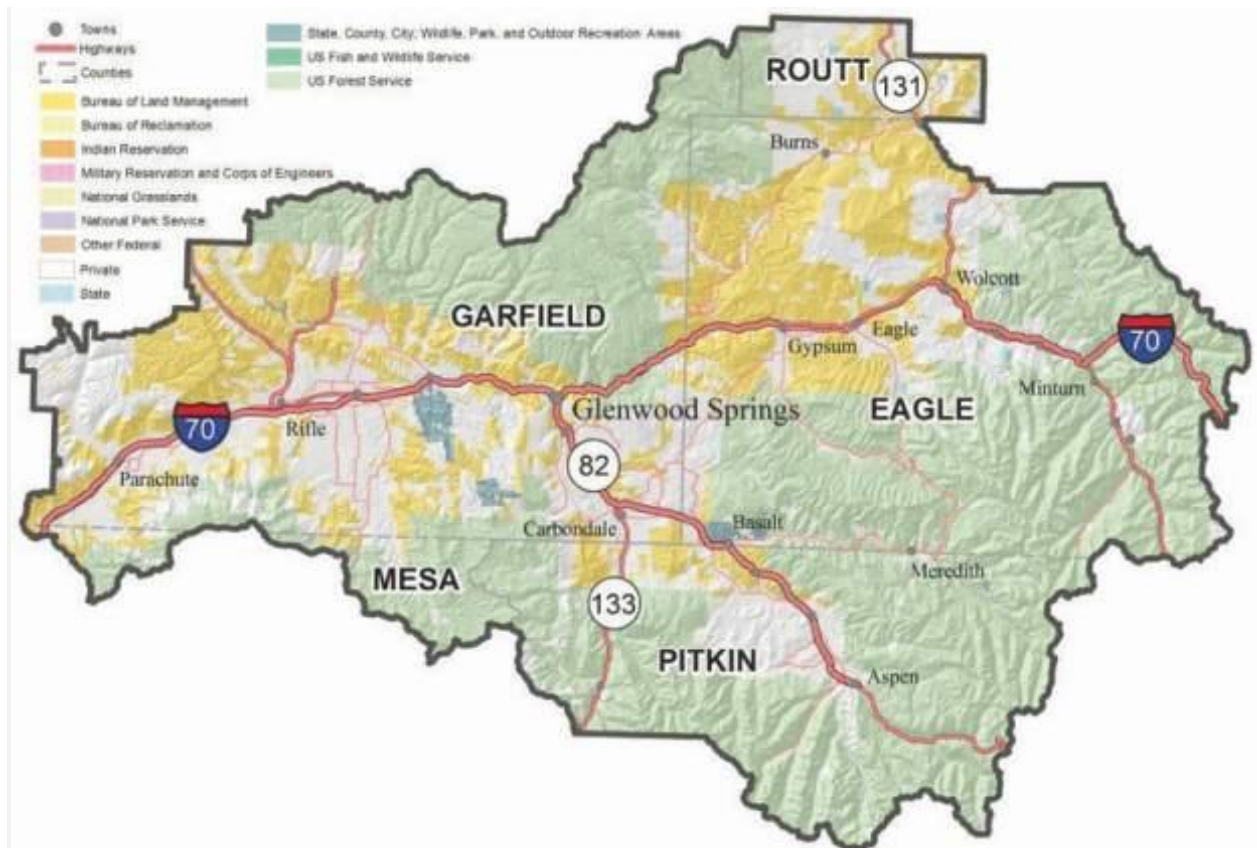
The hearing was in regard to [HR 3397](#), a bill sponsored by Rep. John Curtis, R-Utah, to require the director of the Bureau of Land Management to withdraw the rule. The bill has been introduced in the House and was ordered on June 21 to be amended by the Committee on Natural Resources.

Eagle County Commissioner Kathy Chandler-Henry testified at the hearing, speaking out in opposition of HR 3397. Chandler-Henry said the proposed public lands rule helps with the balancing of demands on natural resources with protecting the mountain ecosystem by clarifying the ability of the BLM to consider conservation values when developing Resource Management Plans.

“It allows us, in concert with the BLM, to manage for resilient ecosystems, especially important in this time of threats to western water and increased wildfire dangers,” she said. “And finally, the public lands rule promotes the BLM’s mission of multiple use and allows collaboration among users, including timber, grazing, extraction, mining and recreation to mitigate and restore our treasured public lands.”

Rep. Joe Neguse, who represents Eagle County in Colorado’s 2nd Congressional District, has [spoken out](#) on behalf of the Public Lands Rule, [as has Sen. John Hickenlooper](#).

Rachel Gabel with the Fence Post [reported that South Dakota Gov. Kristi Noem testified](#) in favor of HR 3397 at the hearing, saying nearly 98% of BLM surface lands in South Dakota are grazed by permittees; her state hosts 76 actively producing oil and gas leases that cover 36,762 acres; and the acres managed by the BLM provide recreation opportunities.



This map shows the boundaries of the Bureau of Land Management’s Colorado River Valley field area. Areas in yellow are BLM land. Areas in green are national forest, areas in turquoise are state land, and areas in white are private land. Bureau of Land Management |

Noem said the rule creates unnecessary competition for other approved uses and opens the door for conservation leases to be purchased by outside groups that do not adhere to or embrace the mission of federal land use, including activist groups.

Wyoming Gov. Mark Gordon said the proposed rule was “rushed forward without material input from Wyoming or other states,” and Gordon called on the Department of Interior and BLM to extend the comment period.

Shortly after the June 15 hearing, the BLM announced a 15-day extension of the comment period, bringing the total comment period to 90 days.

Gordon said in fiscal year 2021, the BLM authorized over 1.4 million Animal Unit Months or on public lands, more than any other state, and that grazing is done under tight regulation and with a dedication to personal responsibility to ensure land stewardship while supporting a domestic food supply.

But other groups have challenged that assertion, including the whistleblower group Public Employees for Environmental Responsibility, saying one-third of the grazing lands administered by the BLM are not assessed for their effect on the environment.

Among the late-breaking comments was an extensive letter – submitted on the final day of the comment period by Public Employees for Environmental Responsibility along with Western Watersheds Project, Wilderness Watch, WildEarth Guardians, Project Eleven Hundred, Prairie Hill Audubon Society, Great Old Broads for Wilderness, and the Center For Biological Diversity – which said the promotion of livestock grazing should not be considered a restoration practice.

“Decades of scientific research, including the BLM’s own determinations about the current health of the public lands it manages, indicate that livestock grazing almost always has a deleterious impact on ecosystem function, fish and wildlife populations, native plants, invertebrates and pollinators, and recreational opportunities,” according to the letter. “Livestock grazing also contributes substantially to biodiversity loss and global climate change, and reduces the capacity of BLM lands to withstand climate-related impacts. ... The concept of ‘properly managed grazing’ as conservation is a myth that the BLM must clearly dispatch in the context of this rule and the upcoming grazing regulations.”

The BLM has targeted December as a deadline to make a decision on the rule and now faces the daunting task of reading all the letters. In total, the BLM received 152,673 letters.

The Center for Western Priorities analyzed a random sample of 10,000 of the comments and determined that 92 percent of the comments encouraged the Interior Department to adopt the Public Lands Rule as written or strengthen its conservation measures.

“4.5 percent of comments encouraged the department to withdraw or significantly weaken the rule,” according to the Center for Western Priorities. “Another 3.5 percent of comments did not express a clear opinion in support or opposition to the rule. The statistical analysis has a margin of error of ± 0.5 percent.”

Chandler-Henry followed her testimony with [a column in the Colorado Sun](#) that also ran in the Vail Daily and other Colorado news outlets, in which she said her experience growing up in Eagle and spending time on her family’s ranch instilled in her a conservation ethic to protect these places for future generations to enjoy.

“Our well-loved public lands, ranching heritage, and thriving outdoor recreation economy make Eagle County a uniquely desirable place to call home, raise a family, ski, hike, boat, hunt or fish,” she said. “But we are in danger of loving these lands to death. Our public lands are challenged by the impacts of a changing climate, continued population growth, and increased demand for natural resources, development, and outdoor recreation.”