June 20, 2023

Re: House National Resources Committee Markup on H.R. 3397

Dear Chairman Westerman, Ranking Member Grijalva, and members of the House Natural Resources Committee,

On behalf of the 78 undersigned organizations, we urge you to oppose H.R. 3397. This dangerous legislation circumvents the administrative process and stifles public input, ignores the law, and halts an overdue update which seeks to balance management at the Bureau of Land Management (BLM).

The draft Public Lands Rule introduced by the BLMt in March does not preclude any uses, as the messaging around H.R 3397 would have you believe. Rather, it puts conservation on equal footing with grazing, mining and energy production, and promotes restoration, provides for responsible development, and conserves intact healthy landscapes. The rule also provides for compensatory mitigation and improves land health; vital tools to ensure responsible renewable energy projects proceed and that the BLM may continue to produce a sustained yield for American taxpayers.

Since the release of the draft rule, there have been inaccurate claims made that it is illegal and inconsistent with the BLM's "multiple use and sustained yield" mission. In response to these claims, several legal scholars with expertise in public land management and administrative law issued the following statement:

> *The BLM's proposed public lands rule is entirely consistent with Congress's requirement in federal law that BLM manage the public lands for conservation as well as consumption; that is, "for multiple use and sustained yield." Congress expressly stated that conservation includes "protect[ing] the quality of the scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archaeological values."*[1]

Additionally, BLM is currently accepting public comment for the proposed rule. Moving forward with this legislation would effectively end public input on the federal process, eliminating a comment period that was extended by fifteen days just last week at the request of Congress. As of June 19, nearly 120,000 Americans have voiced their opinions on the rule through public comment. It is critical that we allow this process to play out as intended and ensure each of those voices are heard.

Finally, this bill sets a dangerous precedent by prohibiting BLM from taking "*any action to finalize, implement, or enforce"* the proposed rule or *"any substantially similar rule."*[2] This

[1] Legal Experts Weigh-in on the Legality of the Bureau of Land Management Public Lands Rule[2] H.R.3397 - To require the Director of the Bureau of Land Management to withdraw a rule of the Bureau

of Land Management relating to conservation and landscape health
legislative poison pill undermines agency expertise in future public land management efforts. In the face of increasing wildfire, drought and increasing challenges ahead, tying the hands of the agency going forward to manage resilient landscapes,protect clean water and functioning watersheds, allow for durable mitigation for renewable energy development on public lands with robust community input is reckless and irresponsible.

For these reasons, we urge you to vote no on H.R. 3397.

Sincerely,

Alabama Rivers Alliance
Alaska Wilderness League
Action Alta Peak Chapter of California Native Plant Society
American Bird Conservancy
Buffalo Field Campaign
Californians for Western Wilderness
CalWild
Center for Biological Diversity
Civilized Humanity
Colorado Farm & Food Alliance
Colorado Wildlands Project
Conservation Colorado
Conservation Lands Foundation
Corday Natural Resources Consulting
Creation Justice Ministries
Defenders of Wildlife
Earthjustice
Endangered Habitats League
Endangered Species Coalition
For Love of Water (FLOW)
Freshwater Mollusk Conservation Society
Friends of Blackwater, Inc.
Friends of Gilham Butte
Friends of Heber Valley
Friends of Nevada Wilderness
Friends of the Dunes
Friends of the Inyo
Friends of the River
Georgia Interfaith Power and Light
Grand Canyon Trust
Great Egg Harbor Watershed Association
Great Lakes Wildlife Alliance

Great Old Broads for Wilderness
Great Old Broads for Wilderness Tucson Broadband
Greater Yellowstone Coalition
GreenLatinos
High Country Conservation Advocates
Hispanic Access Foundation
Honor the Earth
Idaho Conservation League
Idaho Rivers United
John Muir Project of Earth Island Institute
Kettle Range Conservation Group
League of Conservation Voters
Los Angeles Audubon Society
Los Padres ForestWatch
Micah Six Eight Mission
National Federation of Federal Employees
National Wolfwatcher Coalition
Natural Environments, Inc.
Natural Resources Defense Council
New Hampshire Audubon
New Mexico Wild
Northeastern Minnesotans for Wilderness
Nuestra Tierra Conservation Project
NY4WHALES
Oregonians For Wild Utah (OFWU)
Predator Defense
Project Eleven Hundred
Resource Renewal Institute
Rocky Mountain Wild
Rural Utah Project
Sierra Club
Soda Mountain Wilderness Council
Southern Utah Wilderness Alliance
Standing Trees
The International Wildlife Coexistence Network
The Urban Wildlands Group
The Wilderness Society
Utah Physicians for a Healthy Environment
Voices of Wildlife in New Hampshire
Waterkeeper Alliance
Waterkeepers Chesapeake
Western Slope Conservation Center
Wild Arizona

Wild Montana
Winyah Rivers Alliance
Wyoming Wilderness Association