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June 13, 2024

The Honorable Tracy Stone-Manning
Director
Bureau of Land Management
1849 C Street, N.W.
Washington, D.C. 20240

Dear Director Stone-Manning,

I write regarding the Bureau of Land Management's (BLM) Greater Sage-Grouse (GRSG) Rangewide Planning Draft Resource Management Plan Amendment and Draft Environmental Impact Statement (Draft RMPA/EIS). Specifically, I am deeply concerned about the implications of implementing an RMPA/EIS that negatively impacts management and development of federal lands and resources, and wrongfully targets essential revenue-generating activities in the name of allegedly "protecting" the GRSG population. In reality, this proposal is simply a way for the Federal Government to control more land and prevent energy-related activities.

This draft EIS considers 77 BLM RMPs across the range of the GRSG, analyzes six alternatives for adjusting GRSG management on BLM land and impacts both the BLM surface estate as well as BLM-administered subsurface mineral rights directly underlying nonfederal ownership. This RMPA/EIS will influence land management strategies on 121 million acres of land across ten western states. I understand that the current RMPA/EIS includes a preferred alternative that does not increase the number of Areas of Critical Environmental Concern (ACECs). That being said, I am concerned about the fundamentally unlawful manner that BLM is developing the sage grouse plan in violation of the Federal Land Policy and Management Act (FLPMA) and the Congressional Review Act (CRA).

At the end of the Obama Administration, the BLM attempted to make fundamental changes to how it conducted land use planning under FLPMA through new regulations that it titled "Planning 2.0." Through this rulemaking, the BLM tried to discard the allocation of planning responsibilities to local BLM authorities by taking a more centralized approach when crafting resource management plans, which was not the intent behind FLPMA. Rather, these plans are to be tailored to the specific needs of local field offices. According to FLPMA, *"A resource management plan shall be prepared and maintained on a resource or field office area basis, unless the State Director authorizes a more appropriate area" (43 CFR § 1610.1(b)).* Planning should therefore involve direct input from states and local governments since BLM regulations require that it remain geographically local in its planning efforts.

In 2017, Congress passed, and the President signed into law, a joint resolution pursuant to the CRA disapproving of the BLM's Planning 2.0 rule. As you know, if a joint resolution of disapproval becomes law, not only does the current rule have no force or effect, but the BLM is prohibited from issuing a rule in "substantially the same form."[1] Yet, BLM is trying to do just that with the current proposed rule, in violation of the CRA. It is substantively the same in its reach across state boundaries and infringement on FLPMA's requirement that these plans be tailored to the specific needs of local field offices. This is on top of the FLPMA concerns I have previously raised. This RMPA/EIS amends 77 RMPs across ten western states, and through its geographical reach, is substantially the same as the "Planning 2.0" rule. Clearly this highly centralized, multi-state planning effort is not in line with the CRA and other federal laws.

This RMPA/EIS negatively impacts management and development of federal lands, wrongfully targets essential revenue-generating activities, and is in violation of multiple federal laws. I respectfully request that the BLM withdraw this proposed rule and pursue a more localized planning effort.

Sincerely,

Harriet M. Hageman

Harriet M. Hageman
Member of Congress

[1] 5 U.S.C. 801(b)(2)