



July 3, 2023

Congressman John Curtis
2400 Rayburn House Office Building
Washington DC 20515

RE: Withdrawal of BLM Conservation and Landscape Health Rule
HR- 3397

Dear Congressman Curtis:

Please accept this correspondence as the **vigorous** support of the motorized community for HR 3397 requiring the withdrawal of the BLM Conservation and Landscape Health Proposal Docket # 1004-AE-92. The BLM Proposal appears to be more of a jumbled planning wish list to benefit conservation interests than a coherent revision to planning efforts that aligns with multiple uses. This poorly researched and jumbled Proposal fails to satisfy many basic requirements of rulemaking but allows legal public access to

areas be lost as it is only “Casual Usage” despite access being sustainable after 50 years of NEPA analysis. The Organizations are vigorous supporters of sustainable recreational opportunities on public lands. **Our state level voluntarily created registration programs have provided billions of dollars nationally for protection of sustainable recreational resources** over the last several decades and often these efforts were occurring with BLM involvement and support. Despite decades of significant support for BLM efforts, the BLM’s Conservation and Landscape Health Rule lays out a path forward that identifies recreation as landscape level threat to public lands. This foundational blunder results in management that would greatly impair recreational access and generally dismisses recreation as a “casual usage” of public lands. Rather than identifying a long-term partner and protecting a valid usage of the lands that may have been subjected to 50 years or more of NEPA analysis, our interests are seen as a threat.

This oversight results in a BLM Sustainability Rule provides a management structure that fails to align with our programs that have existed for decades. This poor alignment precludes our interests from any of the possible benefits of the Rule, such as the creation of saleable conservation credits with leases. A saleable credit from our current efforts could be very valuable to our programs, as this would provide more funds to be used to improve sustainable recreational opportunities. Unfortunately, the Rule seeks to allocate these credits based on a lease concept simply does not align with anything we are doing on the ground and reflects a concept of exclusive usage of leased lands as part of the conservation effort. This will simply result in closures, more paperwork and barriers to our efforts. This is simply a disappointment on many levels and is evidence of a foundational flaw in analysis for the Proposal.

The foundational flaws in the BLM Sustainability Rule that result from the Proposal’s highly generalized assertions of its compliance with various Statutory and Executive Order planning requirements continue when the economic analysis provided with the Rule is reviewed. The Rule’s conclusion it will have such minimal economic impacts to not even warrant further economic analysis is simply astonishing. This conclusion is reached after 5 pages of very generalized analysis and is silent in addressing any large-scale contributions or possible impacts. Despite repeated requirements that detailed economic analysis be provided in planning statutes and Executive Orders, which the Rule asserts to be following, there is no mention that recreational usage provides almost 10% of the economic contribution of BLM lands to communities across the Country. In many States with larger areas of BLM lands, this economic contribution increases to more than 25%. These types of failures will result in massive unintended impacts during implementation of the Rule.

The BLM Conservation Rule continues with planning based on an incorrect legal foundation with its assertion that conservation is not a use of public lands, as conservation is not defined under FLPMA and Multiple Use Sustained Yield Act. The problematic nature of the BLM assertion is evidenced by the fact the US Fish and Wildlife Service has repeatedly stated conservation is a use of public lands. The USFWS reaffirmed this position on June 28, 2023 again which was during the open comment period on the BLM Conservation Rule. Given this situation, we must question the accuracy and urgency of any assertion in the BLM Conservation Rule, as DOI agencies should at least be aligned on an issue of this magnitude.

The BLM conservation rule overlooks the Fish and Wildlife Service's accurate assertion that conservation is the only use that Congress has elevated above a multiple use of public lands through the Endangered Species Act. The ESA defines conservation and is applicable to EVERY acre that BLM currently manages. Conservation is also woven throughout almost every step of planning and is the target of numerous Congressional designations such as Wilderness, National Recreation Areas, National Conservation Areas, Areas of Critical Environmental Concern and similar designations. Conservation is occurring on federal lands daily as exemplified by the almost decade of planning that has been performed around the Sage Grouse. The horribly inaccurate factual basis of the Rule will cause immense problems during implementation and will reduce legal access to public lands for all forms of recreation.

Our final reason for supporting HR 3397 is the difference in the vision and direction that has been laid out between the BLM Sustainability Proposal and the USFS Sustainability Proposal. We are cautiously supporting the USFS Proposal as it lays out a viable, collaborative path towards increased sustainability that protects multiple uses. This vision from a sister agency highlights how off course the BLM proposal truly is. Our concerns over the Proposal are wide ranging and only briefly outlined in this letter. Each of these concerns are a foundational problem that would warrant the withdrawal of the Rule in isolation. The need to withdraw the Rule on expands when the cumulative impacts of these failure are reviewed. If you have questions, please feel free to contact Scott Jones, Esq. (518-281-5810 / scott.jones46@yahoo.com) or Fred Wiley (661-805-1393/ fwiley@orba.biz).

Respectfully Submitted,



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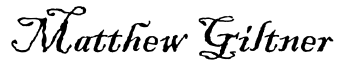
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