



July 3, 2023

Tracy Stone-Manning
Director
Bureau of Land Management
1849 C Street NW
Washington, D.C. 20240

Dear Director Stone-Manning,

The Congressional Sportsmen's Foundation (CSF) writes today regarding the Bureau of Land Management's (BLM) proposed rule entitled "Conservation and Landscape Health" (proposed rule). While CSF fully supports efforts to promote conservation and improve the health of our public lands, CSF is concerned about the consequences this proposal could have on sportsmen and women, whose actions are central to conservation efforts throughout the United States, and other users of America's public lands.

Conservation as a Use

CSF questions the necessity of this rule to enhance the health of our public lands and to ensure the future of multiple uses and sustained yield from those lands. As you are aware, the Federal Land Policy and Management Act of 1976 (FLPMA) addresses the term "use(s)" in two sections. In Section 103(c), the act of conservation as a management action is to ensure that "multiple uses" can occur is addressed through the mandate for "harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output." Conservation is not a use unto itself but rather an overarching guide on how the public lands should be managed to allow for "multiple use". In this section, it is already recognized that "diverse resource uses ... and natural scenic, scientific and historical values" will be managed through the conservation actions required for "long-term needs of future generations" and "without permanent impairment of the productivity of the land and the quality of the environment". Additionally, in Section 103(l), "principal or major uses" are already statutorily defined and are "limited to domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production". Conservation is not a recognized "use" as it is a mechanism that is employed by the BLM to allow for the proper management of the public lands to permit the recognized "uses" to occur. In recognition of FLPMA, CSF poses that conservation is a core component of the current BLM mission.

Again, CSF believes that "conservation" is already authorized and mandated under FLPMA to ensure land health and sustained yield, however, we do not believe it is the intent of FLPMA to define conservation as a specific "use". Conservation is accomplished through the employment of a suite of tools and practices designed to meet a certain objective (e.g., controlled grazing or timber harvest practices designed to promote rangeland and forest health, respectively). Given the multitude of land management actions that contribute to conservation, the hunting-

conservation community, including CSF, views “conservation” as a scientific process of land management that allows for the uses of hunting, fishing, trapping and recreational shooting, among others, to occur rather than as a use unto itself.

The proposal to recognize conservation as a separate use conflates this overarching concept with the actual uses that contribute to the omnipresent concept of conservation, and therefore unto itself is misapplied. The subtle misapplication of the term undermines Congressional authority and has the potential to lead to needless litigation, thereby draining public dollars away from the necessary management actions (“uses”) that contribute to the overall conservation of BLM lands.

While CSF fully supports promoting conservation in the true sense of the term, conservation unto itself is not a use. Rather, conservation is the outcome accomplished through the continued ongoing scientific management actions that allow for the sustainability and therefore continuance of the multiple uses as enumerated by FLPMA.

Conservation Defined

CSF is troubled by the integration of the vaguely defined term “protection” into the definition of conservation throughout the proposed rule, which must be scrutinized to ward off the warping of the true meaning of conservation and prevent unintended litigious consequences. The proposed rule defines conservation “to include both protection and restoration activities...” and “It also advances tools and processes to enable wise management decisions based on science and data”. CSF is uneasy about the inclusion “protection” as well as the fact that “protection” proceeds “wise management decisions” in the BLM’s definition of conservation. There is a history of efforts designed to undermine the “wise use” definition of the term “conservation” and promote a “preservationist” concept of conservation. More specifically, CSF is concerned that including protection in any definition of conservation, but even more so for the purposes of the proposed rule, could potentially restrict select uses of our BLM lands as well as some of our long-standing conservation practices that restore and enhance the health of our lands and waters. The distortion of the definition of conservation also has the potential to restrict active management tools that are necessary to restore land health.

The muddling of the term “conservation” furthers the drift towards a preservationist concept of “protectionism” of our public lands. Although these concepts of federal land management have often worked in a tense synchrony, this shifting of the term conservation has the potential to undo that Congressionally recognized difference and longstanding, successful balance of management views of our public lands. CSF would point to the definition of conservation as codified by Gifford Pinchot, Chief of the U.S. Forest Service and one of the fathers of the American conservation movement, who stated the purpose of conservation is to produce “the greatest good for the greatest number for the longest time,” with sound science as the recognized tool to accomplish this objective. Importantly, the Pinchot definition of conservation, which is now widely accepted and practiced, does not mention “protection”, but rather focuses on the wise and sustainable use of our resources to ensure sustained yield.

Conservation Leases

The centerpiece of the proposed rule is “conservation leases”, the mechanics of which are very unclear. Again, CSF believes that conservation, and by extension conservation leases, are a management tool to allow for Congressionally authorized FLPMA uses to occur and cannot be a use unto itself. With that in mind, CSF questions the necessity of conservation leases to achieve the sustained yield of multiple uses. We believe that FLPMA provides the authority necessary to implement conservation practices without the need to establish conservation leases. CSF questions what gaps currently exist and what is unavailable to the BLM to meet conservation outcomes that improve land health and ensure the future of multiple uses. For example, shared stewardship agreements have a proven track record that meet the conservation goals laid out by the BLM in the proposed rule. This begs the question of why the BLM needs a new program to conserve and restore public lands and what cannot be achieved through existing policies and programs. Dedicated “conservation leases” overlook the conservation values of current uses and could restrict true conservation in exchange for preservation efforts that could limit access opportunities for sportsmen and women and other users of BLM lands.

For example, grazing leases, when applied appropriately, provide critical forage for our nation’s cattle producers. However, such grazing leases can provide enormous conservation benefits in grassland ecosystems that, otherwise, would be deprived of important disturbance mechanisms that arrest ecological succession and maintain the prevalence of such ecologically important grasslands on the landscape while helping mitigate against the effects of conservation challenges such as climate change that make such grasslands more susceptible to dangerous and destructive wildfires. Similar conservation benefits are realized through active forest management efforts, including timber harvest, on BLM lands. Under this proposal, such conservation, and important economic opportunities may be compromised in favor of ineffective preservation efforts supported on ill-defined “conservation leases.”

Beyond the necessity of conservation leases, CSF is very concerned as to the lack of clarity surrounding the proposed conservation leases. The proposed rule “would provide a framework for the BLM to issue conservation leases on public lands for the purpose of pursuing ecosystem resilience through mitigation and restoration”. Furthermore, the proposed rule states “The BLM will determine whether a conservation lease is an appropriate mechanism based on the context of each proposed conservation use and application, not necessarily as a specific allocation in a land use plan”. Unfortunately, the proposed rule does not provide any insight into how the BLM will determine what is considered “an appropriate mechanism”. For conservation leases to be successful, the BLM will need to work with stakeholders and users of public lands to develop clear, realistic guidelines that do not inadvertently elevate one use over another.

The BLM specifically seeks input as to whether state fish and wildlife agencies should also be eligible for holding conservation leases. CSF supports the inclusion of the state fish and wildlife agencies as eligible entities, especially in light of the fact that individuals, businesses, and non-governmental organizations, some of whom may fundamentally oppose certain multiple uses of BLM lands, including sporting-conservation activities, would be given rights to conservation leases. State fish and wildlife agencies have long been recognized as the one of the primary and most effective managers of fish and wildlife in the United States. These agencies are staffed by

well-trained specialists with professional and educational expertise ranging in biology, ecology, environmental science, law enforcement, land management, and other critical disciplines that are necessary to properly manage the complexities of our fish and wildlife resources. State fish and wildlife agencies carry out on-the-ground conservation efforts and possess an intimate understanding of their respective states' conservation priorities. These state agencies engage with sportsmen and women and other constituents that value wildlife to ensure that our natural resources are being maximized for the benefit and enjoyment of the public, which is wholly consistent with the stated goals of the proposed rule. State fish and wildlife agencies must be eligible entities and consulted for any conservation lease.

Additionally, the BLM seeks input as to whether the rule should clarify what actions conservation leases may allow, which is strongly supported by CSF. Currently, the vagueness around the conservation leases in the proposed rule is causing significant uneasiness amongst the users of BLM lands, including hunters, anglers, trappers and recreational shooters. Providing more clarity is critical to ensuring success. However, providing clarity should only occur after the BLM has consulted with the users of these lands and those who will be impacted and/or participating in the conservation leases. CSF is concerned that many important stakeholders, including some of whom are dependent on the BLM for their livelihoods, were not consulted in the development of this effort.

Finally, the proposed rule defines "casual use" as "any short-term, noncommercial activity that does not cause appreciable damage or disturbance to the public lands or their resources or improvements and that is not prohibited by closure of the lands to such activities". The proposed rule also states that recreation may be considered casual use but does not explicitly state what types of recreation. CSF strongly encourages the BLM to ensure that all state sanctioned hunting, fishing, trapping, and recreational shooting related activities are considered a casual use. CSF believes it is wholly appropriate to question if recreational access could be limited if these types of activities are determined incompatible with a conservation lease.

Summary

In summary, the Congressional Sportsmen's Foundation cannot support the proposed rule in its current form. CSF encourages the BLM to revisit conservation as a designated use of BLM lands, revise the current protectionist language included in the definition of conservation, revisit the necessity of conservation leases, and work with state fish and wildlife agencies, sportsmen and women, and other users of public lands before any further actions are taken.

Sincerely,

A handwritten signature in black ink that reads "Jeff Crane". The signature is written in a cursive, flowing style.

Jeff Crane
President and CEO
Congressional Sportsmen's Foundation