

Congress of the United States

Washington, DC 20515

June 30, 2023

Re: Docket ID No. BLM-2023-0001-0001

On April 3rd, the Bureau of Land Management proposed a Conservation and Landscape Health rule that will lock up swaths of public land for “conservation leases”. This rule is just another example of the Biden Administration weaponizing the government to appease radical environmentalists at the expense of the people of Montana. This expansive rule will limit recreation, timber, grazing and important energy development on public land. Even more consequential for my constituents is the effect this rule will have on cattle ranching as it will require Montanan ranchers to compete with coastal corporations for the limited number of available leases. Over 143,000 comments have already been submitted regarding this rule, making it patently clear that the public is extremely concerned about the potential impact of this rule on their livelihoods and their community’s economic future. Furthermore, the BLM limited public input on this disastrous rule by only allowing five public forums in urban city centers rather than the communities that would be impacted by this rule. At these poorly located forums, the agency did not even provide concerned stakeholders with any opportunity to ask the present federal employees any questions related to the rule.

This rule is at odds with the Federal Land Policy and Management Act that requires the BLM to have a “multiple use” policy on public lands. The rule is in direct violation of existing law and limits the economic activity on land that Montanans rely on for their livelihoods. Even more over, this rule conflicts with the Taylor Grazing Act which allows for sustainable and productive grazing on federal land. The Taylor Grazing Act establishes grazing districts that use permits to regulate public land use and prevent overuse, this rule threatens my constituent’s ability to do just that. The BLM claims that this rule is necessary because our lands are increasingly degraded and fragmented due to climate change. However, after looking at the science and talking with those who actually live and work near these lands, I see no evidence to support the BLM’s activist environmentalist claims.

The Regulatory Flexibility Act (RFA) requires that when an agency publishes a rule in the Federal Register, it must solicit feedback and comments from the affected entities and the Small Business Administration’s Office of Advocacy as well as publish an initial regulatory flexibility analysis to demonstrate the rule’s impacts on those

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entities.¹ BLM completely ignored this rule and improperly claimed and certified that this rule would have no significant impact upon these entities.² The BLM argues that this rule will not “override valid existing rights...”³, however it does present restrictions on future uses of the land and allows for non-government organizations to buy leases and pay to conduct restoration work on the land, preventing those who rely on the land for work and economic opportunities access to those leases.

I seek to remind Secretary Haaland and the Bureau of their “multiple use” obligations and implore them to look towards the devastating impacts this rule will have on my state I urge the BLM to withdraw this harmful rule and repurpose it only after BLM takes the proper steps under the RFA and considers all effected stakeholders and the severe economic impacts that will result from this rule. Furthermore, any and all reconsideration must be in accordance with the FLPMA and Taylor Grazing Act which this proposed rule is clearly not.

Sincerely,



Rep. Matthew M. Rosendale (MT-02)

¹ 5 U.S.C. §§ 609(a)-(b); 5 U.S. Code § 603(a) (“Whenever an agency is required by section 553 of this title, or any other law, to publish general notice of proposed rulemaking for any proposed rule...the agency shall prepare and make available for public comment an initial regulatory flexibility analysis.”)

² 88 Fed. Reg. at 19594 (“For the purpose of conducting its review pursuant to the RFA, the BLM believes that the proposed rule would not have a ‘significant economic impact on a substantial number of small entities,’ as that phrase is used in 5 U.S.C. 605.”).

³ <https://www.federalregister.gov/documents/2023/04/03/2023-06310/conservation-and-landscape-health>