



2005 Market Street, Suite 2800 P 215.575.9050
Philadelphia, PA 19103-7077 F 215.575.4939

901 E Street NW, 10th Floor P 202.552.2000
Washington, DC 20004 F 202.552.2299
pewtrusts.org

February 13, 2017

Dear Senator:

As early as this week, the Senate may consider H. J. Res. 44, a resolution to overturn the Bureau of Land Management's (BLM) 2016 land-use planning rule. The Pew Charitable Trusts opposes this effort to reduce agency transparency and limit the public's ability to have a say in how their public lands are managed, and we urge you to vote against it.

BLM's rule, often called "Planning 2.0," establishes procedures for preparing, revising, or amending land use plans, and provides new opportunities for stakeholders to participate in the early stages of developing plans. This means that states and counties, scientists, ranchers, hunters and anglers, miners, hikers, boaters, the energy industry and other users of the public lands will have more information on what a plan will cover and will be able to express their hopes and concerns about the plan.

Increased public participation will ensure that the BLM has the best available information at the start of the planning process, before issuing draft management plans. The broad consideration of issues at this earlier stage is expected to reduce controversy later in the planning process, and reduce litigation after the plan is issued.

Planning 2.0 also includes steps to ensure that important fish and wildlife habitats, such as migration corridors and intact habitats, are identified early in the planning process so these important areas can be managed and conserved as the agency makes decisions about development, recreation and other public land uses.

The rule also includes good government provisions such as improved potential for better interagency communication, and steps that increase efficiency and ease burdens on the public.

Many concerns that were raised about an earlier draft of the rule were addressed and corrected in the final rule. For example, the public comment period once a draft plan is released is now 100 days – more than the previous 1983 regulations or the original 2015 proposal allowed. The final rule also takes meaningful steps to accommodate requests from local governments and the public to improve the process, preserving the special role of state, local and tribal cooperating agencies, as specifically required by the Federal Lands Policy and Management Act.

Passage of H. J. Res. 44 would force BLM to return to its previous, long-outdated planning rule, which was published in 1983. Of additional concern is that the Congressional Review Act prohibits the agency from writing a new rule that is "substantially the same" without additional legislative action. As a result, many good aspects of Planning 2.0 would be precluded from

being enacted indefinitely, thereby stripping incoming Secretary of the Interior Ryan Zinke of his authority to reformulate the rule.

We strongly urge Senators to work with the new administration to make refinements to a planning process that many stakeholders championed. If H. J. Res. 44 is enacted, the BLM would be forced to continue using outdated guidelines for land-use planning, which keep the public and development interests alike in the dark until very late in the planning process.

If you would like further information regarding Pew's position on this resolution, please feel free to contact me at 503-460-9453.

Sincerely,

A handwritten signature in blue ink that reads "Ken Rait". The signature is written in a cursive, flowing style.

Ken Rait, Director
U.S. Public Lands