November 10, 2025

U.S. Department of the Interior
Director (630)
Bureau of Land Management
1849 C St. NW, Room 5646
Washington, DC 20240
Attention: 1004-AF03

Regarding: Rescission of Conservation and Landscape Health. Docket (BLM-2025-0001).

Dear Director Burgum, Director Groffy, and BLM Planning Team,

Utah Public Lands Alliance (UPLA) is writing to provide public comment on proposed Rescission of the Conservation and Landscape Health Rule[1] (CLHR or Rule). The entirety of our membership live near and/or recreate throughout the 22.8 million acres of public land that is managed by the Bureau of Land Management (BLM) in Utah, as well as BLM-managed public lands throughout the rest of the USA. Our members are directly impacted by the framework of BLM procedures and rulemaking as related to all facets of BLM public land management. Thus, our members are among the millions of people who will be impacted by the outcome of this Rule. This letter of comment shall not supersede the rights of other UPLA agents, representatives, or members from submitting their own comments; the BLM should consider and appropriately respond to all comments received for the Rule.

UPLA is a non-profit organization representing over 5,800 members, in addition to speaking out for 69 OHV clubs and organizations. We advocate for responsible outdoor recreation, active stewardship of public lands, and encourage members to exercise a strong conservation ethic including "leave no trace" principles. We champion scrupulous use of public lands for the benefit of the general public and all recreationists by educating and empowering our members to secure, protect, and expand shared outdoor recreation access and use by working collaboratively with public land managers, all recreationists, and other public land stakeholders. Our members participate in outdoor recreation of all forms to enjoy federally and state managed lands throughout Utah, including BLM managed public lands. UPLA members visit public lands to participate in motorized and human-powered activities such as off-roading, camping, hiking, canyoneering, horseback riding, sightseeing, photography, wildlife and nature study, observing cultural resources, and other similar pursuits on a frequent and regular basis throughout every season of the year. UPLA members and supporters have concrete, definite, and immediate plans

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to continue such activities in BLM-managed public lands throughout Utah and the USA for the indefinite foreseeable future.

I, Rose Winn, am an avid outdoor recreation enthusiast and anthropologist; hiking, backpacking, backcountry horseback riding, camping, rock climbing, off-roading, fishing, forage of wild herbs and plants for medicinal uses, and exploration of cultural and archeological sites and artifacts on public lands are among my core areas of activity and interest. I serve as the Natural Resources Consultant for Utah Public Lands Alliance (UPLA), a non-profit organization dedicated to keeping offroad trails open for all recreation users. While my profession allows me to advocate to protect public access to public lands for all stakeholders and multiple-uses, I also work as a volunteer on conservation, mitigation, and restoration projects on public lands.

As a joint writer of this comment letter, Loren Campbell is a Jeeper and UTV enthusiast from Virgin, Utah. Loren serves as the President of Utah Public Lands Alliance (UPLA). We share a strong interest in maximizing opportunities for offroad motorized recreation. Loren works full time as a volunteer advocate to protect access for all users, and also organizes and works as a volunteer on projects on public lands. UPLA, Loren, and I are also members of BlueRibbon Coalition. These comments are submitted on behalf of both myself and Loren Campbell, as well as our members and followers from within and outside of Utah.

Please note our support and agreement with the comments submitted by BlueRibbon Coalition.

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GENERAL COMMENTS

UPLA recognizes the positive mental, spiritual, physical, and social benefits that can be achieved through outdoor recreation. We also recognize that outdoor recreation provides business owners and local communities with significant financial stimulus. Of foremost importance to our motivations for this comment letter: our members are directly affected by management decisions concerning land use in BLM-managed public lands, including and especially, decisions that impact the scope and implementation of the multiple-use mandate, and related balance of public access and outdoor recreation with conservation of natural and cultural resources.

Our members subscribe to the tenets of:

- Public access to public lands now, and for all future generations
- Active stewardship for the benefit of all US citizens who collectively own our public lands as part of our national endowment
- Effective management of public lands to ensure the safety of all who enjoy them
- Conservation of ecological, cultural, and archeological resources in balance with implementation of the Congressional mandate for multiple-use public land management

UPLA members as well as the general public desire access to public lands now and in the infinite foreseeable future. Restricting access today deprives the public of the opportunity to enjoy the many natural wonders of public lands. UPLA members and the general public are deeply concerned about the condition of the environment and public safety. They desire safe means to access public lands to engage in conservation efforts as well as outdoor recreation. UPLA supports the concept of managed recreation and believes it is prudent to identify areas where both motorized and non-motorized use is appropriate.

The BLM administers more surface land (245 million acres or one-tenth of America's land base[2]) and more subsurface mineral estate (700 million acres) than any other government agency in the United States. The BLM manages 22.8 million acres of public land in Utah[3], representing 42% of the total land mass in this state. Utah's public lands offer the primary source for the public to enjoy outdoor recreation, as is the case in many other states across the USA. Reduction or elimination of public access to BLM managed land thus bears the potential to increase user conflicts and resource damage by removing sufficient access to public lands for all forms of outdoor recreation.

We frame this comment letter with a reminder that it is the BLM's Congressionally-directed responsibility to develop rules and plan alternatives that serve to maximize the multiple-use directive, and place recreational values in equal status for optimization as all other public land

values. Regulatory changes that function to close or restrict motorized, recreational, and other public access would negatively impact UPLA members, as well as all members of the general public who enjoy outdoor recreation on BLM managed lands, by significantly minimizing their ability to access public land. In accord with legal and procedural dictates, any BLM rulemaking, procedures, and managerial implementation must align with Congressional directives.

As Congressionally-designated managers, it is the responsibility of the BLM to optimize operational protocol to balance conservation of natural and cultural resources with public access and enjoyment of public lands. By the letter and spirit of the law, it is neither necessary nor prudent to restrict or eliminate public access to BLM-managed public lands as a primary management tool; to do so, when alternative mechanisms for management that would effectively balance conservation with public access are readily available, is both arbitrary and capricious.

UPLA supports the full rescission of the Conservation and Landscape Health Rule. We stand firmly opposed to any program or management action that:

- Grants private parties the power to control or exclude public access to federal lands;
- Erodes the multiple-use mandate; or
- Reduces the rights of American citizens to enjoy and steward their public lands.

Our position is grounded in both law and public trust. The BLM's duty is to manage lands for the people, not to lease them away to private influence. The CLHR represents an unprecedented abdication of that duty.

In summary reference to the items noted above, with additional detail for each following within this comment letter, we support any additional comments from individuals, groups, associations, and the general public that encourage the BLM to rescind the CLHR. We support any additional comments that encourage the DOI and BLM to uphold their mission and commitment to the public to manage public lands in a manner that maximizes public access, and sustains the health, diversity, cultural resources, and values of the land for the use and enjoyment of present and future generations. We strongly advocate against any components of the Rule that would diminish or eliminate public access to public lands.

VIOLATION OF CONGRESSIONAL DIRECTION, CONGRESSIONAL INTENT, AND BLM OPERATIONAL GUIDELINES

The BLM administers public lands and subsurface estate under authority delegated by the United States Congress through the Federal Land Policy and Management Act of 1976[4] (FLPMA). As a

federal agency, the BLM's charge is administrative, not proprietary. The agency is a contracted steward of public lands held in trust by the American people, not the owner of those lands, nor an independent policymaker free from congressional restraint.

Congress alone establishes the legal boundaries of BLM's authority, and that authority is subject to the constitutional safeguards that prevent administrative overreach. The citizens of the United States are the true owners of these lands, and Congress remains the sole entity empowered to determine their management framework. The BLM's Conservation and Landscape Health Rule (CLHR) disregards this hierarchy by extending powers that were never granted by Congress and by imposing management schemes that contradict both the statutory intent and the operational directives established in FLPMA.

Since its founding, the BLM has been explicitly directed to manage public lands under the multiple-use and sustained-yield mandate. According to 43 U.S.C. § 1702(c), "multiple use" requires management that balances all resource values "so that they are utilized in the combination that will best meet the present and future needs of the American people." This statutory language ensures that recreation, grazing, mining, timber, watershed protection, wildlife, and cultural resources all coexist under a balanced framework, rather than one that subordinates all uses to an undefined notion of "conservation."

Likewise, 43 U.S.C. § 1702(d) defines "public involvement" as the right of affected citizens to participate directly in planning, decision-making, and rulemaking processes that govern public lands. These provisions were not aspirational; they were enacted to prevent exactly the type of exclusionary, privatized management embodied in the CLHR.

Under the CLHR, the BLM would be empowered to sell conservation, restoration, and mitigation leases that grant private leaseholders unilateral authority to decide what uses are permissible within leased boundaries. This scheme obliterates the legal safeguards of multiple use and public involvement by transferring land-use authority from the people's agency to private control.

In direct violation of 43 U.S.C. § 1702:

- **"Utilized in the combination that will best meet the present and future needs of the American people"** - Under the CLHR, leaseholders, not the public, would determine what uses are permitted. The American people's needs and future interests would be excluded from decision-making.

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- **"Provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions"** - The CLHR removes this flexibility by granting leaseholders fixed-term control without accountability to Congress or the public.
- **"A combination of balanced and diverse resource uses that takes into account the long-term needs of future generations"** - Leaseholder discretion eliminates the requirement for balance and diversity, replacing it with single-interest management.
- **"Opportunity for participation by affected citizens in rulemaking, decision-making, and planning with respect to the public lands"** - Public involvement would be functionally eliminated, as decision-making authority is privatized.

Proponents of the CLHR argue that BLM oversight will ensure leaseholder compliance with FLPMA. However, such assurances are untenable given BLM's long-standing record of failing to administer its existing lease and permit programs with adequate transparency or enforcement. The agency's response to complex management challenges has too often been "management by closure." Rather than working collaboratively with the public to achieve active management and restoration goals, BLM's default has been to restrict or eliminate public access - as seen in the closures across Utah's Labyrinth Rim / Gemini Bridges Travel Management Area, the San Rafael Desert, and other regions where legitimate motorized and multiple-use activities have been unreasonably curtailed.

Congress's intent under FLPMA was not to create a hierarchy of uses that elevates preservation above all else, but to achieve "quality land management under the sustainable multiple-use management concept to meet the diverse needs of the people of the United States." BLM's own operational guidelines echo this mandate, directing the agency to manage lands for the benefit of all Americans through transparency, accountability, and adherence to law… not to exercise unilateral authority.

For more than a decade, UPLA members have served as active, responsible partners in BLM land management, working on cleanup projects, trail restoration, safety patrols, and habitat maintenance across Utah's public lands. Our members, clubs, and volunteers have a proven record of protecting and enhancing these landscapes while promoting safe, organized recreation. The CLHR, by contrast, obstructs public participation and responsible stewardship by creating opportunities for private leaseholders to deny access to law-abiding recreationists and volunteers.

The Rule also introduces "Landscape Health Standards" that further complicate the permitting process for events, organized group rides, and restoration projects. These added bureaucratic burdens will slow or halt local cooperative management efforts and increase the risk of route and area closures under ambiguous "health" criteria. This structure favors well-funded private lessees

over ordinary citizens and community organizations, consolidating control of public resources in the hands of a privileged few.

In effect, the CLHR represents a fundamental betrayal of congressional intent. The BLM does not own public lands; it is bound to manage them within the limits of delegated authority. By ceding public control and access to private entities under the guise of "conservation," the agency oversteps both its legal boundaries and the moral trust of the American public. **UPLA therefore strongly supports rescission of the Conservation and Landscape Health Rule in full. The Rule must be withdrawn to restore lawful adherence to FLPMA, to uphold Congress's exclusive authority over land-use policy, and to reaffirm the multiple-use mandate that defines the American relationship with its public lands.**

REGULATORY OVERREACH / GENERATION OF REVENUE

The BLM has no independent constitutional or statutory authority to impose the CLHR or to create new leasing structures for "conservation," "restoration," or "mitigation." Under FLPMA, the BLM's role is purely administrative… executing, not inventing, the will of Congress. When an agency acts beyond the clear boundaries of congressional authorization, it exceeds its lawful mandate and undermines the constitutional separation of powers.

The Supreme Court of the United States has repeatedly reinforced this principle. In West Virginia v. Environmental Protection Agency, 597 U.S. 697 (2022)[5], the Court held that agencies may not "discover" in long-standing statutes broad, transformative regulatory powers that Congress never clearly granted. Likewise, in Sackett v. EPA, 598 U.S. (2023)[6], the Court rejected an expansive reinterpretation of statutory language under the Clean Water Act, reaffirming that federal agencies must operate within "clear congressional authorization." These decisions make plain that executive agencies, including the BLM, cannot unilaterally expand their jurisdiction by re-interpreting statutes like FLPMA to justify new programs, leases, or fee-based mechanisms.

The CLHR violates these rulings and the underlying constitutional framework. By asserting that FLPMA's existing provisions silently authorize the creation and sale of conservation leases, the BLM has fabricated a power that does not exist in statute. Nothing in FLPMA's text permits the agency to sell, lease, or otherwise encumber the public's right to access federal lands for the purpose of generating conservation revenue. The Constitution vests all taxing and revenue-raising authority in Congress, not in the executive branch. Consequently, any program designed to generate revenue through leasing or fees for access or use of public lands is ultra vires, unconstitutional, and void.

The UPLA and its members across Utah's gateway communities have seen firsthand how regulatory overreach can devastate local economies. Conservation leasing under the CLHR threatens to remove millions of acres from traditional multiple-use access, thereby jeopardizing grazing operations, recreation-based tourism, mineral development, and small-business livelihoods that depend on open, lawful use of public lands. Instead of facilitating stewardship partnerships with the public, the CLHR invites private, and potentially foreign-funded, interests to acquire quasi-proprietary control of public lands under the guise of "conservation." Such actions are contrary to FLPMA § 302(a) (43 U.S.C. § 1732(a)), which directs the BLM to manage lands *"in a manner that will protect the quality of the environment and provide for multiple use and sustained yield… for the use and enjoyment of present and future generations of Americans."*

The Supreme Court's warning against agency overreach applies directly here. The Court noted in *West Virginia v. EPA* that agencies cannot assume "major questions" authority (those of vast political or economic significance) without explicit congressional direction. Creating a new class of marketable conservation leases, affecting hundreds of millions of acres, qualifies as precisely such a major question. Absent clear legislative approval, the BLM's attempt to monetize conservation outcomes through lease sales is unlawful.

Moreover, the CLHR intrudes on Congress's exclusive constitutional power of the purse. By allowing the agency to generate and allocate revenues from conservation leases, the Rule sidesteps appropriations oversight and violates Article I, Section 9, Clause 7 of the U.S. Constitution, which provides that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." Any regulatory scheme that establishes new revenue streams outside congressional appropriations exceeds the scope of administrative power and must be rescinded.

UPLA applauds the BLM's acknowledgment, as contained in its September 11, 2025 proposal to rescind the CLHR, that the Rule "permits the BLM to take effectively the same action [as a land withdrawal] under a different guise without following the statutorily required procedures" and "is not supported by clear statutory authority." This admission underscores the fundamental illegality of the Rule's structure. The statutory basis for the CLHR simply does not exist. FLPMA contains no latent authorization for the BLM to create or sell conservation leases, generate revenue through lease instruments, or privatize decision-making over public lands. Any such authority must originate from Congress. Administrative attempts to reinterpret existing law for revenue generation constitute a constitutional breach and violate the very foundation of democratic land stewardship.

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For these reasons, UPLA strongly supports full rescission of the Conservation and Landscape Health Rule. The BLM must return to transparent, congressionally authorized management of public lands, restore the principle of multiple use and sustained yield, and ensure that no executive agency ever again attempts to convert America's public lands into a revenue-producing asset base through regulatory decree.

EXPANSION OF THE 30×30 AGENDA / DEFINITION OF "CONSERVATION"

The CLHR represents a direct regulatory extension of the 30×30 initiative and its underlying climate-centric Executive Orders. Rather than improving land stewardship, the CLHR converts public access and traditional land use into instruments for meeting arbitrary conservation quotas. For Utah, where nearly two-thirds of all land is federally managed, this framework threatens the state's economy, public access, and constitutional right to participate meaningfully in the management of public resources.

The CLHR deliberately embeds the 30×30 agenda into agency management protocol by directing the BLM to take a "precautionary approach" toward any use that may impair "ecosystem resilience." This language echoes Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad[7], which declared that lands in their "natural state" best contribute to national climate goals. Under this premise, nearly all human activity (including grazing, mineral development, road use, and motorized recreation) can be cast as an "impairment." The CLHR thus transforms "ecosystem resilience" into a pretext for permanent or de facto closure of multiple-use lands.

This reinterpretation has no basis in law. Neither FLPMA nor any subsequent congressional enactment defines "conservation" as synonymous with "preservation." To the contrary, FLPMA § 102(a)(7) (43 U.S.C. § 1701(a)(7)) directs the BLM to manage lands "on the basis of multiple use and sustained yield" to meet "the needs of the American people." By redefining conservation to mean the absence of use, the BLM abandons the statutory balance Congress required and undermines the principle that human engagement (*responsible* grazing, recreation, and mineral development) is a vital component of healthy landscapes.

The federal government itself has acknowledged that it cannot even define the term "conservation" within the 30×30 initiative. During a May 16, 2023 hearing before the Senate Committee on Environment and Public Works[8], Senator Pete Ricketts (Nebraska) pressed U.S. Fish and Wildlife Service Director Martha Williams to provide a legal definition of "conservation" underpinning 30×30. She could not. As Senator Ricketts later stated[9], *"Without a clear definition of conservation, this plan is either a partisan sham with no tangible goals or a*

slippery slope to violating the property rights of Americans." The BLM's adoption of the same undefined term within the CLHR reproduces this lack of transparency and invites arbitrary enforcement.

UPLA notes that Executive Order 14008, the very policy foundation the BLM cited when issuing the CLHR, has since been repealed. In July 2025, the Administration replaced it with Executive Order 14099[10], which explicitly directs agencies to restore equitable public access and remove "unnecessary barriers that prevent Americans… especially veterans, seniors, and persons with disabilities… from experiencing their public lands." Because the CLHR's conservation-lease framework relies on a rescinded Executive Order and directly conflicts with E.O. 14099's access mandate, the Rule is legally and procedurally indefensible and must be rescinded.

Equally troubling is the CLHR's implicit creation of a market-based system for "conservation credits" or "carbon offset credits." Although the final text of the Rule stops short of formalizing such a market, its language anticipates monetization of conservation outcomes through private lease instruments, thereby allowing third parties to lock up public lands and profit from restricted access. Such a mechanism would convert the American public estate into a speculative asset class, rewarding those with capital while excluding citizens whose livelihoods depend on open, multiple-use access. This violates both the spirit and letter of FLPMA § 102(b), which provides that its policies "shall be construed as supplemental to and not in derogation of the purposes for which public lands are administered under other provisions of law."

Finally, the CLHR is unnecessary. The BLM is already bound by dozens of statutes that require conservation as part of multiple-use management - including the Endangered Species Act, Clean Water Act, Clean Air Act, National Environmental Policy Act, National Historic Preservation Act, and numerous executive directives. Every major project on public lands must already undergo environmental review, mitigation, and reclamation. By layering new, undefined "conservation" authorities over existing laws, the CLHR introduces redundant bureaucracy without measurable benefit. What public lands truly need is active management: fuel reduction, route maintenance, watershed restoration, and sustainable recreation. Our public lands do not need additional layers of regulation that remove the public from participation.

In short, the CLHR's reliance on an abandoned executive policy, its failure to define "conservation," and its expansion of leasing authorities to enable privatization and monetization of public lands all constitute unlawful regulatory overreach. For Utah, where communities, counties, and families depend on access to BLM lands for grazing, energy, recreation, and tourism, the consequences are profound. By misusing "conservation" as a vehicle for exclusion,

the BLM has strayed from its statutory mission under FLPMA and from the constitutional limits of executive power.

Therefore, UPLA urges the Bureau of Land Management to rescind the Conservation and Landscape Health Rule in its entirety. True conservation requires public stewardship, not bureaucratic control or private profit. Restoring lawful, multiple-use management will ensure that America's, and Utah's, public lands remain open, productive, and accessible to all citizens.

DISCRIMINATION OF MEMBERS OF THE PUBLIC WITH DISABILITIES & IMPOVERISHED COMMUNITIES

The CLHR creates a structural framework that directly discriminates against two vulnerable groups that rely most heavily on public lands: individuals with disabilities and impoverished or rural communities. By granting private leaseholders the authority to restrict or deny public access to BLM-managed lands, the Rule excludes these citizens from participating in the use and enjoyment of public lands that belong equally to all Americans.

The BLM has a statutory and moral duty to manage public lands for the public benefit, not to reallocate them under exclusive or restrictive management regimes. Management actions that close areas, roads, or trails (particularly those that eliminate motorized access) have the practical effect of denying disabled individuals access to their own public lands. Motorized access is not a luxury or convenience; it is a necessary accommodation that enables persons with mobility impairments to experience, recreate upon, and steward the landscapes their tax dollars support.

Under Section 504 of the Rehabilitation Act of 1973[11] (29 U.S.C. § 794) and Title II of the Americans with Disabilities Act[12] (42 U.S.C. § 12131 et seq.), federal agencies must administer all programs and activities in a manner that does not exclude, deny benefits to, or discriminate against individuals with disabilities. The CLHR's conservation lease structure violates these laws by allowing third-party leaseholders to impose closures, restrictions, and exclusions that the BLM itself could not lawfully enforce. When the agency delegates control of access to private actors who are not subject to these nondiscrimination mandates, it effectively sidesteps its own federal obligations.

The BLM's own nondiscrimination regulations at 43 C.F.R. Part 17, Subpart E reinforce this requirement, obligating the agency to ensure that its management actions provide reasonable accommodation and accessible opportunities for all members of the public. By enabling leaseholders to decide who may enter or travel within leased parcels (many of which will overlap

existing recreation routes, camping areas, and open-access corridors) the CLHR creates de facto exclusion zones that disproportionately affect people with disabilities.

Thus, the CLHR is in direct conflict with both federal law and recent policy. Congress has made clear that access, inclusion, and recreation opportunities are national priorities. The EXPLORE Act[13] establishes an explicit policy to expand and enhance outdoor recreation access on federal lands, with a specific mandate to improve accessibility for persons with disabilities by:

> *"Expanding motorized and nonmotorized recreation opportunities, increasing infrastructure for adaptive recreation, and ensuring that agency policies do not impose discriminatory barriers to entry or use."*

This statutory mandate supersedes the BLM's CLHR, which lacks congressional authorization and directly conflicts with the EXPLORE Act's intent. Under the Supremacy Clause of Article VI of the U.S. Constitution[14] and the Administrative Procedure Act (APA), 5 U.S.C. § 706(2)(A)[15], any rule that is "arbitrary, capricious, or contrary to law" must be vacated. By prioritizing exclusionary conservation leasing over inclusive recreation, the CLHR fails to meet these legal standards and must therefore be rescinded.

Further, **Executive Order 14099 directs federal agencies to "restore equitable public access" and to remove barriers that prevent Americans, "especially veterans, seniors, and persons with disabilities," from enjoying federal lands. This Order expressly commands agencies to review and rescind any rules that diminish or disproportionately restrict public recreational access.** The CLHR's conservation-lease and landscape-restriction provisions do precisely what the Executive Order prohibits: they replace open, multiple-use access with private gatekeeping and closure authority.

Historically, no group has been more marginalized by public land management decisions than people with disabilities. Many outdoor enthusiasts with ambulatory disabilities rely exclusively on motorized vehicles (such as four-wheel drives, side-by-sides, ATVs, or over-snow vehicles) to access public lands. These modes of travel allow individuals to experience and connect with landscapes that would otherwise be physically inaccessible. When the BLM eliminates or restricts motorized routes, it does more than limit recreation: it removes the only avenue of access available to thousands of disabled Americans.

Motorized access is not contrary to conservation, rather, it advances equity and upholds the principles of inclusion required by law. By contrast, policies like the CLHR that prioritize land

closure as a management tool impose a form of ableist discrimination inconsistent with the Rehabilitation Act, the ADA, and modern principles of environmental justice.

The Rule also deepens inequality among low-income and rural communities that depend economically and culturally on access to BLM-managed lands. In Utah, gateway towns such as Moab, Green River, Kanab, and Price rely heavily on multiple-use recreation (and particularly, off-highway vehicle (OHV) tourism) to sustain small businesses, generate tax revenue, and maintain family livelihoods. Conservation leasing, by allowing private entities to close or restrict public use, would suppress visitation, eliminate event-based revenue, and further concentrate land-use authority among those with the financial means to purchase leases.

The Regulatory Flexibility Act[16] (5 U.S.C. §§ 601–612) and National Environmental Policy Act (42 U.S.C. § 4332) both require the BLM to evaluate socioeconomic and equity impacts before adopting major regulations. Yet the CLHR's economic analysis ignored foreseeable effects on disabled individuals and impoverished communities. This failure alone renders the Rule arbitrary and capricious under the APA.

Taken together, these failures reveal that the CLHR is not merely flawed policy… it is in its very essence, unlawful. The Rule:

- Violates the Rehabilitation Act and ADA by excluding disabled citizens from meaningful access;
- Contradicts the EXPLORE Act's statutory directives to expand recreation and accessibility;
- Conflicts with Executive Order 14099, which requires restoration of equitable access; and
- Disproportionately harms economically vulnerable and rural communities that depend on multiple-use recreation.

To comply with federal civil-rights statutes, statutory authority, and current executive direction, the BLM must rescind the CLHR in full. In its place, the Bureau should adopt policies that enhance inclusive, multiple-use access, consistent with the principles outlined in the Outdoor Americans with Disabilities Act[17], ensuring that all citizens, regardless of income or ability, can continue to access, experience, and enjoy their public lands.

INSUFFICIENT ANALYSIS OF ECONOMIC IMPACTS

Yet another reason that the CLHR must be rescinded is a consequence of material underestimation and misrepresentation of its economic consequences. The 2024 Rule's adoption

violates statutory and executive mandates that require rigorous, data-driven analysis of economic effects on communities, small entities, and public-land-dependent industries. For Utah, where rural livelihoods are inseparable from BLM-managed lands, the agency's omissions are not merely procedural errors: they are failures of duty that jeopardize economic stability across entire regions.

The CLHR introduced sweeping new authorities for "conservation leases," "intact landscape" designations, and discretionary restrictions on multiple-use activities across more than 245 million acres of public land. In its *Economic Analysis and Regulatory Flexibility Act* (RFA) certification, the BLM concluded that the Rule would not significantly affect a substantial number of small entities, calling projected costs "negligible." That finding is plainly inconsistent with the record and with the lived reality of western communities that depend on predictable access to public lands for grazing, outfitting, mineral development, motorized and non-motorized recreation, and tourism. Input from county governments, the U.S. Small Business Administration's Office of Advocacy, and rural stakeholders confirms that the agency failed to account for indirect, cumulative, and distributional impacts, a violation that compels rescission under federal law.

The Regulatory Flexibility Act[18] (RFA) (5 U.S.C. §§ 601–612) obligates agencies to evaluate the economic effect of any rule on small entities, consider less burdensome alternatives, and provide a fact-based justification for any "no significant impact" certification. The BLM's conclusory statement, unsupported by data on the Rule's effects on outfitters, guide services, OHV businesses, lodging operators, fuel suppliers, and recreation-dependent retailers, fails these standards. Courts have repeatedly vacated agency rules when RFA certifications lacked factual support… and the CLHR's superficial treatment of economic impacts squarely meets that threshold for invalidation.

Furthermore, the CLHR creates a violation of Executive Order 12866 – Regulatory Planning and Review[19]. EO 12866 requires agencies to:

1. Assess both costs and benefits
2. Quantify economic impacts where practicable
3. Consider reasonably foreseeable indirect effects
4. Adopt only those regulations whose benefits justify their costs and represent the least burdensome alternative

The CLHR failed every prong. It ignored foreseeable revenue losses from reduced recreation access, displaced grazing operations, suppressed energy production, and declining tourism, all of

which are vital to Utah's gateway economies. By treating new land-use restrictions as "administratively minimal," BLM dismissed credible evidence of long-term harm: an omission that renders the Rule inconsistent with both EO 12866 and the Administrative Procedure Act (APA), 5 U.S.C. § 706(2)(A).

Additionally, the National Environmental Policy Act (42 U.S.C. § 4332(2)(C)) compels agencies to take a "hard look" at the environmental, social, and economic effects of major actions. The BLM's analysis treated community-level economic disruption as speculative, despite clear evidence that restricting multiple use would reduce employment, tax revenue, and small-business viability in towns such as Moab, Kanab, Price, and Richfield (among many, many more gateway towns). The omission of these foreseeable effects violates NEPA's procedural core and further demonstrates that the CLHR was adopted without adequate basis.

Under the APA, a rule must be vacated if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." Precedent from Motor Vehicle Mfrs. Ass'n v. State Farm, 463 U.S. 29 (1983)[20]; Michigan v. EPA, 576 U.S. 743 (2015)[21]; and Business Roundtable v. SEC, 647 F.3d 1144 (D.C. Cir. 2011)[22] establishes that an agency acts arbitrarily when it ignores important aspects of a problem, disregards reliance interests, or bases decisions on conclusory reasoning. The BLM committed all three errors. By discounting the dependence of rural economies and small entities on access to BLM lands, the agency distorted the Rule's cost–benefit calculus and undermined the Federal Land Policy and Management Act (FLPMA) mandate to manage for "the economic and social needs of the Nation." 43 U.S.C. §§ 1701(a)(7), 1702(c).

As noted previously in this comment letter, FLPMA requires BLM to administer public lands under the principles of multiple use and sustained yield, balancing conservation with recreation, grazing, and resource development. The CLHR inverts this hierarchy by prioritizing restrictive conservation mechanisms that foreclose economic opportunity. Multiple federal agencies have long recognized that sound management must advance the Net Public Benefit (NPB): the outcome that best meets the collective needs of the American people. Yet the CLHR offered no NPB analysis and ignored the foreseeable contraction of local tax bases, service employment, and community resilience.

In Utah, BLM lands underpin the survival of communities like Green River, Monticello, and Hanksville, where tourism, grazing, and mineral industries coexist. The Rule's closure and leasing provisions would displace these multiple uses, concentrating access among well-capitalized leaseholders while depriving ordinary citizens and small businesses of fair opportunity. The U.S. Department of Agriculture's 2010 report on Jobs, Economic Development,

and Sustainable Communities[23] warns that closures of recreation and resource-use areas directly suppress local employment. The CLHR ignored that evidence, disregarding decades of socioeconomic data confirming that open, multiple-use access sustains rural prosperity and environmental stewardship alike.

The BLM cannot ignore the fact that by approving the 2024 CLHR:

- The RFA was violated through unsupported small-entity certification.
- Executive Order 12866 cost–benefit standards were ignored.
- NEPA's hard-look obligation was unfulfilled.
- The Rule conflicts with FLPMA's multiple-use and Net Public Benefit mandates.

Accordingly, the CLHR is arbitrary, capricious, and unlawful. UPLA urges the BLM to rescind the Rule in full and replace it only with a transparent, congressionally authorized framework that incorporates rigorous economic review and respects the reliance interests of rural communities, small businesses, and recreation users who depend on America's, and Utah's, public lands.

INCREASED RISK OF ECONOMIC & NATIONAL SECURITY THREATS

The CLHR must be rescinded because it introduces new and unacceptable risks to the economic stability and national security of the United States. By enabling private and potentially foreign-controlled entities to acquire de facto management authority over vast tracts of federal land through "conservation leases," the Rule undermines both domestic resource independence and the constitutional principle that America's public lands are held in trust for the people of the United States.

Utah's public lands form part of the nation's strategic infrastructure. The state's BLM-managed lands contain abundant deposits of critical minerals, rare earth elements, and energy reserves essential to U.S. defense, manufacturing, and renewable technology supply chains. The CLHR allows the BLM to remove these lands from productive use through discretionary leasing and "intact landscape" designations, without congressional oversight or environmental balance. This regulatory architecture invites a direct conflict with national policy directives such as Executive Order 13817[24] (82 Fed. Reg. 60835, Dec. 26, 2017) and the Energy Act of 2020[25] (Pub. L. 116-260, Div. Z, §§ 70001–70002), both of which require federal agencies to expand domestic exploration, development, and secure supply of critical minerals. The CLHR reverses this directive by authorizing indefinite withdrawal of resource lands under the pretext of "conservation," effectively outsourcing America's strategic resilience to foreign suppliers.

The Federal Land Policy and Management Act (FLPMA), 43 U.S.C. § 1701(a)(12), affirms that the United States' public lands are to be managed in a manner that "recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber." By closing off these lands to development through conservation leasing, the BLM contravenes both the text and intent of FLPMA. No executive agency possesses constitutional or statutory authority to unilaterally alter this national priority.

Because the CLHR does not restrict who may hold conservation leases, it opens the door to foreign-funded interests obtaining control of vast American land assets. Entities with ties to foreign governments could purchase or sponsor conservation leases to block domestic mineral projects, limit energy exploration, or restrict strategic access corridors… all under the guise of environmental protection.

Congress has long recognized this risk. The Committee on Foreign Investment in the United States (CFIUS)[26] reviews foreign acquisitions of strategic U.S. assets precisely to prevent such vulnerabilities. Yet under the CLHR, no comparable review or limitation exists. A foreign-backed nonprofit or holding company could, through a conservation lease, control thousands of acres adjacent to defense corridors, energy corridors, or rare-earth deposits without public notice or national security review. This scenario is not hypothetical; it is the foreseeable outcome of an open-ended leasing policy divorced from statutory authorization.

The United States' national security framework requires that federal agencies manage public resources in ways that advance domestic resilience, not impede it. The Department of Defense (DoD) and Department of Energy (DOE) both rely on predictable access to critical-mineral and energy corridors across BLM lands. Restricting these lands through arbitrary conservation leasing disrupts those supply chains and weakens the nation's ability to respond to global threats or energy shortages.

The CLHR also jeopardizes economic security for the American West. Rural economies in Utah (particularly in Emery, San Juan, Uintah, Millard Counties, and others) depend on multiple-use access to BLM lands for employment, energy production, grazing, and recreation. Conservation leasing and "landscape health" restrictions would displace these uses, resulting in job losses, reduced county tax revenue, and declining local investment. Such outcomes directly contradict FLPMA's multiple-use mandate and the Regulatory Flexibility Act (5 U.S.C. §§ 601–612), which requires agencies to evaluate the disproportionate effects of major rules on small and rural entities.

In the long term, this loss of economic diversity poses systemic risk. A region that cannot sustain its workforce through productive land use becomes dependent on federal subsidies. This dynamic erodes both state sovereignty and local resilience. UPLA's members across Utah's rural counties consistently emphasize that economic security and land access are inseparable; the CLHR threatens both.

The CLHR represents a national security vulnerability disguised as environmental policy. It:

- **Removes critical mineral and energy resources from domestic production;**
- **Enables potential foreign influence over public land use and access;**
- **Undermines FLPMA's multiple-use and national resource mandates; and**
- **Weakens rural economic stability essential to national resilience.**

For these reasons, UPLA strongly supports full rescission of the CLHR. The Bureau of Land Management must return to a lawful, transparent management framework that prioritizes domestic resource independence, public access, and constitutional oversight. America's public lands are not commodities for lease; they are strategic national assets entrusted to the people, and they must remain open, accessible, and secure for future generations.

ILLEGAL EXPANSION OF AREAS OF CRITICAL ENVIRONMENTAL CONCERN

The CLHR unlawfully expands the BLM's authority over Areas of Critical Environmental Concern (ACECs) far beyond what Congress authorized in the Federal Land Policy and Management Act (FLPMA). Through vague and open-ended criteria, the 2024 Rule transforms ACECs from narrowly defined protective designations into sweeping landscape-level tools for restricting multiple-use access. This shift is inconsistent with the text of FLPMA, violates the Administrative Procedure Act (APA), and represents an impermissible agency re-writing of law.

Congress placed statutory limits on ACEC authority, and defined ACECs with clear and narrow parameters. Under 43 U.S.C. § 1702(a), an ACEC is:

> *"An area within the public lands where special management attention is required … to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards."*

This statutory definition restricts ACECs to specific, localized sites where unique resources face imminent risk of *irreparable damage*. FLPMA § 202(c)(3) further directs that, in land-use planning, BLM shall *"give priority to the designation and protection of such areas,"* not to the wholesale conversion of multiple-use landscapes into preservation zones. Congress's intent was to ensure targeted protection, not permanent withdrawal.

The 2024 CLHR rewrites this framework. By redefining ACECs as the "principal administrative designation for conservation," the Rule elevates ACECs from a limited planning tool into a broad regulatory instrument for landscape preservation. The accompanying guidance and revisions to 43 C.F.R. Part 1600 and internal manuals authorize BLM to designate ACECs across millions of acres based on speculative "ecosystem connectivity" or "intact landscape" values, these are concepts that appear nowhere in FLPMA.

This reinterpretation is ultra vires. Congress did not empower the BLM to invent new standards for ACEC designation or to use ACECs as a surrogate for wilderness or national-monument protection. Only Congress has the authority to create new land-use categories or to withdraw lands from multiple use under 43 U.S.C. § 1714. By attempting to accomplish the same effect administratively, the BLM violates both FLPMA and the APA's prohibition on agency action "in excess of statutory jurisdiction, authority, or limitations." (5 U.S.C. § 706(2)(C)).

FLPMA's core directive (43 U.S.C. § 1701(a)(7) and § 1732(a)) requires that public lands be managed "in a manner that will protect the quality of the environment and provide for multiple use and sustained yield." The 2024 Rule nullifies this mandate by institutionalizing a preservation-first hierarchy. In Utah, where more than 22 million acres of BLM land already host wilderness, WSA, and monument restrictions, further ACEC expansion displaces recreation, grazing, and resource-based economies that Congress intended to protect under the multiple-use standard.

By rebranding large landscapes as ACECs to achieve "intactness" or "climate resilience," the BLM effectively creates de facto wilderness without congressional approval. This practice mirrors the legal infirmities condemned by the U.S. Supreme Court in *West Virginia v. EPA* (2022), where the Court reaffirmed that agencies may not "discover in a long-extant statute an unheralded power" of vast economic and political significance. The BLM's ACEC reinterpretation plainly crosses that constitutional line.

Prior to the 2024 CLHR, ACEC designation followed a transparent planning process under 43 C.F.R. § 1610.7-2, requiring public notice, relevance-and-importance findings, and a record of decision based on site-specific analysis. The CLHR circumvents these safeguards. By

encouraging large-scale, programmatic ACEC designations through land-health assessments and conservation leases, the Rule enables the agency to impose new restrictions without the procedural protections Congress mandated. This exclusion of the public from participation violates both FLPMA § 202(f) and the APA's procedural requirements.

Utah's counties have a long history of cooperating with the BLM to balance conservation with access. Local stakeholders have helped identify legitimate ACECs, such as archaeological or habitat sites where special management attention is warranted. However, the CLHR's expanded framework would authorize BLM to designate entire regions as ACECs on speculative ecological grounds, bypassing local input and displacing lawful recreation and grazing. These actions would devastate rural economies and eliminate opportunities for active stewardship that have preserved these landscapes for generations.

The CLHR also conflicts with the "Make America Beautiful Again" Executive Order (E.O. 14099, 90 Fed. Reg. 45512, July 9, 2025), which instructs agencies to "restore equitable public access" and ensure that conservation actions enhance rather than restrict recreation and economic opportunity. Expanding ACECs into vast conservation corridors directly violates that policy directive. Furthermore, FLPMA § 102(b) explicitly states that its policies "shall become effective only as specific statutory authority for their implementation is enacted." The BLM's unilateral expansion of ACEC designations through regulation, without new statutory authority, contravenes this clause and must therefore be withdrawn.

The BLM's expansion of ACECs under the CLHR is an unlawful and unnecessary distortion of FLPMA. The Rule:

- **Exceeds statutory limits by redefining ACECs beyond their intended purpose;**
- **Undermines the multiple-use and sustained-yield framework;**
- **Circumvents mandatory public-participation processes; and**
- **Conflicts with current executive and congressional policy favoring equitable access.**

We therefore strongly urge the rescission of the CLHR in its entirety, including its unlawful ACEC provisions. The BLM must restore an ACEC framework consistent with FLPMA's clear text - limited, site-specific, and rooted in transparent public involvement - to ensure that Utah's and America's public lands remain open, balanced, and lawfully managed for all uses and all people.

www.UtahPLA.com P.O. Box 833 St George, UT 84771 909.499.3295

CLOSING

We would like to close by once again calling your attention to the rights and interest that UPLA members, all outdoor recreationists, and the general public have as vested stakeholders of BLM-managed lands. The BLM exists to serve the American public, not to replace Congress or privatize public resources. The CLHR undermines constitutional separation of powers, displaces multiple use with exclusionary preservation, and substitutes public stewardship with bureaucratic control. The BLM must now correct course. UPLA calls upon the Bureau of Land Management to immediately rescind the Conservation and Landscape Health Rule and to restore lawful, balanced, and inclusive management of public lands that honors the intent of Congress, the rights of the people, and the enduring principles of the American West. Only through rescission can the BLM realign itself with the Constitution, the rule of law, and the trust placed in it by generations of citizens who believe, as we do, that America's public lands belong to the people, and must remain open, accessible, and productive for all.

Utah Public Lands Alliance would like to be considered an interested public for the Rule. Information can be sent to the following address and email address:

Rose Winn
Utah Public Lands Alliance
PO Box 833, St. George, UT 84771
rose@utahpla.com

Sincerely,

Rose Winn
Natural Resources Consultant
Utah Public Lands Alliance

Loren Campbell
President
Utah Public Lands Alliance

cc: Senator Mike Lee, Senator John Curtis, Congresswoman Celeste Malloy, Congressman Blake Moore, Congressman Mike Kennedy, Congressman Burgess Owens, Governor Spencer Cox, Redge Johnson, UPLA Trustees and Members

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