

November 10, 2025

ELECTRONIC SUBMISSION

ATTN: BLM-2025-0001

U.S. Department of the Interior
Bureau of Land Management
1849 C St. NW, Room 5646
Washington, DC 20240

Re: Rescission of Conservation and Landscape Health Rule. Docket No. BLM-2025-0001

To Whom It May Concern:

I respectfully submit this comment in strong support of the Bureau of Land Management's (BLM) proposal to rescind the Conservation and Landscape Health Rule (2024 Rule). The Federal Land Policy and Management Act (FLPMA) already established a statutory process under 43 U.S.C. § 1714 for land withdrawals, and all withdrawals must occur under that section. The 2024 Rule, which authorizes restoration and mitigation leases that function as land withdrawals, is therefore both unnecessary and in violation of the statute, in a way that lowers the economic output of the lands that Congress has charged BLM with managing on behalf of the American public.

The 2024 Rule Violates the Statute

The 2024 Rule established 43 CFR Part 6100, which allows BLM to authorize restoration and mitigation leases that, in effect, withdraw public lands from productive use. Indeed, the restoration and mitigation leases that BLM created in the 2024 Rule sound exactly like the FLPMA definition for "withdrawals," namely "withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws, for the purpose of limiting activities under those laws in order to maintain other public values or reserving the area for a particular public purpose or program."¹ But land withdrawals already have a separate statutory process established by FLPMA.

Under 43 U.S.C. § 1732(b), the Secretary of the Interior shall manage public lands, provided that the Secretary "may permit Federal departments and agencies to use, occupy, and develop public lands only through...withdrawals under section 1714 of this title."² And Section 1714 states that the Secretary may make withdrawals "only in accordance with the

¹ 43 U.S.C. § 1702(j)

² 43 U.S.C. § 1732(b)

provisions and limitations of this section.”³ In other words, all land withdrawals must occur under 43 U.S.C. § 1714. But the 2024 Rule created an alternative withdrawal process via restoration and mitigation leases outside of § 1714, thereby making the rule both unnecessary and in violation of the authorizing statute.

This alternative withdrawal process is also weaker than the statutory withdrawal framework in Section 1714. The former bypasses the congressional oversight required by the latter. Under Section 1714(c), large withdrawals of 5,000 acres of land or more are subject to legislative oversight.⁴ Congress may reject the withdrawal,⁵ and the Interior Secretary must submit detailed information to Congress to ensure transparency.⁶ Section 1714(e) also provides an emergency withdrawal process that involves Congress.⁷

Moreover, withdrawals for tracts of all size require that any extensions of such withdrawals be reviewed by the Interior Secretary and reported to Congress⁸ and that public hearings be held for any new withdrawals.⁹ Yet neither of these statutory requirements for withdrawals of land from use seem to be reflected in the provisions of the 2024 Rule.

These statutory provisions make clear that Congress and the public are intended to play an important role in land withdrawals. But the 2024 Rule established an alternative withdrawal process that bypasses the necessary oversight.

The 2024 Rule May Decrease Economic Activity

According to BLM’s *Valuing America’s Public Lands 2024* data, public land use from recreation and resource extraction generated about \$252 billion in economic output and supported 949,000 jobs in fiscal year 2023.¹⁰ These economic benefits were achieved while BLM protected the environment through existing statutory frameworks, including the withdrawal process in Section 1714.

The alternative withdrawal process via restoration and mitigation leases established by the 2024 Rule would allow more public lands to be locked up and left unused, reducing the economic output of the lands that Congress has charged BLM with managing. Although no such leases have yet been issued since the final rule’s adoption, potential misuse of this

³ 43 U.S.C. § 1714(a)

⁴ 43 U.S.C. § 1714(c)

⁵ 43 U.S.C. § 1714(c)(1)

⁶ 43 U.S.C. § 1714(c)(2)

⁷ 43 U.S.C. § 1714(e)

⁸ 43 U.S.C. § 1714(f)

⁹ 43 U.S.C. § 1714(h)

¹⁰ Bureau of Land Management, “Valuing America’s Public Lands 2024,” <https://www.blm.gov/about/data/socioeconomic-impact-report> (accessed November 10, 2025).

process in the future could substantially diminish economic activity on BLM lands, especially if a larger pipeline of conservation lease applications were to develop over time.

Conclusion

This proposed rule removes 24 pages of unnecessary and unlawful regulation established by the 2024 Rule, which are part of the “ever-expanding morass of complicated Federal regulation [that] imposes massive costs on the lives of millions of Americans, creates a substantial restraint on our economic growth and ability to build and innovate, and hampers our global competitiveness” as stated in the *Unleashing Prosperity Through Deregulation* executive order.¹¹ Therefore, BLM is correct to propose to repeal the 2024 Rule. Thank you for the opportunity to comment on this notice.

Respectfully Submitted,
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The Heritage Foundation¹²

¹¹ The White House, “Unleashing Prosperity Through Deregulation,” January 31, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/unleashing-prosperity-through-deregulation/> (accessed November 10, 2025).

¹² Affiliation and title provided for identification purposes only. I submit this comment in my personal capacity only and not as an employee of The Heritage Foundation.