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January 25, 2011

The Honorable Ken Salazar
Secretary
Department of Interior
1849 C St., NW
Washington, DC 20240

Dear Secretary Salazar:

We write regarding Secretarial Order 3310 ('Order'), which establishes a new tier of public land protection – known as 'Wild Lands' – at the Bureau of Land Management (BLM). As you know, this policy mandates that BLM state and district offices inventory lands under their jurisdictions for "wilderness characteristics" and to manage those lands similarly to how the BLM would manage congressionally designated wilderness areas. We have several concerns with this Order and its implications for federal public lands in Idaho and the western United States. We appreciate the opportunity to provide our analysis and thoughts on this matter, and thank you in advance for your response.

First and foremost, we are concerned that this order seems to circumvent the legislative process that would allow for thoughtful debate on this issue by those who represent the people most affected by new land determinations. It is Congress's role and responsibility to create new land designations, and while we sympathize that Congress has not always acted quickly to enact land management designations or to reauthorize the BLM's authority to do so, we cannot support handing over this congressional authority to the Administration. Many of our constituents and others have expressed concerns about a lack of transparency with which the Department issued this Order, and we are sympathetic to those concerns. If the Department believes that it needs the authority to make certain land designations in order to properly manage our public lands, we would be happy to work with you to find an appropriate legislative solution, but we are deeply concerned with what appears to be an effort to usurp Congress's authority.

We are also concerned about implementation of this policy, particularly when it comes to financial resources and personnel constraints. In Idaho alone, the BLM is currently working on implementation of the Owyhee Public Land Management Act, is conducting five resource management plans and is undertaking assessments of all grazing allotments on Idaho BLM lands, among

many other time consuming, resource-intensive obligations, all the while defending itself in court against lawsuits. Furthermore, agency funding has not increased substantially in recent years and is not expected to do so in the near future. This process will impose a substantial burden on an already over-committed agency. We are deeply concerned that BLM personnel and financial resources will be diverted from current projects and needs in order to comply with the order. In your response, please explain how the BLM plans to implement this order without diverting much-needed funding and personnel from other ongoing projects and agency obligations.

There are also several questions about this policy when it comes to permitting and authorizing projects and uses, such as alternative energy projects, that have either been inventoried as Lands with Wilderness Characteristics or designated as Wild Lands. We are concerned that this new lands designation will provide another obstacle for renewable energy developers because, once a particular area is identified for having these characteristics, industry will be faced with additional environmental compliance requirements that could drag on indefinitely, not to mention associated litigation and threats thereof. This is just one example of how this new policy can have a substantial adverse impact on uses of these lands, but it can be expanded to a variety of uses, from motorized recreation and grazing in Idaho to oil and gas development in other states.

The BLM and DOI also have to consider what this policy means for stakeholder driven collaborative efforts on western public lands. The public land conflicts of the 20th century can only be a thing of the past if we address these matters inclusively and comprehensively. For these efforts to succeed, the stakeholders must be able to trust not only each other, but the federal agencies themselves. We are concerned that this policy could threaten that spirit because it conveys the message that no matter how hard and long these groups collaborated and worked together, the federal government is still going to find a way to do what it wants if its political objectives are contrary to the locally driven, collaborative solutions that have been forged. Not only will that undermine these parties' faith in government; it will drive them away from the stakeholder table and back into the court room. Lines will be redrawn in the sand, and progress will be squandered. We cannot afford for that to happen.

In a state like Idaho – where two thirds of the land is owned by the federal government – we have unique insight into the impacts that overly-prescriptive, inflexible land management policies can have on people and communities, as well as local and state government. That is why we believe that while increased levels of protection may be warranted for certain lands in certain circumstances, the people and parties that are most impacted must be at the center of the policy-making process.

In addition to the questions posed earlier in this letter, we ask that your response address the general matters that we have raised here: transparency of policy formulation—and specifically why you chose to enact this policy through a secretarial order instead of a more public process like the Administrative Procedures Act; impacts on already limited agency resources and personnel; the

impact that this policy will have on the agency's permitting capacity and processes; and the impact(s) of this policy on public lands collaboration.

Thank you for your prompt attention to this letter. While we have significant concerns with this policy, we remain committed to working with you to ensure that our country has a public lands policy that works.

Sincerely,



MIKE CRAPO
United States Senator



JAMES E. RISCH
United States Senator



MIKE SIMPSON
Member of Congress



RAÚL LABRADOR
Member of Congress