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FUELING UTAH'S GROWTH & PROSPERITY

July 3, 2023

Director Tracy Stone-Manning  
Bureau of Land Management  
U.S. Department of the Interior  
1849 C Street NW, Room 5646  
Washington DC 20240

***Submitted via Regulations.gov***

**Re: "Conservation and Landscape Health" (CLH) Proposed Rule 88 Fed. Reg. 19,583 (April 3, 2023) OMB Control No. 1004-ONEW; RIN 1004-AE92**

Dear Director Stone-Manning,

The Utah Petroleum Association (UPA) respectfully submits the following comments in response to the Bureau of Land Management's (BLM's or Bureau's) "Conservation and Landscape Health" (CLH) Proposed Rulemaking, published at 88 Federal Register 19,583 (April 3, 2023) (CLH Proposed Rule or Proposed Rule).<sup>1</sup>

UPA is a statewide oil and gas trade association established in 1958 representing companies involved in all aspects of Utah's oil and gas industry. UPA members range from independent producers to midstream and service providers, to major oil and natural gas companies widely recognized as industry leaders responsible for driving technology advancement resulting in environmental and efficiency gains. UPA members operate extensively on federal lands and have a long history of stewardship and conservation.

The proposed rule would result in a significant shift in the management of and access to America's public lands, disregarding the foundation of multiple use. While UPA has a number of

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<sup>1</sup> The Federal Register Notice is titled "Conservation and Landscape Health" Proposed Rule. Accordingly, we have referred to this proposal as the "CLH" Proposed Rule. We note that BLM has begun to refer to this proposal as the "Public Lands Rule," though that name is not used at any place in the notice of proposed rulemaking, nor does it specifically describe the proposed action or distinguish it from other rules or regulations adopted by BLM.

concerns with the legal basis and policy directions proposed in the rule, we wish to highlight a new term and concept around protecting “intact landscapes.” By virtue of the decades of responsible multiple use of BLM lands in Utah and many other western states, we anticipate much of the BLM land in Utah could in fact be considered “intact landscapes” under the proposed rule. The types of activities that would be restricted in “intact landscapes” are not yet clear, but we are concerned that the very types of sustainable, multiple use activities responsible for the creation and stewardship of these “intact landscapes” would no longer be allowed. As pointed out in the June 14<sup>th</sup> letter sent from six western state Governors to Secretary Haaland, the fact that such significant areas across the western US are likely to qualify as “intact landscapes” likely resulting in restrictions disallowing multiple use only serves to punish responsible developers who have invested in conservation, multiple use, and the betterment of these lands – including the oil and gas community.

While we wish to emphasize this likely unintended consequence, we also wholly endorse the comments and multiple concerns submitted by the state of Utah and by the group of oil and gas associations led by the American Petroleum Institute (API) and the American Exploration and Production Council (AXPC). The rule directly counters the Federal Land Policy and Management Act (FLPMA) and its mandate that the BLM manage public lands for multiple uses and values. Short of congressional action to provide a new mandate, the BLM must adhere to the statutory requirements set out in FLPMA rather than prioritize conservation value over all other values as proposed in this rule. We respectfully echo the requests that BLM not move forward with the CLH rulemaking process and rather reengage in collaborative conversations with states, tribes and other stakeholders to reinforce the underlying multiple use mandate together with the principles of conservation and responsible stewardship.

Thank you for your consideration of these comments. If you have any questions about these comments, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Rikki Hrenko-Browning". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Rikki Hrenko-Browning  
President