

IN THE HOUSE OF REPRESENTATIVES

HOUSE JOINT MEMORIAL NO. 6

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

1
2 TO THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CON-
3 GRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE
4 STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, AND TO THE DIRECTOR
5 OF THE UNITED STATES DEPARTMENT OF THE INTERIOR.

6 We, your Memorialists, the House of Representatives and the Senate of
7 the State of Idaho assembled in the Second Regular Session of the Sixty-sev-
8 enth Idaho Legislature, do hereby respectfully represent that:

9 WHEREAS, the Bureau of Land Management has proposed a rule entitled
10 "Conservation and Landscape Health"; and

11 WHEREAS, the long-standing federal statute that governs federal lands
12 is the Federal Land Policy and Management Act of 1976, more commonly known
13 as FLPMA. FLPMA requires the Secretary of the Interior, acting through the
14 Bureau of Land Management to conduct a land use planning process and the
15 management of public lands on the basis of multiple use and sustained yield
16 principles, and to balance the need for environmental protection against the
17 need for domestic sources of minerals, food, timber, and fiber. FLPMA also
18 requires that priority be given to the protection of those lands that are
19 determined to be of "critical environmental concern"; and

20 WHEREAS, the proposed Conservation and Landscape Health rule would ele-
21 vate conservation to a level consistent with other federal multiple use re-
22 quirements, putting conservation on par with revenue raising uses; and

23 WHEREAS, it is of concern that the Bureau of Land Management may use the
24 rule aggressively to restrict use of federal lands, disrupting multiple uses
25 from grazing to recreation as well as other considerations such as tribal ac-
26 cess. It is also of critical concern how application of the proposed rule
27 will impact actions associated with threatened and endangered species; and

28 WHEREAS, areas of critical environmental concern are also addressed in
29 the proposed rule. Even though such areas are already allowed for, the un-
30 certainties associated with the proposed rule make it unknown how the exist-
31 ing process might change; and

32 WHEREAS, FLPMA has provided a fifty year directive to assure access to
33 federal lands. The proposed rule intends to reinterpret this long-standing
34 federal law simply through agency action. Agencies do not have this author-
35 ity. Changes in federal law need to go through Congress and the proposed rule
36 attempts to circumvent Congress; and

37 WHEREAS, the proposed rule would lead to increased bureaucracy, confu-
38 sion, and the likelihood of lawsuits.

39 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
40 sion of the Sixty-seventh Idaho Legislature, the House of Representatives
41 and the Senate concurring therein, that the Legislature opposes the Bureau
42 of Land Management's proposed rule entitled "Conservation and Landscape
43 Health" and urges that the rule be withdrawn in its entirety.

1 BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representa-
2 tives be, and she is hereby authorized and directed to forward a copy of this
3 Memorial to the President of the Senate and the Speaker of the House of Rep-
4 resentatives of Congress, to the congressional delegation representing the
5 State of Idaho in the Congress of the United States, and to the Director of
6 the United States Department of the Interior.