



RESOURCE DEVELOPMENT COUNCIL

Growing Alaska Through Responsible Resource Development

June 15, 2023

Submitted via email: michelle.lane@house.mail.gov

U.S. House Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, D.C. 20515

Re: Support H.R. 3397

To the Honorable Chair Westerman, Ranking Member Grijalva, and Members of the House Committee on Natural Resources:

The Resource Development Council for Alaska, Inc. (RDC) writes in support of H.R. 3397, legislation to require the Bureau of Land Management (BLM) to withdraw its recently proposed Conservation and Landscape Rule (88 Fed. Reg. 19583 (proposed April 3, 2023)) (hereafter the “proposed rule”).

RDC is a non-profit, statewide trade association within the state of Alaska. RDC is a unique organization comprised of individuals and companies from Alaska’s key and historically significant industries: fishing, forestry (timber), mining, oil and gas, and tourism (including recreation). RDC’s membership also includes all landowning Alaska Native corporations (ANCs) created pursuant to the federal Alaska Native Claims Settlement Act of 1971 (ANCSA), local communities, organized labor, as well as industry support firms. RDC’s purpose is to encourage a strong, diversified private sector in Alaska and expand the state’s economy based on our mission of growing Alaska through the responsible development of our natural resources.

RDC is concerned the proposed rule violates the constitutional separation of powers by unlawfully expanding BLM’s land management authority under the Federal Land Policy and Management Act (FLPMA). “Conservation” is not a “use” in the statutory list of land uses identified in FLPMA. BLM simply cannot add new type of land use by regulation without first having legislative authority to do so. This is inconsistent with the authority granted by and the intent of FLPMA when Congress passed it in 1976.

RDC is also concerned that by elevating “conservation” as a “use” under FLPMA and creating so-called conservation leases under FLPMA, unresolvable conflicts will occur and result in *de facto* land withdrawals never intended or authorized by FLPMA. It is difficult to see how such leases would not create incompatibilities with the limited land uses already identified in FLPMA or how BLM could properly balance such a “use” against FLPMA’s multiple use and sustained yield mandates that BLM is required to uphold.



TOURISM



FISHERIES



OIL & GAS



MINING



FORESTRY

RDC is still analyzing the full impacts the proposed rule would have on the unique attributes of Alaska with the intent to submit comments on the proposed rulemaking. However, it was important we raise the important constitutional issues with the Committee. As RDC continues its assessment, there may be additional concerns that should be shared with the Committee. RDC will supplement this letter as needed.

Thank you for your consideration of this matter. If you have questions or need additional information, please contact RDC Executive Director Leila Kimbrell at leila@akrdc.org.

Yours resourcefully,



Leila Kimbrell
Executive Director

Cc: Representative Mary Peltola