

# Nevada Mineral Exploration Coalition

## *The “Voice” of Nevada Exploration*

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June 20, 2023  
Secretary Deb Haaland  
U. S. Department of the Interior  
Director (630), Bureau of Land Management  
1849 C St. NW, Room 5646  
Washington, DC 20240

RE: 1004-AE92

Dear Secretary Haaland,

The Bureau of Land Management (BLM) recently released a proposed rule for “Conservation and Landscape Health” (Rule). On behalf of the Nevada Mineral Exploration Coalition (NMEC) we are writing to express our opposition to the Rule.

NMEC is a non-partisan, grassroots coalition of individuals and small businesses who make up the research and development segments of the mining industry. Our goals are to promote and preserve the natural resource exploration industry of Nevada and the western United States (West). We use state-of-the-art science and technology to search for and develop the natural resources of the West. It is critical to remember that mineral resources must be searched for – their locations are not predictable. Moreover, with the continuing development of extractive methodologies, mineral resources that were previously considered not developable may be available for mineral development in the future.

NMEC’s opposition to the Rule is multi-faceted:

- The Rule contradicts the intent of the Federal Land Policy and Management Act of 1976 (FLPMA) and violates current case law: FLPMA’s intent was to promote multiple use with sustained yield. Conservation was to be the outcome. The Rule changes the intent of FLPMA without congressional action.
- The Rule alters BLM’s role: BLM has been given the responsibility to manage our nation’s public lands. This is an enormous responsibility – one which BLM struggles to adequately perform. The Rule would fundamentally endanger the management of the nation’s public lands by distancing BLM from its role of managing for multiple use and sustained yield. The Rule would cause a fundamental shift away from BLM’s role to one in which multiple use and sustained yield would succumb to a more protection-oriented management. This also infringes on the mandates of other federal agencies including the National Park Service, National Forest Service and Environmental Protection Agency.

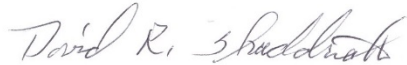
- The Rule alters BLM's relationship with stakeholder: The Rule would override the existing relationship that BLM has with stakeholders. The conservation lease framework, along with the modified Area of Critical Environmental Concern (ACEC) methodology, dramatically limits the involvement of existing stakeholders – especially state and local governments. The Rule moves away from FLPMA's intent of balanced multiple use in this regard.
- The Rule confuses the definitions of conservation versus preservation: FLPMA's intent was for conservation in terms of multiple use and sustained yield. The intent was not to lock away lands excluding them from active use (i.e., preservation).
- The Rule overrides existing conservation on our nation's lands: The United States lands – lands which every citizen of the United States owns – are already protected under strict Federal guidelines. The Rule creates unnecessary regulation and restrictions that are not conducive to the intent of FLPMA.
- The Rule's elevation and definition change to the management of ACECs violates FLPMA: The Rule would allow the BLM to manage newly identified ACECs without going through the appropriate resource management planning process and without input from stakeholder involvement including state and local governments. This change in management on public lands is in direct violation of FLPMA.
- The Rule elevates the conservation lease above other sustainable uses: While the Rule states that the conservation lease is a mechanism for "prioritizing the health and resilience of ecosystems," the methodology of the conservation lease can override and preclude existing rights that may not be compatible with the conservation use. This amounts to a segregation and/or withdrawal without appropriate congressional action.
- The Rule alludes to the change of BLM's role from management to control: The Rule provides for conservation leases without a size limitation and with a renewable 10-year duration. The Rule mandates who can apply for the lease through undesignated "eligibility." Furthermore, only undefined "casual use" is allowed on a conservation lease. This is contradictory and inconsistent with FLPMA's mandates of multiple use and sustained yield and amounts to an inconsistent and unauthorized use of public lands.
- The Rule proposes new definitions not previously designated by Congress: Specific new definitions such as "Intact Landscapes," "Indigenous Knowledge," "best management practices," as well as many others and those already discussed above, have not been defined by Congress or are being re-defined without appropriate Congressional oversight.
- The Rule undermines rural industry in Nevada and beyond: The Rule would provide a mechanism by which rural communities supported by industries requiring public land access (i.e., mining and ranching) could have their livelihoods severely disrupted by secondary stakeholders. This is particularly the case in Nevada, where the economies of certain counties critically depend on mining and agriculture, but is also the case throughout much of the West. The rule risks elevating the ambitions of well-funded environmental organizations over the economic well being of ordinary citizens; this is clearly an unethical violation of BLM's mandate.

The sound and proper multiple use and sustained yield as defined by FLPMA has worked for the American people for over 40 years and continued wise management by the BLM is essential to health and welfare of all American people. The Rule will

detrimentally and inextricably impact these hallmarks of public land use and remove Congressional balance that BLM's management desperately requires.

We strongly urge the proposed Rule be set aside and allow the people of the United States, through their duly elected representatives, choose how their lands are to be managed.

Respectfully,

A handwritten signature in cursive script that reads "David R. Shaddrick".

David Shaddrick  
President, Nevada Mineral Exploration Coalition  
Dshaddrick@aol.com

Cc: Senator Catherine Cortez Masto  
Senator Jacky Rosen  
Congressman Mark Amodei  
Governor Joe Lombardo