



Public Lands Foundation

P.O. Box 7226 Arlington, Virginia 22207

For America's Heritage

September 8, 2025

The Honorable John Thune
Majority Leader
U.S. Senate
Washington, D.C. 20515

The Honorable Charles Schumer
Democratic Leader
U.S. Senate
Washington, D.C. 20515

Dear Leader Thune, Leader Schumer, and Members of the Senate:

The Public Lands Foundation (PLF) expresses our significant concerns regarding the recent Resolutions approved by the House of Representatives to disapprove three Bureau of Land Management (BLM) resource management plans (RMPs) under the Congressional Review Act (CRA). The Senate may be considering similar Resolutions in the near future as well. The PLF strongly urges the Senate to avoid such Resolutions, as the unintended consequences of invalidating BLM RMPs for millions of acres of public land will be significant. Instead, Congress should amend the CRA to clarify that BLM RMPs prepared under the statutory authority of Section 202 of the Federal Land Policy and Management Act (FLPMA) are not rules or regulations subject to CRA review.

The House of Representatives on September 3, 2025, approved Resolutions to disapprove Records of Decision for the BLM Alaska Central Yukon RMP, the North Dakota RMP, and the Miles City, Montana RMP. These Resolutions were considered by the House after the General Accountability Office (GAO) in June 2025 issued decisions that the requirements of the CRA apply to BLM decisions and approvals of land use plans. The GAO determination has a much broader implication for the management of all public lands since the BLM has not provided decisions and approvals of RMPs to Congress for review since passage of the Congressional Review Act in 1996. This would place in jeopardy the status of land use plans that have been prepared over the last 30 years for millions of acres of our public lands. Adding to the uncertainty, the CRA's prohibition on BLM issuing a new RMP in "substantially the same" form as the disapproved land use plan would prevent the BLM from replacing just selective provisions of the disapproved RMP in the future, contrary to FLPMA's mandate.

The BLM has finalized 123 land use plans since 1996, covering millions of acres of public land, that have not previously been submitted to Congress for review. All of these RMPs could potentially be subject to litigation over this issue. Existing and pending authorizations on the public lands under these RMPs would include mining and mineral leasing and development activities, timber sales, livestock grazing, rights-of-way for energy generation and transmission, recreation activities, and a wide variety of other permits, contracts, licenses, and leases. The resulting uncertainty could freeze the ability of the BLM to manage the public lands for years.

The Federal Land Policy and Management Act (FLPMA) is the foundational authority for the BLM and provides the statutory framework for the management of the public lands. The land use planning authorities and procedures outlined under Section 202 of FLPMA are separate and distinct from the regulations and rulemaking requirements under Section 310 of FLPMA or the rulemaking procedures required under the Administrative Procedures Act (APA). The preparation of BLM land use plans is the primary process for carrying out FLPMA's statutory mandate for management of the public lands. The BLM planning regulations (43 CFR Part 1600), which have already been reviewed by Congress under the requirements of the CRA, prescribes a comprehensive and multi-step process for the preparation of RMPs which includes extensive public involvement and comment, coordination with other federal agencies, state and local governments and federally recognized tribes, environmental analysis and review, and consistency review by state governors.

The PLF urges the Senate to reject any Resolution to disapprove the BLM approval of an RMP and preserve the integrity of the FLPMA land use planning process that could have far-reaching and unintended consequences for all activities on the public lands. Congress should instead consider an amendment to the Congressional Review Act to clarify that land use plans prepared under the statutory authority of Section 202 of FLPMA are not rules or regulations subject to CRA review.

The PLF is a nonprofit national organization that supports the multiple-use management of the public lands managed by the BLM as prescribed by FLPMA. We are a membership organization whose members are predominately retired former employees of the BLM. As such, our membership represents a broad spectrum of knowledge and experience in public land management at both the professional resources management and senior management levels of the agency. This experience includes the development of policies and rules and regulations for the multiple-use management of public lands, the preparation of land use plans for the public lands, and the permitting of a wide variety of land use authorizations on the public lands.

Thank you for your attention to this issue and your interest in the management of our public lands for current and future generations.

A handwritten signature in cursive script, reading "Mary Jo Rugwell".

Mary Jo Rugwell, President