April 22, 2022

Tracy Stone-Manning, Director

Bureau of Land Management

1849 C Street, NW

Washington, DC 20240

Dear Director Stone-Manning,

We write to urge you to take action to protect the integrity of the Conservation Lands in the California Desert within the Desert Renewable Energy and Conservation Plan (DRECP) boundaries. Affirmative action is necessary because of the confusion and misdirection created by an October 3, 2019, Instruction Bulletin (IB) issued by the BLM California state office at the direction on then-Interior Secretary David Bernhardt.

The October 3 IB incorrectly interpreted the “prohibited uses” section found in the Dingell Act of 2019 (16 U.S.C. § 410aaa-81c(b)) as only applying to a Habitat Conservation Plan, General Conservation Plan, or California’s Natural Communities Conservation Plan. The IB concluded that since none of the three exist within the DRECP no lands are covered by the prohibitions section. This is contrary to a plain reading of the California Desert amendments in the Dingell Act and contrary to the intent of the amendment’s author, Senator Diane Feinstein (appended to this letter).

It appears that the October 3, 2019, IB is no longer in effect. But the fact that it existed has sown confusion over the fate of 2.4 million acres of conservation lands within the California Desert. The BLM must settle any confusion caused by the IB about the fate of these lands by ensuring the Department of Interior issues clear guidance in the form of a Solicitor’s Opinion, Secretarial Order, or otherwise interpreting the conservation provisions in the Dingell Act in a manner consistent with the intent of Senator Feinstein.

We also urge the BLM to fully implement the provisions of the DRECP, consistent with the Record of Decision. The DRECP was a carefully crafted balance between renewable energy, mining, grazing, and conservation interests. Since its adoption some provisions, most notably the mineral withdrawal of the roughly 4 million acres of conservation lands, have not been acted upon while others, such as the recent approval of three new renewable energy projects (and a fourth under consideration) have moved forward. The intent of the temporary conservation lands mineral withdrawal was to give the BLM time to consider which lands should be permanently withdrawn from mining. The lack of any action on the withdrawal means that mining claims can continue to be staked on conservation lands, potentially precluding their ability to meet the DRECP’s conservation goals.

The California Desert is one of the most fragile, ecologically, and recreationally important regions of the United States. That is why Congress has passed several bills protecting it and President Obama used the Antiquities Act to create three national monuments conserving rare treasures. These actions, and others, have made the California Desert the best protected desert in the world. Secretary Bernhardt’s October 2, 2019, memo put 2.4 million acres of conservation lands in the desert at risk. So too, has inaction by the BLM to temporarily withdraw all the conservation lands in the DRECP. Addressing both these issues will put the desert back on a positive conservation trajectory.