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INTERIOR

# Congress of the United States House of Representatives

Washington, DC 20515-3222

August 9, 2006

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Mr. Earl E. Devaney, Inspector General  
Office of the Inspector General  
ms 5341 – MIB  
United States Department of the Interior  
1849 C Street, NW  
Washington DC 20240

Dear Mr. Devaney:

It has come to my attention that certain Bureau of Land Management officials have taken recent actions that appear to have compromised the integrity of the BLM's resource management planning process and have eroded the protection of federal lands in the State of Utah.

According to the attached memorandum prepared by Mr. Robert K. Weidner representing the Utah Association of Counties to his clients, at a meeting held on July 18<sup>th</sup> of this year in Uintah County, Utah, Acting State Director Henry Bisson and Deputy Director James Hughes made commitments to -- in the words of the memorandum -- "fix" several resource management plans being prepared in the state in such a way as to "promote economic growth and reduce restrictions on access to the public lands." The memorandum goes on to refer to "handouts" distributed at the meeting that "outlined the positive steps the agency has taken or is about to take on behalf of counties..." The memorandum further describes Mr. Bisson's request for public support from the counties in the BLM's public relations campaign to put a positive public relations spin on its oil and gas leasing program, a program that in the view of many who have examined it, has irresponsibly targeted wilderness-quality lands for development, and has recently been criticized for failing to comply with key environmental statutes in an opinion rendered by the District Court in Utah. (Case No. 2:04CV574 DAK)

The Federal Land Policy and Management Act (PL 94-579) makes clear the duty of the BLM to coordinate its land use planning activities with state and local governments (43 U.S.C. 1712). However, such coordination in no way legitimizes back door "fixes" of BLM land use plans to encourage a singular activity which would be contrary to the Act -- in this case oil and gas development -- and to reduce restrictions on access, which is likely a comment aimed at the off-road vehicle travel plans that are being prepared in conjunction with the Resource Management Plans, and the R.S. 2477 issue. In fact, Congressional policy enunciated in FLPMA requires that the public lands be managed,

...in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will

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provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use. (43 U.S.C. 1701)

The Weidner memorandum, on the other hand, suggests that key BLM officials have made commitments to Utah county officials that new Resource Management Plans prepared in the state will reflect certain attitudes regarding "economic development" and in particular oil and gas development favorable to them. It goes on to advocate "reducing restrictions on access" which almost certainly refers to the State of Utah and the counties' pursuit of a "back door" fix of their alleged R.S. 2477 rights-of-ways across public lands without having to formally prove and adjudicate such claims.

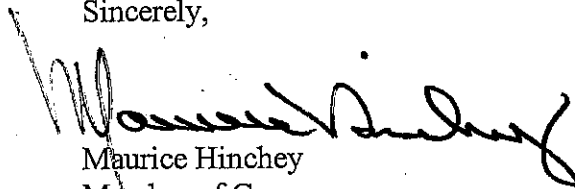
Therefore, I am requesting that your office investigate: the nature of the commitments made by Mr. Bisson and Mr. Hughes to the Utah counties at the July 18<sup>th</sup> meeting described in Mr. Weidner's memorandum; review and make available to the public all documents prepared pursuant to this meeting and distributed at it; and determine whether other commitments have been made on other occasions to either the State of Utah, the counties or the oil and gas industry regarding the provisions of new BLM resource management plans in the state.

In enacting FLPMA, Congress intended the BLM's federal land use planning process to be carried out on the basis of transparency, with fair opportunities for all public land constituents, no matter where they may reside and regardless of their political affiliations, to have their views considered, and information they provide taken into account in the BLM's land use planning decisions. The future of Utah's public lands has been the focus of intense public and Congressional debate for over 20 years.

Many in Congress, myself included, believe that the lands managed by the BLM in Utah are among the most splendid and spectacular landscapes in the world and their environmental attributes are an extraordinary national asset that should be protected for future generations of Americans. Unfortunately, in making promises behind closed doors to certain parties including oil and gas companies who are primarily interested in maximizing the economic exploitation, and local county and state control of these federal lands, BLM officials may have not only undermined the integrity of the agency's land use planning process, but may have made commitments that will result in the permanent impairment of the environmental integrity of these lands for generations to come.

I hope that you will look into this matter. Thank you for your attention to this request.

Sincerely,



Maurice Hinchey  
Member of Congress