

● CONSERVATION MANAGEMENT OF AMERICA'S PUBLIC LANDS:

AN ASSESSMENT AND RECOMMENDATIONS FOR PROGRESS 25 YEARS AFTER FLPMA



A White Paper by the
National Wildlife Federation
and the
Natural Resources Defense Council

October 2001



**CONSERVATION MANAGEMENT OF
AMERICA'S PUBLIC LANDS:
AN ASSESSMENT AND RECOMMENDATIONS FOR PROGRESS
25 YEARS AFTER FLPMA**

A White Paper by the National Wildlife Federation
and the Natural Resources Defense Council
October 2001

For additional information on this report, contact:

johnsonc@nwf.org
or
jwald@nrdc.org

National Wildlife Federation
2260 Baseline Road Suite 100
Boulder, Colorado 80302
Tel: (303) 786-8001 Fax: (303) 786-8911
www.nwf.org

Natural Resources Defense Council
40 West 20th Street
New York, New York 10011
Tel: (212) 727-2700 Fax: (212) 727-1773
www.nrdc.org

© 2001 National Wildlife Federation. All rights reserved.

Printed on recycled paper ♻️

TABLE OF CONTENTS

Foreword	
Executive Summary	
Introduction: The Imperative for Conservation Management of America's Public Land Resources	8
An Abundance of Resources	8
A History of Resource Extraction: "The Lands No One Knows"	10
Ecological Degradation: The Need for Change	11
The Opportunity for Change	12
Conservation on America's Public Lands: A Brief History of Bureau of Land Management Land Use Policy and Management	14
Statutory Authorities and Mandates for Conservation of America's Public Land Resources	16
Multiple Use Mandate	16
Balancing of Land Uses	17
Preclusion of Uses	17
Protection of Special Areas	19
Responses to Court Challenges	21
Conservation Programs in the 1990s	23
Riparian-Wetland Initiative for the 1990s	23
Rangeland Reform	24
BLM National Monuments	26
The Bureau of Land Management Today: Obstacles to Conservation Progress	30
Unclear Focus, Competing Visions	30
Influence of Historical Political Constituencies	31
Lack of Organized Conservation Constituency, Identity for BLM Lands	31
Agency Leadership and Staffing Expertise	32
Insufficient Conservation Budget, Inadequate Reporting System	33
Complex Land Ownership Patterns	35
Insufficient Land Use Planning	35
State-Based Organizational Structure	36
Signs of Progress: Recent Conservation Initiatives	39
The National Landscape Conservation System	39
Grasslands Conservation Initiatives	41
Renewed Emphasis on Land Use Planning	44
New Guidance on Recreation	44
<i>Case Study: Conservation Progress on California's Public Lands</i>	46

A Conservation Agenda for America's Public Lands	49
Protect the Crown Jewels of Public Lands	50
Support Planning and Management for the National Landscape Conservation System	50
Preserve Remaining Roadless Lands	51
Review, Designate More Areas of Critical Environmental Concern	51
Promote and Strengthen Restoration Initiatives	53
Plan for Conservation Management	55
Fund Land Use Planning	55
Plan for Land Health	56
Reform Planning for Oil and Gas Leasing	57
Strengthen the Recreation Strategy	59
Rationalize the Bureau of Land Management's Land Base	60
Pursue Limited Sales and Exchanges for Conservation Benefits	61
Explore State-Wide Adjustments	62
A Reform Agenda for the Bureau of Land Management	65
Recruit and Train Conservation Managers	65
Build Expertise for the Future	65
Expand Monitoring Capability	66
Train Managers in Landscape-Level Management	66
Extend Performance Measures Based on Land Health	67
Budget for Healthy Landscapes	69
Establish Regional BLM Offices	70
Improve Coordination with Other Federal Land Management Agencies	71

Appendix

FOREWARD

Looking west from the Mississippi River, vast expanses of prairie, then sage grasslands rise slowly from sea level. Today, the prairie lands are carved up to make way for modern agriculture. The sage grasslands may look intact to the naked eye, as they stretch for a thousand miles from the western slope of the Rocky Mountains to California, Oregon, and Washington. But in fact, they are suffering through fundamental change, as native species are lost throughout the sagebrush sea.

These Western lands were once thought of as wastelands, and deserts; the lands no one wanted. Today, we know they are teeming with life, in a rich mosaic of plants and animals living in a landscape that defines the West, and thus the nation. In many parts of the West, it is the public lands that harbor the species that can no longer find their grasslands habitat on private or state-managed lands. Thus, these public lands are a reservoir for our nation's biological diversity.

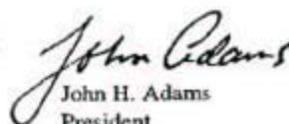
Much of the remaining unplowed prairie and sage grasslands are under the jurisdiction of the U.S. Bureau of Land Management (BLM). As the nation's largest land manager, the BLM is responsible for roughly 170 million acres of publicly-owned lands in the lower 48 states, another 100 million acres in Alaska, and more than 300 million acres of subsurface mineral resources scattered across the continent. The future of these precious public resources is in the agency's hands.

In this report, the National Wildlife Federation and the Natural Resources Defense Council reflect on the change and the challenge, across the landscape and within the Bureau responsible for its protection. New information and new initiatives have awakened the agency and the public to the necessity and the opportunities for conservation of wildlife habitat, watersheds, and other natural resources. This report identifies some of the changes BLM urgently needs to make if those opportunities are to be realized and its mission fulfilled.

We offer the BLM a guide for the new century – an assessment and concrete steps that can help the agency better conserve and restore the rich diversity of lands belonging to every American. It is our hope that, with public encouragement, the BLM will follow this map toward conservation progress on the lands entrusted to it. If future generations are to enjoy a Western legacy of healthy and abundant wildlife, watersheds, solitude, and scenic beauty, the work of an enlightened and empowered BLM will be essential.



Mark Van Putten
President and CEO
National Wildlife Federation



John H. Adams
President
Natural Resources Defense Council



EXECUTIVE SUMMARY

The roughly 270 million acres of federal public lands administered by the Bureau of Land Management (including some 100 million acres in Alaska) are part of America's greatest legacy, and like the West itself, rich in cultural and natural resources. Extraordinary landscapes, vast grasslands habitats, abundant wildlife populations, thousands of miles of rivers and trails, energy and mineral resources, millions of acres of lakes and reservoirs, major archeological, paleontological and historic sites, and untold recreational opportunities abound on America's public lands.

The need for a shared commitment to and vision for America's public lands has never been greater. In the increasingly urbanized West, public demands for open space, clean water and healthy watersheds, wildlife habitat, and recreation are rapidly growing. The Bureau of Land Management (BLM) now faces substantially different challenges and demands than it did in when it was created in 1946 and its primary responsibilities were to dispose of portions of the federal land estate and dispense permits for the exploitation of resources.

At the dawn of a new century, the ability of the nation's largest land management agency to provide effective stewardship of the lands entrusted to it is in serious question. Twenty-five years ago, Congress passed the Federal Land Policy and Management Act, giving the BLM a new mandate to protect and conserve the public lands of the West.

Today, the BLM has yet to fully embrace the changed circumstances and demographics of the West, and it has failed to take the necessary steps to adapt to them. The agency's policies and practices are still heavily driven by its historical constituencies – the energy, mining, livestock production, and other extractive industries – and their political allies, as well as by an agency organization and culture that evolved to serve them. The result has been the continuing ecological degradation of the public lands, including damaged watersheds, habitat destruction, and species declines in both numbers and diversity.

America's public lands are still sufficiently extensive and rich in resources to meet growing public needs and accommodate well-managed historical uses such as livestock grazing and energy development in appropriate locations.

But a management approach dominated by dispensing natural resources and negotiating site-specific conflicts will serve neither the public interest nor, in the long term, the economic interests that benefit financially from access to the public lands. It is long past time for America's public lands to be managed in a way that serves the broader public interest and responds to new and growing public demands for their use and stewardship.

Restoration and maintenance of water quality, maintenance of biological diversity, conservation of threatened and endangered species habitat, wilderness protection, and maintenance of open spaces must all become central concerns for America's public lands managers. Accomplishing this will require the BLM to develop and articulate an agenda for protecting the ecological health of America's public lands, and to take measurable steps, including a realignment of its management structure and organizational culture, to demonstrate results on the ground and promote meaningful, long-term stewardship of the land.

Looking forward, there is reason for hope and cause for concern. Over the past quarter century, and especially in recent years, the BLM has launched a number of important conservation initiatives that could lead toward a sustainable future for the public lands and the agency itself.

Today, the BLM faces a clear challenge: Should it fail to develop and embrace a meaningful conservation agenda for the lands under its jurisdiction, management responsibility for the public lands with significant conservation values will eventually be transferred to other federal land management agencies, resulting in a fundamental realignment of federal land management responsibilities and priorities.

But if it chooses to embrace its conservation responsibilities, the BLM, with its ecologically and culturally rich land base, can emerge as America's premier land management agency. Incorporating diverse interests and ensuring the long-term health of America's public lands will require programmatic and organizational changes and commitments, including:

- Making the National Landscape Conservation System, with its National Monuments, National Conservation Areas, Wild & Scenic Rivers, and Wilderness units, a showcase of American land stewardship, raising the profile of BLM's conservation role both internally and externally.
- Undertaking a serious commitment to land use planning by developing comprehensive plans for all Resource Management Areas without existing plans, all new units of the National Landscape Conservation System, and all other areas whose plans are more than 20 years old.
- Understanding the resource base and the potential environmental costs and financial liabilities of development decisions before transferring rights of access and development to private interests.
- Integrating land health standards into all public land management and decision-making processes.
- Replacing state offices with regional offices.
- Pursuing strategic land exchanges, adjustments, and large-scale consolidations to improve conservation management of public lands.

- Designating landscape-level Areas of Critical Environmental Concern to encompass entire at-risk landscapes, and increase the profile of the agency's conservation responsibilities.
- Diversifying, increasing, and strengthening its workforce to adequately address 21st century challenges, including landscape-level conservation, recreation, scientific monitoring, species-loss, restoration of damaged lands, rationalizing land ownership patterns, and partnerships to conserve natural resources and serve taxpayers.

The National Wildlife Federation and the Natural Resources Defense Council have undertaken an assessment of public lands management and of the BLM's mission, responsibilities, and challenges. We believe that the BLM can set the standard for American land conservation in the 21st century, distinguished from the National Park Service, the Fish and Wildlife Service, and even the Forest Service by the diversity of the agency's responsibilities and the scope of its vision. This report also examines the obstacles to this transition and offers a plan for achieving meaningful and measurable conservation progress on America's public lands.

METHODOLOGY

The information in this report was compiled from the sources listed in the footnotes as well as interviews and conversations with more than 100 resource professionals, land managers, conservation advocates, congressional aides, and others. These included interviews with former and current personnel within the Department of the Interior, and others, in both academia and the non-profit community, with expertise in public lands policy. Many of the statements listed throughout this report represent consensus opinions heard during those interviews. To ensure frank and open discussions, the National Wildlife Federation and the Natural Resources Defense Council assured participants that statements made during interviews and conversations would not be attributed to specific individuals. A partial list of those whose views contributed to the development of this report is included as an Appendix.



INTRODUCTION: THE IMPERATIVE FOR CONSERVATION MANAGEMENT OF AMERICA'S PUBLIC LAND RESOURCES

The Department of the Interior's Bureau of Land Management (BLM) manages 264 million acres of publicly-owned lands in the continental United States and Alaska. The roughly 170 million acres of these public lands in the lower 48 states are the focus of this report.

A recent editorial in the *Denver Post* captured the evolving American image of these landscapes:

Vast vistas. Solitude. Forests and deserts. Mountains and canyons. Rivers and history written across a landscape as big as the American West. In a dozen states from the Rockies to the Pacific to the Arctic, the U.S. Bureau of Land Management oversees the open spaces and wild places that define the West's character, economy and mythic stature.¹

AN ABUNDANCE OF RESOURCES



The public lands now remaining under BLM management are like the West itself, rich in cultural and natural resources. These lands provide a home for more than 600 species of fish, wildlife and plants that are threatened, endangered, or otherwise considered sensitive or rare. Selected habitats on public lands are now afforded some protection under the federal Endangered Species Act, including that for the black-footed ferret (the most endangered mammal in North America), and the desert tortoise, Apache trout, northern spotted owl, and Sonoran pronghorn.

In addition to rare and sensitive animals, thousands of other species make their home on public lands. These lands support vast herds of elk and pronghorn antelope, mule deer, and bighorn sheep. Sage grouse and numerous other upland game birds live and breed on public lands. More than 30 million acres of BLM-managed sage grasslands are occupied by sage grouse. Another 29 species of birds, 49 mammals, 18 reptiles, 3 amphibians, 94 invertebrates, 324 vascular plants, and 4 non-vascular plants can also be found in healthy sage grasslands.²

INTRODUCTION



At least 11 species listed as threatened or endangered under the Endangered Species Act, including the black-footed ferret, Preble's meadow jumping mouse, piping plover, interior least tern, and Colorado butterfly plant, can be found in prairie grasslands administered by the BLM.³ More than 100 other species find homes in and around the colonies of black-tailed prairie dogs that dot the public lands – a species that itself is at risk of disappearing from the landscape.

The BLM is also responsible for landscapes full of unique wild plant assemblages. Included among these are rare oak savannah grasslands, black grama grasslands, and sage grasslands. The public land estate managed by the BLM includes roughly 100 million acres of the nation's remaining sage grasslands, once considered the "big empty" by pioneers and explorers looking for a way to the west coast. Now the Great Basin (roughly the land between the Rocky Mountains and the Sierra Nevada) is seen for what it really is: the home of a suite of plants and wildlife specially adapted to the periods of extreme temperature and little moisture that characterize these seemingly harsh, vast sagebrush flats.

East of the Continental Divide, BLM has responsibility for more than 10 million acres of shortgrass and mixed-grass prairie, found primarily in Montana, Wyoming, and North and South Dakota. The prairie grasslands are some of the most biologically diverse lands in the United States, and once occupied the entire center portion of the country. Today, most of them have been altered, primarily by agricultural activities. The prairie grasslands remaining under federal management provide a rare haven for species dependent on these disappearing complexes of native wheat, grama, needle, and buffalo grasses.

In addition to their outstanding plant and wildlife values, America's public lands support tremendous recreational resources. BLM manages 205,000 miles of fishable streams, 2.2 million acres of lakes and reservoirs, 6,600 miles of floatable rivers, and over 500 boating access points. The BLM is also responsible for 69 National Back Country Byways, 4,500 miles of National Scenic, Historic, and Recreational Trails, and thousands of miles of multiple use trails used by hikers, mountain bikers, off-road vehicles, and horseback riders.⁴

Most of the recreational use on these lands is unpermitted and unregulated, with free and unfettered access for millions of visitors each year. America's public lands receive an estimated 62 million recreational visits annually.⁵

Public lands under BLM jurisdiction also provide unique opportunities to study a geological and fossil record created over millions of years, and an archeological treasure trove containing the stories of the ancient peoples who once inhabited this land. Tens of thousands of hours are logged on the public lands each year by students of all ages, who use these lands as outdoor laboratories and classrooms.⁶

America's public lands provide a net financial return to the federal treasury and to state coffers. Recreation represents a growing share of the revenue generated from public lands.⁷ The BLM also continues to be a major producer of commodity products considered important to local communities, and to some extent nationally and internationally. More than 10 million acres of America's public lands administered by the BLM are currently under production for oil and gas.⁸

INTRODUCTION



Roughly 280,000 mineral claims exist,⁹ as mining companies and individuals speculate on finding that next big mother lode of gold, silver, or some other hardrock mineral on the public lands. More than 95 percent of America's public lands in the lower 48 have been divided into livestock grazing allotments, available to leasing for domestic livestock.¹⁰

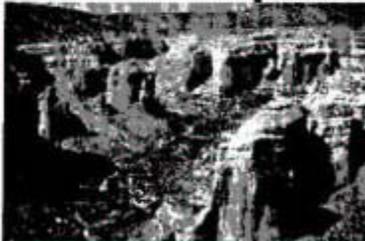
A HISTORY OF RESOURCE EXTRACTION: "THE LANDS NO ONE KNOWS"

When the BLM was established in 1946, its role was to dispose of parts of this vast public estate, and to issue authorizations for exploitation of its resources – its forage for livestock, its hardrock minerals, and its oil and gas reserves.

That role began to change in 1969 when the Public Land Law Review Commission was established and directed to take a comprehensive look at all federally managed lands, and to consider their future. The commission's findings regarding the public domain lands under the agency's jurisdiction had a fundamental impact on these lands as well as on the BLM. The commission found that:

- The public lands are a vital national asset containing a variety of natural resource values.
- Sound, long-term management of these lands is vital to the maintenance of a livable environment and the well-being of the American people.
- The national interest will best be realized if the lands and their resources are periodically and systematically inventoried and their present and future use projected through a land use planning process.
- These lands should be retained in federal ownership.¹¹

Although awareness was growing at the highest levels of government about the public lands, when the commission's report was published the general public had little knowledge about the vast storehouse of natural resources and values under the jurisdiction of the BLM. To the extent the public was familiar with the agency, it was seen as the custodian of the lands that were "left over" after a century of federal land disposal, and its primary constituencies were livestock operators, miners, and oil and gas developers.



In 1975, T.H. Watkins and Charles Watson, Jr., wrote *The Lands No One Knows*, reviewing the history of the public domain lands now managed by the BLM. They characterized these lands as follows:

The lands that survived 150 years of corruption, speculation, giveaway and wreckage, the lands that have been the target of another 40 years of attempted raids, the lands left over after all the various national reservations were made, are lands owned by the people of the United States – all of the people of the United States.¹²

INTRODUCTION



ECOLOGICAL DEGRADATION: THE NEED FOR CHANGE

Sadly, the bounty of natural resources found on and under the public lands has incited more than a century of exploitation. Historically, in the scramble to get at the minerals, energy, forage, and cultural artifacts of these lands, environmental protection has rarely been considered by the users of these lands or by the agencies responsible for their management. At best, environmental protection has been subservient to commodity production. Too often the legacy on America's public lands has been one of corruption, greed and abuse, with both the land and taxpayers paying the price.

The damage done to public lands administered by the BLM had become so blatant by 1978 that in a statute enacted that year, Congress declared that "vast segments of the public rangelands are producing less than their potential for livestock, wildlife habitat, recreation, forage, and water and soil conservation benefits, and for that reason are in an unsatisfactory condition."¹³ Congress recognized the many environmental problems on the public lands, when it found that:

...unsatisfactory conditions on public rangelands present a high risk of soil loss, desertification, and a resultant underproductivity for large acreages of the public lands; contribute significantly to unacceptable levels of siltation and salinity in major western watersheds including the Colorado River; negatively impact the quality and availability of scarce western water supplies; threaten important and frequently critical fish and wildlife habitat; prevent expansion of the forage resource and resulting benefits to livestock and wildlife production; increase surface runoff and flood danger; reduce the value of such lands for recreational and esthetic purposes; and may ultimately lead to unpredictable and undesirable long-term local and regional climatic and economic changes.¹⁴

Despite this recognition almost twenty-five years ago that the public lands had suffered serious resource damage, the abuse of these lands has continued and their condition today is not appreciably improved.

A 1986 assessment done by the BLM of the vegetation on the public lands again confirmed their poor ecological condition. That study found that only 35% of the vegetation on the public lands was at "potential natural community" or "late seral stage" (ecological measures indicating that vegetation has not been disturbed or has had sufficient time to recover to its natural state). Fifty-eight percent of the vegetation was at a mid- or early-seral stage (indicating the vegetation was recently disturbed and has not had sufficient time to recover). When the BLM repeated the assessment ten years later, in 1996, little had changed; only 37% of BLM vegetation was in good ecological condition (at potential natural community or late-seral stage), while 54% still remained in poor shape (mid- or early-seral stage).¹⁵

INTRODUCTION



This overall lack of progress in restoring healthy vegetative communities on America's public lands is echoed in the condition of waterways and watersheds under BLM management. In 1999, only 40% of riparian miles and 48% of wetland acres on the public lands in the lower 48 were in "proper functioning condition," according to the BLM.¹⁶

The fate of wildlife on the public lands has been no better. Currently, there are more than 306 species federally listed as threatened or endangered, 35 species proposed for listing, and more than 1000 otherwise sensitive species found on the public lands.¹⁷

These and other data make it clear that, despite the promise of the Federal Land Management and Policy Act of 1976 (FLPMA), the nation's public lands, and the natural resources they support, continue to be damaged by policies and management practices that place only secondary value, if that, on protecting the long-term health of these lands.

THE OPPORTUNITY FOR CHANGE

Today the public lands are no longer unknown to Westerners or those who visit the West. Increasingly, they are being discovered by people in search of open lands on which to recreate, view wildlife, or experience solitude, and are being appreciated by growing Western communities for the open space they provide near urban boundaries. The public lands are truly our "national resource lands," and they deserve careful stewardship.

In a speech to BLM employees in March 2000, then-Secretary of the Interior Bruce Babbitt outlined the agency's future:

The BLM faces a choice. It can become the greatest modern American land management agency, the one that sets the standard for protecting landscapes, applying evolving knowledge and social standards, and brings people together to live in harmony with the land. Acting with public and private partners, the BLM can be the paradigm of the Interior Department's 150th anniversary motto: Guardians of the past, stewards of the future.

Or it can become a relic, a historical artifact, its most desirable lands carved up and parceled out to other land management agencies, with the remainder destined for the auction block of divestiture.¹⁸

In this report, the National Wildlife Federation and the Natural Resources Defense Council explore how the BLM can fulfill the vision of the Public Land Law Review Commission, and emerge as an effective steward of America's public lands. We present a new conservation agenda for the BLM and for the nation's great democratic experiment of managing these vast grasslands, deserts, red rock canyonlands, and the rest of America's public land estate for the benefit of all people.



INTRODUCTION



- ¹ Purdy, P. "BLM tackles role as environmental champion." *Denver Post*, July 31, 2000.
- ² U.S. Bureau of Land Management. *BLM Update: Multi-species Conservation Strategies in Sagebrush Ecosystems*. Prepared for the Western Association of Fish and Wildlife Agencies Winter Meeting, January 2001.
- ³ U.S. Bureau of Land Management. *BLM Update: Multi-species Conservation Strategies for the Prairie Grasslands Ecosystem*. Prepared for the Western Association of Fish and Wildlife Agencies Winter Meeting, January 2001.
- ⁴ http://www.blm.gov/nhp/what/g_recreation.html
- ⁵ U.S. Bureau of Land Management. *Recreation Management Information System Report #22 as of January 17, 2000*.
- ⁶ U.S. Bureau of Land Management. *Recreation Management Information System Report #22 as of January 17, 2000*.
- ⁷ U.S. Bureau of Land Management. *Public Rewards from Public Lands*. 2000.
- ⁸ U.S. Bureau of Land Management. *Public Land Statistics*. 2000.
- ⁹ Personal Communication, see *Methodology*.
- ¹⁰ U.S. Bureau of Land Management. *Presentation of the Evolution of the Rangeland Management Program*. 2000.
- ¹¹ S. Rep. No. 583, 94th Cong., 1st Sess. (1975).
- ¹² Watkins, T.H. and C.S. Watson. *The Lands No One Knows*. San Francisco: Sierra Club Books, 1975.
- ¹³ Public Rangelands Improvement Act of 1978, § 2(a)(1), 43 U.S.C. § 1901(a)(1) (1978).
- ¹⁴ Public Rangelands Improvement Act of 1978, § 2(a)(3), 43 U.S.C. § 1901(a)(3) (1978).
- ¹⁵ Mitchell, J.E. U.S. Forest Service. *Rangeland Resource Trends in the United States. A Technical Document Supporting the 2000 USDA Forest Service RPA Assessment*. General Technical Report RMRS-GTR-68. December 2000.
- ¹⁶ U.S. Bureau of Land Management. *Public Land Statistics 1999*, Table 2-2.
- ¹⁷ U.S. Bureau of Land Management. *BLM Update: Multispecies Conservation Strategies for Public Lands*. Presented to the National Association of Fish and Wildlife Agencies, March 2001.
- ¹⁸ Secretary of the Interior Bruce Babbitt. At a BLM Interactive Town Hall Meeting, Phoenix, Arizona, March 24, 2000. www.blm.gov/nhp/news/speeches/pages/2000/sp000324babbitt_allemployees.htm

INTRODUCTION

13

CONSERVATION ON AMERICA'S PUBLIC LANDS: A BRIEF HISTORY OF BUREAU OF LAND MANAGEMENT LAND USE POLICY AND MANAGEMENT

Congress created the Bureau of Land Management in 1946 through the merger of the General Land Office and the Taylor Grazing Service. From its inception, the agency was controversial. At first Congress even refused to appropriate the federal funds necessary to hire staff and run the agency. Then, as today, the politics of public land use plagued the agency, and created significant obstacles to the creation of any coherent form of land management strategy.¹

The new BLM inherited diverse and widespread lands that were generally considered the leftovers after a century of aggressive land settlement practices. Beginning with the Homestead Act of 1864 and the mining laws of 1866 and 1872, Congress promoted the disposal and exploitation of western lands owned by the federal government. The BLM was responsible for administering these land disposal programs for the first 30 years of its existence. As a result, the federal land estate under its jurisdiction shrank from more than 500 million acres to roughly 270 million acres by 1976.

In 1970, the status of the public lands remaining in federal ownership was reviewed by the Public Land Law Review Commission, which urged Congress to retain these lands for all the people of the United States. In all, the commission developed more than three hundred recommendations for the federal lands, but the biggest impact of its report was ultimately felt at the BLM. Many of the recommendations concerning the public lands were folded together into an "organic act" for the agency, and submitted to Congress in 1971.

Congress subsequently took up the challenge of developing new policies for the BLM, and spent five years crafting new legislation to govern the agency. Most significantly, Congress abandoned the land disposal policies of the 19th century and early 20th century, and adopted instead an explicit policy of retaining the public lands. With passage of the Federal Land Policy and Management Act (FLPMA) in October 1976, Congress charged the BLM with fulfilling a bold new experiment in land use, balancing the demands of current users with the needs of the public and of future generations.

CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



FLPMA gave the BLM more than a sense of organizational permanence. The act fundamentally changed the way the agency and the country considered management of the public lands, and gave the BLM broad authority to manage the lands in the public interest. And it created a new set of standards for how the public lands would be administered:

- Uses of the public lands would be balanced to meet the needs of the public today and tomorrow.
- Land use plans would be developed to determine how best to use the resources in specific locations.
- Roadless areas would be inventoried to determine their eligibility for permanent protection.
- Development activities and other destructive uses of the public lands would be limited to prevent "undue and unnecessary degradation."

FLPMA also provided the BLM with broad new powers, including the power to balance historic and other uses, such as livestock grazing and energy development, and to limit and even exclude those uses through the land use planning process. BLM was given the authority and the mandate to protect special, sensitive, public land areas, including Areas of Critical Environmental Concern (ACECs), roadless areas, and congressionally designated wilderness areas.

Over the next decade, BLM spent hundreds of millions of dollars on writing and implementing new land use plans for the lands under its jurisdiction.² It attempted to determine how best to balance the demands of conflicting user groups, all of which insisted on access to and resources from the public domain. It began to map roadless areas for consideration as Wilderness Areas. It began to look for lands deserving of special attention as ACECs in its land use planning process.

It completed none of these efforts.

Unfortunately, the conservation initiatives begun by the agency with the advent of FLPMA were derailed in the early 1980s when the new Reagan Administration began energetically promoting extractive development of America's public lands resources.

The Reagan Administration also sought opportunities to dispose of the public lands under BLM jurisdiction, through outright sale, transfer to the states, or transfer to the Forest Service. This era in the BLM was largely characterized by commercial development or disposal of the public lands, often at the expense of natural resource values and broader public use. To the extent that a conservation agenda was pursued by the agency, it was largely the result of litigation brought by citizen groups to enforce the provisions of FLPMA or other federal laws.

Although the 1990s saw renewed efforts to establish conservation as a focus of the BLM, beginning with the Riparian-Wetland Initiative in 1989-90, the promise of FLPMA remains unfulfilled today.



CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT

15

STATUTORY AUTHORITIES AND MANDATES FOR CONSERVATION OF AMERICA'S PUBLIC LAND RESOURCES

FLPMA gave the BLM broad authority to manage the public lands for a variety of uses, to balance the various uses of the public lands, to preclude some uses in some areas, and to protect special places.

Multiple Use Mandate

In FLPMA, Congress directed that the public lands be managed on the basis of multiple use and sustained yield, unless otherwise specified by law.³

Further, Congress directed 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 provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use.⁴

And, in Section 103(c) of FLPMA, Congress defined multiple use in the context of the public values of the public lands:

The term "multiple use" means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest economic output. [Emphasis added.]⁵

CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



Balancing of Land Uses

Rather than provide the BLM with extensive, specific direction, Congress gave the agency discretion to determine how best to manage multiple use on the public lands. Congress recognized the need for balance among the different uses of the land, and clearly expected that the long-term need of conserving the health and productivity of the land would be satisfied through controlling and limiting damaging activities. In essence, the agency was expected to engage in "a reasoned and informed decision-making process showing that it had balanced competing resource values in order to best meet the present and future needs of the American people."⁶ This balancing was to be struck for specific public land areas through the land use planning process.

The multiple use mandate does not mean that the agency must accommodate all uses on all lands, although it has made a concerted effort to do just that. Such attempts have had devastating results. In fact, the BLM specifically was given the authority in FLPMA to manage "some resources" over "areas large enough area to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions," including the needs of future generations.⁷

This authority allows BLM to respond to changing resource management needs and new demands from the public by changing its regulations and/or its interpretations of FLPMA's provisions. However, the agency has done so only occasionally. Policy and regulatory changes that have strengthened conservation protections typically are bitterly contested by interest groups, which argue that their needs for the public lands are being limited.

The courts, however, have repeatedly affirmed the agency's authority, and its mandate, to manage land use in response to changing public needs. Recently, the 10th Circuit Court and the U.S. Supreme Court both rejected a challenge filed by the public land livestock industry to the BLM's revision of its grazing regulations. The 10th circuit ruling explained that:

FLPMA requires that the public lands be managed for many purposes in addition to grazing and for many members of the public in addition to the livestock industry.⁸

Preclusion of Uses

Inherent in FLPMA's grant of authority to balance uses is the authority to preclude some uses, while allowing others, to protect the long-term health of the land. But the BLM has only rarely grappled with these tradeoffs between use, sustainability, and resource protection.

For example, in the Comb Wash case filed by the National Wildlife Federation, the BLM had attempted to authorize livestock use in certain Utah canyons that contain renowned archeological resources as well as sensitive riparian habitats. In 1997, the Interior Board of Land Appeals found that the BLM had "failed to engage in any reasoned or informed decision making process concerning grazing



CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



in the canyons...."⁹ In particular, the agency never considered how livestock grazing would affect the many other resource values on the lands the BLM was required to manage.

Indeed, as Arizona State University law professor Joseph Feller has noted, there is virtually no instance in which the BLM has closed an area to livestock through its normal planning process. Rather, it has done so only in response to fire, an Executive Order such as the one that established the new Sonoran Desert National Monument, litigation like the Comb Wash case, legislation such as the Steens Mountain bill, or a buy-out by a third party.¹⁰

Congress also provided the BLM with the authority to limit or deny activities on the public lands, including mining operations and recreational activities, in order to "prevent unnecessary and undue degradation..."¹¹ This authority too has been used very sparingly.

The BLM recently denied a proposed gold mining project that would have been located in Imperial County, California, within the California Desert Conservation Area, because of its likely impacts on scarce water resources and important historical and archeological values in the area.¹² This action constituted the first outright rejection of a hardrock mining proposal on public land in the agency's entire history.¹³ More often, this authority has been used to restrict certain kinds of recreation activities on some public lands, such as off-road vehicle activity where rare plants are present.¹⁴

FLPMA is not the only statute that authorizes the BLM to deny certain uses or activities on some public lands to protect other resource values and uses. For example, the Mineral Leasing Act of 1920 – which governs the leasing of energy minerals, such as coal, oil and gas, and fertilizer minerals (phosphate, potash and others) from public land – authorizes the secretary of the Department of the Interior to grant or deny applications to explore for or to produce any of these minerals from the public lands. There is no "right of self initiation," unlike that provided by the Mining Law of 1872. Also under the Mineral Leasing Act, the government can require that operations conform to land use goals laid out in the land use plans.¹⁵

According to a former solicitor of the Department of the Interior:

The congressional language bristled with secretarial discretion, and the courts had little difficulty thereafter upholding the refusal of the secretary to issue permits or leases on demand.¹⁶

The courts have affirmed the BLM's discretionary authority to deny permission for certain uses, as in the case of *California Company v. Udall*, which affirmed the BLM's discretion to refuse to lease an area for oil and gas production.¹⁷

CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



Protection of Special Areas

In addition to giving BLM broad management flexibility over the public lands in general, Congress has directed the agency to affirmatively protect certain areas – including Areas of Critical Environmental Concern and roadless areas.

When it enacted FLPMA, Congress defined ACECs as:

...areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required), to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.¹⁸

Congress then directed the agency to:

...maintain on a continuing basis an inventory of all public lands and their resource and other values...*giving priority to areas of critical environmental concern.* This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values. [Emphasis added.]¹⁹

Congress also directed that priority be given to the designation and protection of ACECs in the development and revision of land use plans.²⁰

The purpose of these provisions of FLPMA is to ensure the identification and protection of these special places within the multiple use lands. Congress said that “management” of public lands is to include giving special attention to the protection of ACECs, for the purpose of ensuring “that the most environmentally important and fragile lands will be given special, early attention and protection.”²¹

The identification of resource values or concerns that would result in designation of an ACEC has been left to local land managers.²² Actual designation of an ACEC is considered to be a management commitment.

Upon designation of an ACEC, its special management requirements will control BLM's management program for the area and no activity incompatible or inconsistent with those requirements shall be allowed or undertaken by BLM. In FLPMA the Congress mandated not only the identification and designation, but also the *protection* of ACEC's. Thus, an ACEC process is more than a recognition program; it is a process for (1) determining what special management attention certain important environmental resources or hazards require, and (2) making a commitment that this species management will continue to be provided on a priority basis in accord with Sec. 202(c)(3) of the Act. [Emphasis added.]²³



CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



However, BLM's implementation of the congressional mandate concerning ACECs and the guidance to the field has been very limited and varies significantly across the West. In California, for example, most BLM Resource Area offices have identified ACECs, and imposed some restrictions on commercial activity within them. California leads the western states in the number of ACECs, with 120 areas designated, covering 1.36 million acres.

In contrast, Montana has very few ACECs, even though many Resource Management Plans have been completed for the Resource Areas in the state. The BLM in Montana has designated only 27 ACECs, covering 118,000 acres.²⁴ This situation reflects the philosophy of the state director during the 1980s and early 1990s that ACECs were troublesome; he discouraged field managers from making such designations in Resource Management Plans.²⁵

In FLPMA, Congress also provided for inclusion of BLM-managed lands in the National Wilderness Preservation System.²⁶ Section 603(a) of FLPMA gave the secretary of the Department of the Interior 15 years in which to review roadless areas of 5,000 acres or more and make recommendations to the president regarding "the suitability or nonsuitability of each such area...for preservation as wilderness."²⁷ The act directed the secretary to manage areas that qualified as wilderness under the Wilderness Act of 1964 -- areas called Wilderness Study Areas (WSAs) -- "so as not to impair [their] suitability for" wilderness designation, subject to continuation of grazing and mining. This "non-impairment standard" is more stringent than the standard applicable to management of congressionally designated Wilderness Areas. Since FLPMA's enactment, approximately 5.3 million acres have been designated as wilderness by Congress and another 17.3 million acres identified as WSAs by the BLM.²⁸

However, in many cases the BLM's original inventories were seriously flawed; in other cases, changed circumstances and/or new information point clearly to the need to revisit wilderness area inventories. In several states, citizen groups have conducted their own wilderness inventories and identified significant additional acreage meeting the Wilderness Act's definition of wilderness and deserving of permanent protection.

In Utah, for example, the BLM originally identified only 3.2 million acres as WSAs. Subsequently, after a citizens' inventory found that 5.7 million acres were worthy of wilderness protection, the BLM, under insistent citizen pressure, began a reassessment of selected Utah wildlands. It ultimately found that far more land met the legal test than the Utah BLM had originally claimed (in fact, without doing a comprehensive statewide survey, the agency came up with a similar number to the citizen inventory).²⁹ Comprehensive citizen inventories continued, meanwhile, and recently concluded that more than nine million acres qualify³⁰ -- almost three times the acreage that BLM originally determined was qualified.

Other statutes have also emphasized protection of specific sensitive BLM resources and areas. For example, the Federal Coal Leasing Act Amendments of 1976 set forth clear criteria for when coal leasing could take place, and where it was unsuitable. The Federal Onshore Oil and Gas Leasing Reform Act of 1987 amended the Mineral Leasing Act to provide the secretary of the Department of

CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



the Interior with clear authority to protect the surface resources on federal lands from damage by oil and gas development. In addition to the general discretion provided the secretary on whether to issue an oil and gas lease, the 1987 law identified specific locations where oil and gas leasing and development would not be allowed, including:

- BLM Wilderness Study Areas.
- Lands recommended for wilderness protection by the surface management agency.
- Lands designated by Congress as Wilderness Study Areas.

In sum, BLM has broad discretion and sufficient legal authority to manage the public lands in a manner that will ensure the long-term health of the grassland ecosystems, wildlife resources, watersheds, and other resources they support. What has been lacking is the will and ability to make full use of the management tools provided by FLPMA and other statutes.

RESPONSES TO COURT CHALLENGES

Perhaps because of its broad statutory authority, the BLM is and has always been largely driven by external pressures and constituencies. Historically, the agency has felt tremendous pressure to grant livestock grazing permits, oil and gas development permits, and other authorizations for commodity uses, and has responded aggressively to meet these demands.³¹

Following the passage of FLPMA, the BLM began to confront new pressures from a broader public constituency. To the extent that conservation objectives were considered by the agency after FLPMA was passed, this was most often the result of external pressures applied by the conservation organizations, which began to force the BLM to balance conflicts between resource protection and development on the public lands.

The precedent for citizen action driving conservation efforts within the agency was established in 1974 when the Natural Resources Defense Council (NRDC) successfully invoked the then recently enacted National Environmental Policy Act (NEPA) of 1969, in what became a landmark case against the BLM.

Asserting the BLM's failure to consider the impacts of livestock grazing in administering its grazing program,³² NRDC argued that NEPA required the BLM to consider the environmental impacts of grazing on specific public lands and their resources. As a result of this litigation, the BLM embarked on a decade-long effort to determine what damage grazing was causing to public lands. While this effort did little immediately to change grazing use, it fundamentally changed the way the agency approached grazing permit decisions, and it introduced a new political constituency in the form of citizen activists concerned about the ecological health of the public lands.



CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



By the early 1980s, the BLM's environmental reviews on tens of millions of acres of public lands had revealed that most of these lands were in poor or fair ecological condition. That is, they were not supporting the native vegetation and wildlife that otherwise might be found in the area. For the first time, the agency was forced to recognize the environmental costs associated with one of the historical uses of the public lands.

That assessment was reinforced in the 1997 Comb Wash case, which held that the BLM had to "engag[e] in a reasoned and informed decision-making process showing that it had balanced competing resource values in order to best meet the present and future needs of the American people" and that, as part of this process, it had to develop site-specific information and undertake an analysis of the impacts of livestock grazing on the resource values of the grazing allotment in question.³³

As a result of the Comb Wash case, livestock grazing has been prohibited, until the BLM evaluates its appropriateness, on some extremely sensitive public lands in Utah. To date, however, the agency has refused to incorporate this decision in related rulemakings such as Rangeland Reform '94, in its policies or even in the course of specific land use planning efforts.

A similar legal milestone occurred in the onshore oil and gas leasing program. Throughout the early 1980s, the BLM promoted the development of oil and gas resources on America's public lands without regard for either the short- or long-term damage that might occur to the public's resources. In a pair of lawsuits, environmental organizations argued that the costs of oil and gas development had to be considered before the public lands were leased to the industry. In both cases, they contended that cumulative impacts of large-scale development had to be fully reviewed. In both cases, the federal courts agreed.³⁴

Like the grazing litigation that preceded it, this litigation over the oil and gas program promoted a new way of thinking about use of the public's resources. The BLM undertook a series of environmental reviews to determine what future oil and gas development was likely, and what impact it would likely have on other publicly owned resources. Again, however, the political climate at the time ensured that, despite the potential long-term damage to the land, BLM would offer as much land as possible for oil and gas development.

Although citizens and environmental organizations have won courtroom victories to protect America's public lands, they have not succeeded to date in achieving lasting management or policy reforms. Legal challenges have forced the BLM to consider the environmental costs associated with different activities authorized on the public lands, but they have not resulted in principles of resource conservation being well-integrated into the livestock grazing, oil and gas, or other commodity programs.

CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



CONSERVATION PROGRAMS IN THE 1990S

A decade after FLPMA was passed, debate still raged over the appropriate use of America's public lands, and their role in the conservation of wildlife species and other environmental resources. In the late 1980s, Congress sanctioned a series of audits by the General Accounting Office to evaluate the ability of the agency to meet its obligations under FLPMA for land conservation. During that same period, the Interior Department's Inspector General was conducting almost continuous audits of the BLM, and was demanding reforms in its management practices affecting species protection, enforcement of regulatory programs to protect environmental values, and updates in regulations protecting public lands.³⁵ Particular attention was focused on the long-term health of the land.

As a result of that attention, as well as the controversy over the need to address livestock grazing damage to the public lands and declining native trout species and salmon stocks across the West, the BLM in the 1990s launched new land management initiatives focused on conservation.

Two of those initiatives, the Riparian-Wetland Initiative and Rangeland Reform, established clear expectations for the agency and the public regarding the need to achieve overall land health. In this regard, these initiatives represented a significant departure from previous agency policies and approaches focused on commodity uses and resource extraction.

By addressing livestock grazing issues indirectly through the Riparian-Wetland Initiative, then directly through Rangeland Reform, the BLM embarked on efforts with the potential to achieve fundamental change within the agency and on the public lands. Unfortunately, due largely to the political power of the western livestock grazing industry, these two initiatives have thus far fallen short of their goals to improve the condition of riparian habitats and overall land health. BLM has not yet invested the funding, time, or political will to make these programs fully successful on the ground in many parts of the West.

Riparian-Wetland Initiative for the 1990s

In 1989, for the first time, the BLM undertook a conservation initiative that placed priority on protecting a natural value on the public lands – the narrow ribbons of vegetation found along streams and rivers in the West known as riparian habitats. The Riparian-Wetland Initiative for the 1990s was launched to correct the damage that had been done to these critical habitats on the public lands. It also reflected the Interior Department's commitment to "no net loss of wetlands," a promise made by President George Bush.³⁶

Riparian areas are the lands adjacent to creeks, streams, and rivers where vegetation is strongly influenced by the presence of water. Although these areas make up roughly one percent of the public lands, they are the most important habitat for the majority of western wildlife, and are essential to the survival of



CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



many species.³⁷ For example, in the Great Basin region of southeastern Oregon, more than 75% of all wildlife species are dependent upon riparian areas.³⁸

Riparian areas are also productive lands for domestic livestock grazing. These same areas are sought-after recreation spots, providing shade and access to water in otherwise arid landscapes. Riparian areas also are important to healthy watershed function. Woody vegetation and herbaceous cover along streambanks slow the flow of water and provide a protective barrier against water erosion. Thus, the value of riparian habitats far exceeds the actual acreage they represent.³⁹

The Riparian-Wetland Initiative for the 1990s was the first cross-departmental effort to protect a public land resource. BLM set forth measurable objectives for what it would accomplish over a ten-year period – i.e., restoring 75% of the riparian areas on public lands to a healthy condition (called “proper functioning condition”) by 1998 – and identified the fiscal and staff resources that would be required to meet those objectives.

The Riparian-Wetland Initiative enjoyed key support within both Congress and the agency. Congress initially responded favorably to the BLM’s willingness to set clear objectives and be held accountable for protecting this important resource. More than \$100 million in funding has been made available specifically for this initiative. The initiative also was promoted by several BLM state directors, who were struggling to respond to resource conflicts over the use and protection of riparian areas in their states. As a result, the effort gained credibility throughout the agency.⁴⁰

However, the primary objective of restoring 75% of all riparian areas on public lands to a healthy condition has not yet been achieved due in part to the agency’s unwillingness to make the necessary difficult management decisions. In particular, BLM staff did not require changes in livestock management practices, such as reducing livestock numbers on the public lands, which were needed to halt grazing damage and permit restoration of riparian areas.

Additionally, over time, Congress did not provide the funding necessary to meet the milestones established when the initiative was launched.⁴¹ Today, more than half of the riparian and wetland habitats on public lands in the lower 48 are not in healthy “proper functioning condition.”⁴²

Rangeland Reform

The attention given the degraded condition of the public’s riparian habitats also generated a heightened awareness of the degraded condition of the public lands overall, which resulted primarily from livestock grazing. A 1989 review of BLM planning documents by conservation organizations revealed that more than two-thirds of BLM’s rangelands were in unsatisfactory condition, according to the BLM’s own definitions.⁴³

A change in administration in 1992 created the opportunity for a new President and a new Secretary of the Interior to think holistically about the health of the

CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



public lands. The Clinton Administration's Rangeland Reform initiative was launched with a sweeping goal: to ensure that the public lands would be managed to protect their ecological values for present and future generations. The effort built on the environmental analyses that resulted from the grazing litigation of the 1970s, and on lessons learned through the efforts to implement the Riparian-Wetland Initiative. It brought together personnel from a variety of disciplines and programs within the BLM, including range, fish and wildlife, and water quality. The BLM also sought and received significant citizen input into this reform idea by conducting "town hall" style public meetings throughout the West and considering comments from thousands of citizens.

This information and experience resulted in a bold new approach to governing how the public lands are managed⁴⁴ and achieved several discrete outcomes:

- New Resource Advisory Councils were created to provide a forum for resolving differences of opinion among the different users of the public lands, with a common focus on determining how best to manage the long-term health of the land.
- New standards for public land health were created for use as a measuring stick to judge the success (or failure) of actions that impact the public lands, such as authorization of domestic livestock grazing.
- New enforcement powers were granted to the land management agency to protect the public lands from damage to their overall health from different uses, such as livestock grazing.⁴⁵

For two years, the rules were strongly opposed by industry supporters, including those in Congress. After they were finally adopted by the BLM in March 1995, livestock operators immediately challenged them in court. However, reviews of Rangeland Reform by the federal courts resulted in a strong affirmation of the agency's authority under FLPMA to manage the public lands for their long-term health.⁴⁶

To date, Rangeland Reform is the broadest effort to promote land conservation ever undertaken by the BLM. It is also one of the most controversial actions ever taken by the agency. Since the new rules were adopted five years ago, some incremental progress has been made to change the way land managers view their responsibilities toward the public lands. Land health must now be considered in deciding future land uses, and new standards for public land health are at least identified in each permit decision, if not considered in detail.

But there is little evidence thus far that the condition of the public lands has improved as a result of Rangeland Reform. This is due partly to the fact that consideration of the ecological impacts of grazing was given a back seat to the BLM's review and renewal of the many grazing permits that expired between 1997 and 1999, which constituted almost one-third of all grazing permits.⁴⁷ Now that the rush to renew livestock grazing permits is over, BLM has again turned to the consideration of grazing impacts on public lands. A new "guidance document" giving the agency staff the necessary tools to implement



CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT

245

Rangeland Reform was released in January 2001. Several state BLM offices have recently indicated their commitment to put the necessary funding and manpower into this important program, with California leading the way.⁴⁵ However, it remains to be seen if Rangeland Reform can in fact meet its expressed goals.

BLM National Monuments

One of the most significant conservation experiments in BLM history began in the 1990's, with the establishment of the first National Monument to be administered by the BLM. The Grand Staircase-Escalante National Monument, enacted by presidential proclamation in 1996, became the first National Monument ever entrusted to management by the BLM.

After three years of intensive process and public hearings, a management plan for the Grand Staircase-Escalante National Monument was finalized in 2000. Unlike the visitor and facility-oriented management common to units of the National Park Service, the Grand Staircase plan committed to retaining the undeveloped, essentially primitive nature of this spectacular national treasure.

Congress passed the Antiquities Act in 1906, giving the President specific authority to create National Monuments on lands owned by the federal government, based on their unique historical, scientific, and cultural attributes. First exercised by Theodore Roosevelt, the Antiquities Act has been used by nearly all of his successors to provide key protections for the public lands. These National Monuments have included, among others, lands now in Grand Canyon, Olympic, Zion, Petrified Forest, Carlsbad Caverns, Glacier Bay, Bryce Canyon, Grand Teton and Death Valley National Parks.

In fact, most of the National Monuments now under National Park Service management, as well as many National Parks, are lands formerly under jurisdiction of the BLM or its predecessor agency, the General Land Office. This transfer of jurisdictional authority for National Monuments from the BLM to the Park Service has been the pattern because the BLM has never been viewed – by past-Presidents, the Congress, or the American public – as a conservation-oriented steward of America's public lands.

President William J. Clinton's creation of the Grand Staircase-Escalante as a *BLM-administered* National Monument changed nearly a century of practice under the Antiquities Act. That single step brought unprecedented attention to the agency and its land base at both the regional and national level, and signaled a growing trust by the American public and our elected officials in the stewardship capacity of the BLM. It opened the door to a new way of thinking about the public lands.

The manner in which the Grand Staircase-Escalante National Monument was established, with minimal advance notice and consultation (although common throughout the 20th century), prompted a change in the way that Administration approached future designations. After extensive public meetings and a process involving hundreds of local, state, and national government, media, and citizen

CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



representatives, another 15 National Monuments were designated for BLM management by 2001.

The creation of these new National Monuments, and their continued management by the BLM, was strongly supported by the American public. Whether the BLM will retain stewardship of these crown jewels of the American public lands system is today an open question. Should the BLM prove itself a worthy and capable manager of these treasures, public support for the BLM will grow. However, should the agency demonstrate an inability to adequately conserve the scientific, ecological, historic and cultural values for which these National Monuments were established, public support for the agency will erode, and momentum will build to strip the BLM of this management responsibility and of other high-value conservation lands in its portfolio.



CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



CONSERVATION ON AMERICA'S
PUBLIC LANDS. A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



¹ U.S. Bureau of Land Management. *Opportunity and Challenge, The Story of BLM*. 1988.

² See, e.g., the annual Department of the Interior and Related Agencies appropriations bills passed by Congress and signed by the president.

³ Federal Land Policy and Management Act of 1976, § 102(a)(7), 43 U.S.C. § 1701(a)(7) (1976).

⁴ Federal Land Policy and Management Act of 1976, § 102(a)(8), 43 U.S.C. § 1701(a)(8) (1976).

⁵ Federal Land Policy and Management Act of 1976, § 103(c), 43 U.S.C. § 1702(c) (1976).

⁶ *National Wildlife Federation v. Bureau of Land Management, et al.*, 140 IBLA 85, 86 (1997).

⁷ Federal Land Management and Policy Act of 1976, § 103(c), 43 U.S.C. § 1702(c) (1976).

⁸ *Public Lands Council v. Babbitt*, 167 F.3d 1287, 1299-1300 (10th Cir., 1999). See also *Public Lands Council v. Babbitt*, 529 U.S. 728 (2000). The rulemaking at issue in this litigation, Range Reform '94, is discussed in detail below.

⁹ *National Wildlife Federation v. Bureau of Land Management et al.*, 140 IBLA 85, 101 (1997).

¹⁰ Personal Communication, May 14, 2001.

¹¹ Federal Land Policy and Management Act of 1976, § 302(b), 43 U.S.C. § 1732(b) (1976).

¹² U.S. Bureau of Land Management and County of Imperial Planning and Building Department, Imperial Project, Imperial County, CA. Final Environmental Impact Statement. September 2000.

¹³ This same provision also has been used to prohibit a variety of minor actions on public lands, such as littering or the dumping of trash.

¹⁴ Examples include the California Desert Conservation Area Plan, which was completed in 1981 and, more recently, actions in southern Utah.

¹⁵ Coggins, G.C. and C.F. Wilkinson 1981. *Federal Public Land and Resources Law*. New York: The Foundation Press, Inc.

¹⁶ Lesby, John D. 1987. *The Mining Law: A Study In Perpetual Motion*. Washington D.C.: Resources for the Future, Inc.

¹⁷ *California Company v. Udall*, 296 F.2d 384 (D.C. Cir. 1961).

¹⁸ Federal Land Policy and Management Act of 1976, § 103(a), 43 U.S.C. § 1702(a) (1976).

¹⁹ Federal Land Policy and Management Act of 1976, § 201(a), 43 U.S.C. § 1711(a) (1976).

²⁰ Federal Land Policy and Management Act of 1976, § 202(c)(3), 43 U.S.C. § 1712 (c)(3) (1976).

²¹ S. Rep. No. 583, 94th Cong., 1st Sess. (1975).

²² 45 Fed. Reg. 168, at 57321 (1980).

²³ 45 Fed. Reg. 168, at 57322 (1980).

²⁴ U.S. Bureau of Land Management. *Public Rewards from Public Lands*. 2000.

²⁵ Personal Communication, see *Methodology*.

²⁶ Other federal lands, including lands managed by the National Park Service and Forest Service, had been included when the Wilderness Act was originally enacted in 1964.

²⁷ Federal Land Policy and Management Act of 1976, § 603(a), 43 U.S.C. § 1782 (a) (1976).

²⁸ U.S. Bureau of Land Management. *Public Lands Statistics 1999*. Tables 5-10 and 5-8.

²⁹ Southern Utah Wilderness Alliance. *Facts About America's Redrock Wilderness*. February 2001.

³⁰ Southern Utah Wilderness Alliance. *Facts About America's Redrock Wilderness*. February 2001.

³¹ Personal Communication, see *Methodology*.

³² *NRDC v. Morton*, 388 F.Supp. 829 (D.C.D. 1974) *aff'd* 527 F.2d 1386 (D.C. Cir. 1976), *cert denied*, 427 U.S. 913 (1976).

³³ *National Wildlife Federation v. Bureau of Land Management, et al.* 140 IBLA 85, 86 (1997).

³⁴ *Sierra Club v. Peterson*, 717 F.2d 1409 (D.C. Cir., 1983); *Connor v. Burford*, 848 F.2d 1441 (9th Cir. 1988).

³⁵ See, e.g., U.S.D.I. Office of Inspector General. *Survey of Selected Programs of the Alaska State Office, Bureau of Land Management*. Rept. No. 90-84, July 1990. Also *Survey of Selected Programs of the New Mexico State Office, Bureau of Land Management*. Rept. No. 1-1-198, November 1990.

³⁶ U.S. Bureau of Land Management. *Riparian-Wetland Initiative for the 1990s*. 1991.

³⁷ U.S. Environmental Protection Agency. *Livestock Grazing on Western Riparian Areas*. Northwest Resource Information Center. Boise ID. July 1990.

³⁸ Ohmart, Robert D. and Bertin W. Anderson. "Riparian Habitat." In Cooperrider, Allen Y., Raymond J. Boyd and Hanson R. Stuart (eds.). U.S. Bureau of Land Management. *Inventory and Monitoring of Wildlife Habitat*. 1986.

³⁹ U.S. Bureau of Land Management. *Riparian-Wetland Initiative for the 1990s*. 1991.

⁴⁰ Personal Communication, see *Methodology*.

⁴¹ See, e.g., Bureau of Land Management Budget Justifications for Fiscal Years 1992-1997.

⁴² U.S. Bureau of Land Management. *Public Land Statistics 1999*. Table 2-2.

⁴³ Alberswerth, Dave and Johanna Wald. *Our Ailing Public Lands - Still Ailing*. National Wildlife Federation and Natural Resources Defense Council. 1989.

⁴⁴ U.S. Department of the Interior Press Release. August 9, 1993.

⁴⁵ 60 Fed. Reg. 9894 (1995).

⁴⁶ *Public Lands Council v. Babbitt*, 167 F.3d 1287 (10th Cir., 1999), *aff'd* 529 U.S. 728 (2000).

⁴⁷ Rangeland Reform implementation is reviewed in detail in Carlson, C. and Wald, J., *Rangeland Reform Revisited*. Center for the Wild West. 2001.

⁴⁸ Rangeland Reform implementation is reviewed in detail in Carlson, C. and Wald, J., *Rangeland Reform Revisited*. Center for the Wild West. 2001.



CONSERVATION ON AMERICA'S
PUBLIC LANDS: A BRIEF
HISTORY OF BLM LAND USE
POLICY AND MANAGEMENT



THE BUREAU OF LAND MANAGEMENT TODAY: OBSTACLES TO CONSERVATION PROGRESS

The Bureau of Land Management's organizational structure, budget, functions, and culture are rooted in an era when the agency's mission was facilitating the disposal, development, and exploitation of America's public lands. But the needs for the agency today are quite different than they were 50 or even 25 years ago. Public lands now are the urban growth boundary for growing communities in the West. They are the remaining open spaces and wild places in some of the fastest growing states in the country. They are refuges for threatened and endangered species and a host of other plants and wildlife that are being squeezed off private lands. Meanwhile, they continue to be viewed as a prime target for energy and other non-renewable resource development.

The recent conservation initiatives by the BLM are encouraging and may signal a recognition by some public lands managers that the agency must commit itself to a mission and agenda more strongly driven by health of the land and conservation imperatives. The preceding sections have shown that while the BLM has sufficient legal authority to do so, it has been unable to evolve into a modern land management agency. The obstacles to this transformation are many, including internal factors, historic forces, and political influences.

UNCLEAR FOCUS, COMPETING VISIONS

Among the most significant obstacles to meeting the public land conservation needs of the 21st century are the absence of an unequivocal conservation mandate and the resulting lack of a common vision, both internally and externally, for the agency. In striking contrast to National Parks, National Wildlife Refuges, and even National Forests, the public lands administered by the BLM have suffered from the lack of a clear conservation focus to govern their use and protection.

While FLPMA effectively ended the era of federal land disposal, made environmental protection the direct responsibility of land managers, and provided critical new management authority to the BLM, it did not establish a single, overriding mission for the public lands that would serve as a clear and meaningful guide for making most decisions. Over the ensuing quarter century, the agency has continued to respond, often inconsistently, to competing notions of how the public lands should be managed as expressed by diverse industry, ranching, local government, environmental, and other interests.

THE BLM TODAY: OBSTACLES
TO CONSERVATION PROGRESS



INFLUENCE OF HISTORICAL POLITICAL CONSTITUENCIES

The historian Charles Wilkinson, looking forward to the future of Western landscapes, refers to the historically dominant users of the public lands, such as those engaged in fossil fuel development, hardrock mining, and livestock grazing, as the "lords of yesterday."¹ However, these uses, which largely defined public land use upon the enactment of FLPMA 25 years ago, continue to dominate the personnel and policies of the agency today.

Oil and gas production from public lands continues to reign supreme as a priority use, and, in high production states like Wyoming and New Mexico, the long-term health of the land takes a back seat to accommodating industry requests for access to and development of these resources.² On the historic cattle ranges of Idaho and eastern Oregon, and indeed throughout the entire intermountain West, the livestock industry continues to dominate the political debate and agency decision making over use of the grasses and forbs found on public lands.³

Because of the dominance of these historical constituencies for grazing and commodity production, the public lands have often been viewed in Washington, D.C., and in Congress merely as undeveloped Western lands, and issues related to their management have frequently been viewed as uniquely Western, and even local. Consequently, management policies and funding for these lands have tended to be left to the control of congressional representatives from the western states, who, in response to organized pressure from energy and grazing interests, have largely ignored the broader national environmental and taxpayer interest in conservation and sustainable management of the public land estate. Only on a few specific issues have non-westerners in Congress typically played a leadership role in setting public land policies.

LACK OF ORGANIZED CONSERVATION CONSTITUENCY, IDENTITY FOR BLM LANDS

A fundamental obstacle to conservation management of the public lands is the lack of a strong, committed conservation constituency to which the BLM is responsive. As an externally driven institution, the BLM cannot realistically be expected to promote an aggressive conservation agenda without strong public support and external pressure to do so. Yet the agency and the lands it manages are still largely unknown and under-appreciated by the American public and even by the national conservation community. On the maps of many western states, BLM lands cannot be identified, while National Forests, National Grasslands, National Wildlife Refuges and National Parks are clearly delineated. Frequently, the lands managed by the BLM are unmarked on roadsides, leaving citizens unable to determine their boundaries.

Symptomatic of this problem, and contributing to it, is the fact that the public lands have no name that adequately describes or gives them an identity. In



THE BLM TODAY: OBSTACLES TO CONSERVATION PROGRESS



contrast are the National Forests, National Parks, and National Wildlife Refuges. For years, an organization of retired BLM employees has been lobbying Congress and the Executive Branch to create a suitable and descriptive name for the public lands under BLM jurisdiction to recognize their importance and raise their public visibility.

AGENCY LEADERSHIP AND STAFFING EXPERTISE

The BLM has suffered throughout its history from a lack of consistent, strong leadership, especially at the director level. In the last ten years, seven different people have served as BLM director. This frequent turnover in leadership has made it difficult, if not impossible, for any director to establish, implement, and institutionalize meaningful reforms in the agency. Complicating this trend has been the unfortunate fact that BLM directors have often had only limited authority to make significant change in the agency, due in part to the failure of the Congress to confirm and the Administration to support new directors. Recently, for example, Mike Dombeck served for several years as interim BLM director but was never confirmed by the Congress. While in the interim position, Dombeck was unable to instill a conservation agenda into the agency. When Dombeck subsequently was named chief of the Forest Service, he served effectively in that capacity, instituting a series of reforms that brought conservation into sharp focus for the Forest Service.

Additionally, compared to other land management agencies, leadership training has not been embraced by the BLM. In 1998, the Kendall Foundation reviewed the leadership training of the four major land management agencies, and found the BLM lagging well behind its counterparts in the National Park Service, Fish and Wildlife Service, and Forest Service in its training for future leadership within the agency.⁴

Reorganizations and early retirement options that took place in the mid-1990s had a serious impact on the agency's leadership, as several managers with skills and expertise left the agency. Retirements will continue this loss for the near future. The BLM estimates that more than one-third of its senior managers will retire in the next three to five years.⁵

These losses are creating a void in leadership at the agency, but may also create opportunities for internal management changes that could better equip the BLM to address current and future conservation challenges. Most of the leaders in the agency today – the heads of field, state, and national offices – have been with the government for more than 25 years. Their careers often began before the passage of FLPMA in 1976, and their training frequently reflects the management approaches and values of that time.⁶

Personnel practices also present obstacles to reform. This year, 25 years after FLPMA's passage, marks the first time the BLM has ever had a personnel review system structured to reward any of its personnel for conservation achievements. More specifically, in the annual performance reviews for the year that ended June

THE BLM TODAY. OBSTACLES
TO CONSERVATION PROGRESS



30, 2001, senior agency leaders – i.e., Senior Executive Service (SES) employees – began to be evaluated in terms of land health measures for the first time ever.⁷ For many, if not most, of the BLM's other, non-SES employees, the applicable personnel incentives and performance evaluations continue to emphasize outputs, such as the number of grazing permits processed or the number of drilling permits given to oil and gas companies.⁸ If the BLM is to meet the conservation challenges facing it, it needs a consistent agency-wide personnel review system that evaluates and rewards all employees according to appropriate conservation achievement measures.

The BLM continues to be grossly understaffed. It manages almost twice the total acreage and three times the mineral resources of the National Forest system, yet its staff is one-third the size of the Forest Service's.⁹ BLM personnel are historically and continually stretched too thin to fully implement the agency's responsibilities.

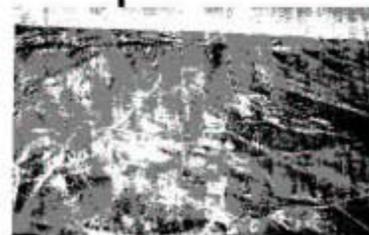
The need for resource professionals trained to address conservation issues, in particular, has reached a critical stage within the BLM. For example, in 1998, BLM employed only 42 botanists to cover the wide diversity of habitats found on BLM lands, to respond to threats to endangered plants, and to plan for future conservation of native plant communities. In the same year, BLM employed only 69 fisheries biologists (compared to 355 for the Forest Service),¹⁰ even though the agency manages more than 205,000 miles of fishable streams in the West.

While many of the issues concerning lack of staff expertise and commitment to conservation can be directly attributed to an insufficient budget, others, such as the personnel review system, demonstrate that the BLM has failed to address its responsibilities under FLPMA or more generally to meet conservation challenges on the public lands.

INSUFFICIENT CONSERVATION BUDGET, INADEQUATE REPORTING SYSTEMS

The BLM's ability to address conservation challenges on the public lands is limited by several critical budgetary problems. Most importantly, the agency simply has too little money, particularly money that is dedicated to environmental protection and long-term viability of the land base. Second, the BLM's current budget structure encourages fragmented land management rather than program integration. Third, the budget structure limits budgetary accountability and makes understanding and advocating for the BLM appropriations very difficult.

Relative to other federal land management agencies, the BLM is chronically underfunded and understaffed. The BLM manages twice as much land and three times the mineral resources of the U. S. Forest Service, but in a typical year it receives roughly one-half to one-third the appropriations made to the Forest



THE BLM TODAY: OBSTACLES TO CONSERVATION PROGRESS



Service. In fiscal year 2001, for example, the BLM's budget totaled \$2.17 billion, compared to the Forest Service's \$4.37 billion. These figures reflected the significant infusion of money for fire management appropriated in fiscal year 2001 to both agencies; without the fire management funds, the BLM and Forest Service appropriations were \$1.20 billion and \$2.50 billion, respectively¹¹ — figures which represent a commitment of \$5 per acre for the BLM public lands and \$14 per acre for National Forest and National Grassland land.

Such a significant disparity in financial resources for land management is not justified, particularly given the complexity of the BLM's responsibilities. The disparity continues to constrain the agency's ability to prepare and implement land use plans, to monitor resource conditions, to enforce environmental protections contained in permits and licenses, to conduct environmental restoration programs, to take steps to rationalize its land base, attract and retain necessary staff, and otherwise to manage the public lands in the public interest.

The BLM's budget structure is itself an impediment to conservation management of the public lands. For example, the BLM's budget justification for fiscal year 2002 outlines a total agency budget that is allocated among 13 separate line item appropriations. Within just one of these, the "Management of Lands and Resources" appropriation, funds are distributed between 14 separate activities, and at least 29 sub-activities. Such a fragmented and excessively restricted budget structure encourages fragmented management, rather than the integrated, coordinated efforts needed to restore watersheds or ecosystems, or to plan for multiple uses across large landscapes. This rigid budget structure also encourages bureaucratic turf struggles, and interferes with the ability of land managers to direct their limited funds to work that is of highest priority for the agency or greatest value on the land.

An example of this is provided by the agency's experience with land use planning. Although developing and revising land use plans is a critical need for the BLM, and funds are appropriated specifically for this purpose, the other BLM programs areas that should be most involved in their development and implementation have little budgetary incentive to participate in the planning process and must often choose to ignore other pressing needs in order to plan for the future.

At the same time, while these restrictive budget categories and subcategories may create an illusion of budgetary control and accountability, they are in fact misleading because the actual activities funded within them vary widely in practice. Funds provided through the oil and gas program, for example, may in fact be spent on wildlife management work needed to support a leasing decision. Similarly, funds provided for endangered species protection may be spent on activities related to grazing management or coal development. As a consequence, it is almost impossible for BLM senior management, Congress, or other stakeholders to understand or to evaluate from the budget how financial resources are actually being allocated among different activities (like wildlife habitat restoration work, or oil and gas leasing) on the ground.

The emphasis in the BLM's budget structure on specific programmatic areas, rather than on particular places or landscapes, also tends to mask the importance

of the budget to the agency's ability to deliver results on the ground. The BLM's annual appropriation is distributed among state offices as well as specific programs, but funds are not usually directed to specific watersheds, ecosystems, special landscapes, or other regions. (One exception to this has been the funding provided specifically for new national monuments such as the Grand Staircase-Escalante National Monument.) Nor is the budget linked strongly to achieving improvements in land health.

Members of Congress, community leaders, conservation groups, and the general public find it almost impossible to translate the BLM's budget to the activities that it will, or will not, fund in the places of concern to them. One predictable consequence of this has been that neither members of Congress nor the general public have been energetic advocates for the BLM's funding needs.

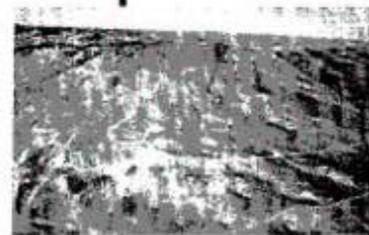
COMPLEX LAND OWNERSHIP PATTERNS

The current configuration of America's public land estate reflects a century of haphazard land disposal under a variety of federal homestead laws, grants to railroads and states, and other land transfer mechanisms. The result is that the BLM now manages blocks of federal lands that are intermingled with state and private lands, including some parcels as small as five acres. Adjacent landowners, including state governments, often have their own priorities for land use, such as mineral extraction or road development, which may be inconsistent with a national interest in conservation management on the public lands. This fragmented land base greatly complicates the BLM's ability to effectively manage at a landscape or watershed level, giving the agency little authority to address conservation concerns that span land ownership boundaries. Increasingly, the BLM is becoming an urban land manager, facing new issues – ranging from trash disposal to recreation pressures – generated by adjacent communities. Intermingled land ownership among federal, state, and private interests will continue as a source of conflict as towns and cities grow and seek to manage remaining open space.

INSUFFICIENT LAND USE PLANNING

The land use planning effort undertaken by the BLM to date reflects a real – and generally unsuccessful – experiment in land management. Throughout the 1980s, the BLM's attempts to balance competing uses through planning were minimal. The agency tended to consider only a very narrow set of management options: current management, an increased emphasis on conservation, an increased emphasis on commodity production, and BLM's "preferred alternative," which was characterized as a mixture of the previous options.¹²

Twenty years of land use planning by the BLM have thus far produced few significant changes in land use on the ground. Only a small number of ACECs



THE BLM TODAY: OBSTACLES TO CONSERVATION PROGRESS



were created, despite the emphasis placed by Congress on this program. The first round of land use plans largely ignored future oil and gas development and its impacts on other resource values – i.e., lands were left “open” to development. Hardrock mining impacts were not balanced against other uses. Fish and wildlife values were considered, but rarely emphasized in plans, even in areas essential to the survival of a diversity of wildlife species.¹³

The BLM’s effort to develop land use plans appears to have sputtered to a halt in the mid-1990s. Beginning with the fiscal year 1997 appropriations request, the BLM ceased to even request specific funding for land use planning.

Without any agency momentum, and without any funding specifically for land use planning, planning simply stopped across most of the public lands. To date, 52 BLM Resource Management Areas have yet to develop Resource Management Plans as required by FLPMA, and according to the BLM’s own report to Congress, “BLM has only twenty-one plans that can be considered current, another eighty-one are quickly ageing, and sixty plans are already over 20 years old and considerably out-of-date.”¹⁴ Recently, the BLM has been threatened with legal action to force the development of land use plans. Congress has responded specifically by providing funds in fiscal year 2001 to update the land use plans.

Early in 2000, BLM prepared new land use planning “guidance” for use by field offices in the preparation and revision of land use plans. The new planning guidance spells out for Resource Area managers when land use plans need to be reviewed and updated, and gives additional support for making land use decisions. This new guidance is intended to reinvigorate the planning process so that Resource Area managers can make more strategic, informed, and thoughtful long-term decisions about managing for overall land health.¹⁵

STATE-BASED ORGANIZATIONAL STRUCTURE

The BLM’s organizational structure includes a national office located in Washington, D.C., seven centers for program activities, twelve state offices (each led by a state director), and roughly 170 district and area field offices. The national office and centers give the agency direction, policy leadership, and oversight and evaluation of the agency’s functions.¹⁶ State offices are responsible for implementing BLM programs and policies, and providing an on-the-ground presence for the agency throughout the West. Staff in the field offices inventory resources, determine resource allocations, issue permits and leases, and enforce existing laws on the public lands.

This state-based structure differs from every other federal land management agency. The National Park Service, the Forest Service, the Fish and Wildlife Service, the Bureau of Reclamation, and the Army Corps of Engineers are all organized into regions, with each regional office having responsibility for multiple states.

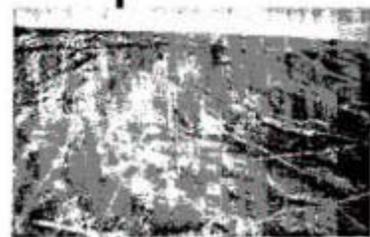
THE BLM TODAY: OBSTACLES
TO CONSERVATION PROGRESS





The BLM's ability to meet its conservation responsibilities is seriously compromised by its state-based structure. Appointment of new state directors typically requires the behind-the-scenes approval of state political leaders, who over the years have repeatedly involved themselves in agency decisions down to the lowest levels, frequently on behalf of corporate and other financial interests.

At the same time, the arbitrary political boundaries represented by state lines have little to do with effective landscape boundaries, as watershed or landscape-based planning may cross two or three state jurisdictions. This, too, hinders effective conservation management.



THE BLM TODAY: OBSTACLES TO CONSERVATION PROGRESS



¹ Wilkinson, C.F. *Crossing the Next Meridian*, Island Press, 1992. According to Wilkinson, the "first lord of yesterday is the Hardrock Mining Law of 1872, which dedicates more than half of all public lands to mining as the preferred use," while the second involves the public rangelands: In the 19th century, the federal government began the practice of allowing free and unregulated grazing of cows and sheep on the public lands. ... [P]oor grazing practices have devastated western rangeland and the rivers that receive millions of tons of eroded soil annually.

² Personal Communication, see *Methodology*.

³ Personal Communication, see *Methodology*.

⁴ Henry P. Kendall Foundation. *Leadership Preparation in the Four Primary Federal Land Management Agencies: A Preliminary Survey*, September 1998.

⁵ Personal Communication, see *Methodology*.

⁶ Personal Communication, see *Methodology*.

⁷ Personal Communication, see *Methodology*.

⁸ Personal Communication, see *Methodology*.

⁹ U.S. General Accounting Office. *The Forest Service's and BLM's Organizational Structures and Responsibilities*. GAO/RCED-99-227. July 1999.

¹⁰ U.S. General Accounting Office. *The Forest Service's and BLM's Organizational Structures and Responsibilities*. GAO/RCED-99-227. July 1999.

¹¹ Department of the Interior and Related Agencies Appropriations Act of FY01.

¹² See, e.g., Lemhi Resource Management Plan and Draft Environmental Impact Statement, 1985; Cody Resource Management Plan, Draft Environmental Impact Statement, Wyoming, 1988; White River Resource Area Draft Resource Management Plan and Environmental Impact Statement, 1994.

¹³ See, e.g., U.S. General Accounting Office. *Public Land Management - Attention to Wildlife Is Limited*. GAO/RCED 91-64. March 1991.

¹⁴ U.S. Bureau of Land Management. *Report to Congress: Land Use Planning for Sustainable Resource Decisions*, February 2000.

¹⁵ Bureau of Land Management Manual, section 1601.

¹⁶ U.S. General Accounting Office. *The Forest Service's and BLM's Organizational Structures and Responsibilities*. GAO/RCED-99-227. July 1999.

THE BLM TODAY: OBSTACLES
TO CONSERVATION PROGRESS



SIGNS OF PROGRESS: RECENT CONSERVATION INITIATIVES

Two years ago, the BLM began grappling with the major potential losses in species diversity occurring on the public lands. In addition, the agency identified emerging critical challenges, including:

- Issues and conflicts related to the West's increasing urbanization and the urban/wildland interface.
- The consequences for informed decision-making of the BLM's failure to prepare and/or update its land use plans.
- The urgent need to conserve critical habitat and water quality.

In response, BLM undertook a series of promising new conservation initiatives, covering a range of public lands and a variety of habitats, and involving programs and personnel throughout the agency. Like the conservation initiatives of the 1990s, these efforts may signal a shift in BLM's priorities toward conservation of wildlife habitat and other ecological resources.

THE NATIONAL LANDSCAPE CONSERVATION SYSTEM

The largest and likely most far-reaching of recent conservation initiatives within the BLM is the creation of the National Landscape Conservation System (NLCS), comprised of those BLM "special areas" created by presidential and congressional directive. Included in the system are National Monuments, National Conservation Areas, Wilderness Areas, and Wilderness Study Areas. The National Landscape Conservation System will:

...ensure that future generations will enjoy some of the United States' last, great, open spaces. NLCS lands will enable the public to experience the solitude and splendor of these undeveloped lands by providing numerous opportunities for exploration and discovery. By creating the NLCS, the BLM hopes to raise the profile of these areas in this fast-changing and fast-growing region.¹

In addition to dedicating 15 National Monuments to BLM management, President Clinton also signed legislation establishing six new National Conservation Areas under BLM's jurisdiction. The creation of all these areas had the immediate effect of bringing national and regional attention to the wealth of historic, cultural, geological, and ecological values still present on the public lands.



SIGNS OF PROGRESS: RECENT
CONSERVATION INITIATIVES

39