National Landscape Conservation System and Acreage

National Landscape Conservation System	Acreage	Units
National Monuments	4,728,829 acres	15 units
National Conservation Areas	14,353,957 acres	13 units
Headwaters Forest Reserve (California)	7,400 acres	1 unit
Wild and Scenic Rivers	1,004,244 acres	2,056 miles of 36 rivers
Wilderness Areas	6,253,783 acres	148 units
Wilderness Study Areas	17,191,707 acres	604 units
National Historic Trails	3,623 miles	9 units
National Scenic Trails	641 miles	2 units

Nevada's Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area is more than a million acres of land containing "unique and nationally important historical, cultural, paleontological, scenic, scientific, biological, educational, wildlife, riparian, wilderness, endangered species, and recreational values."[2] These include unique transient dunes, hot springs, segments of the historic California emigrant trails, and the Black Rock Desert Playa—one of the largest in the world.

The Canyon of the Ancients National Monument in Colorado was established to protect a wealth of archeological sites. It is also home to a wide variety of wildlife species and provides crucial habitat for unique herpetological species, including Mesa Verde nightsnakes, long-nosed leopard lizards, and twin-spotted spiny lizards. Peregrine falcons have been seen in the area, as have golden eagles, American kestrels, red-tailed hawks, and northern harriers.[3]

In Arizona, the million-acre Grand Canyon-Parashant National Monument features a diversity of biological resources characteristic of desert grassland ecosystems. Giant Mojave yucca, growing in undisturbed conditions, are found within its borders. Many wildlife species inhabit the monument, including a trophy-quality mule deer herd, Kaibab squirrels, and wild turkey. Numerous threatened or endangered species live within the monument, including the Mexican spotted owl, the California condor, the desert tortoise, and the southwestern willow flycatcher.[4]

The Steens Mountain Cooperative Management and Protection Area in Oregon is a dramatic landscape of "volcanic uplifts, deep glacial carved gorges, stunning scenery, wilderness, wild rivers, and a rich diversity of plant and animal species." The creation of this National Conservation Area established the first-ever cattle-free wilderness zone as well as the first Redband Trout Reserve.[5]

Further north, the Upper Missouri River Breaks National Monument in Montana is a unique landscape composed mostly of timbered coulees and drainages leading

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from the high plains down to the Missouri or its tributaries. The remote nature of this segment of the Upper Missouri River has buffered the area from most human influence and maintained the same vistas that awed the Lewis and Clark Expedition in 1805 and 1806.[6]

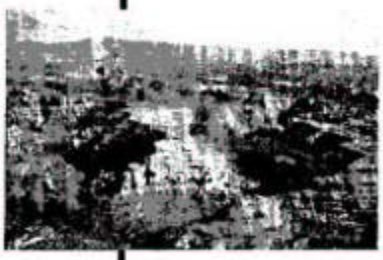
These and other new NLCS units reflect the diversity and richness present on the public lands under BLM jurisdiction. But the impact of their creation and the decision to entrust their management to BLM extends beyond the boundaries of these spectacular places. The new monuments and conservation areas, together with the establishment of the National Landscape Conservation System itself, represent the cornerstone of the promise that BLM is prepared to take its stewardship responsibilities seriously.

In discussing prospective new National Monuments, then-Secretary of the Interior Bruce Babbitt declared:

> The West is once again quickening to the issues of how we live on this landscape and what kind of open space we want, and how it is we're going to strike a more sensitive balance on the landscape in terms of development, the uses of natural resources, and our long-term presence on the landscape…And the fact that has changed is that the West is filling up. And there is now, I think, a sense of urgency, about – not just celebrating the visionary acts of a lot of great leaders in the first half of the century – but turning to the future and saying "What is it that we want to see fifty and a hundred years from now?"[7]

A new image of the public lands is emerging in the public mind, an image that includes protected landscapes where natural processes are allowed to take their course. In large part due to the new monuments and conservation areas, and the attendant public attention (and controversy) that surrounded their creation, the public lands in the West have already gained recognition as providing more than just forage for livestock, minerals, and energy production.

BLM is at a critical juncture in its history. The NLCS provides both a symbolic and a genuine opportunity to demonstrate the agency's capability and commitment to land stewardship. While conflicts over resource development will no doubt continue across the rest of the BLM domain, public perceptions and support for continuing BLM's role as manager of our public lands treasures will be determined in large part by the success of the National Landscape Conservation System.



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GRASSLANDS CONSERVATION INITIATIVES

Over the past three years, BLM has launched three initiatives related to grasslands: the Great Basin Restoration Initiative, the Sagebrush Ecosystem Conservation Initiative, and the Prairie Grasslands Conservation Initiative.

All three of these efforts are designed to bring improved management to critical ecosystems under the agency's jurisdiction. While each initiative tries to address conservation challenges at a landscape level, none has yet been fully developed, and all three suffer from challenging problems.

In the Great Basin, vast expanses of the public lands burned during the hot summer months of the last two years, particularly in Nevada. In 1999, more than 1.7 million acres in the Great Basin burned as a result of summer lightning storms; this is an area twice the size of Connecticut. In 2000, another million acres of the public lands were scorched across the West. The Great Basin Restoration Initiative was designed to integrate the best current knowledge about the importance of fire with an aggressive weed management strategy, across several programmatic areas within the agency.

Fire and invasive weeds, in particular the annual grass cheatgrass, interact in sage grasslands ecosystems to increase both the frequency of fire and the speed of weed infestation.[8] Fire regimes in sagebrush-dominated landscapes are not well understood. Fire cycles are likely to vary depending on the particular subspecies of sagebrush present (mountain big sagebrush, basin big sagebrush, Wyoming big sagebrush) and the climatic niche it occupies. However, several studies suggest that fire return intervals in basin big sagebrush are variable and may be intermediate between mountain big sagebrush (5 to 15 years) and Wyoming big sagebrush (10 to 70 years).[9] The invasion of annual grasses, such as cheatgrass, into these areas that cure early in the growing season has predisposed sage grasslands to fire and has accelerated the frequency of fire in some areas.

Fire also serves to exacerbate the weed problem. Invasive weeds tend to colonize in burned areas, so when fires do occur, the weeds spread even further across the public lands.[10] The BLM now estimates that up to 25 million acres of sage grasslands in the Great Basin alone are infested with weeds, which are creating unproductive monocultures and displacing native species.[11]

The Great Basin initiative's short-term goal is to stop further vegetative degradation in the Great Basin ecosystem. Over the long term, the BLM hopes to restore the health and productivity of the sage grasslands in the Great Basin, and turn lands currently dominated by weeds and annual grasses back to native species.

The Great Basin initiative has two significant strengths: first, it has recognized that a large infusion of funding is needed to launch restoration efforts, and second, it has recognized that success depends on integrating efforts within the numerous BLM programs that impact the landscape in the Great Basin – the fire program, the rangeland management program, the fish and wildlife program, and others.

The objectives outlined in the Great Basin initiative, while somewhat vague, describe the steps that will be taken to restore the landscape in the region:

- Restoration will comply with current land use plans.
- BLM will collect and analyze information needed to prioritize and plan restoration treatments.

- BLM will use existing science and proven, cost-effective techniques.
- Through monitoring, BLM will ensure sufficient data is available to evaluate restoration projects, assess progress towards Great Basin restoration-wide objectives, and develop new or more effective restoration strategies.
- BLM will use appropriate science to improve the success of restoration strategies and actions.[12]

Unfortunately, the Great Basin initiative still lacks clearly defined, measurable objectives that are linked to the agency's standards for public land health.

The two other grassland initiatives, the Sagebrush Ecosystem Conservation Initiative and the Prairie Grasslands Conservation Initiative, were initiated partly in response to the fires in the Great Basin, and partly in response to the increased attention on declines in prairie dog and sage grouse populations and habitat.

The BLM is the largest land manager in each of these imperiled ecosystems, having jurisdiction over more than 100 million acres of sage grasslands and more than 10 million acres of mixed-grass and shortgrass prairie. Because of its unique position and vast landholdings, BLM management can make a tremendous difference to the wildlife and other natural resources of these landscapes.

The Sagebrush Ecosystem Conservation Initiative is BLM's effort to prevent the further loss of sage grouse and other sagebrush-dependent species in the Great Basin. Approximately 100 bird species and 70 mammal species are found in the sage ecosystem, including numerous species that, like the sage grouse, are dependent on sage grasslands.[13] Altogether the BLM manages 30 million acres of occupied sage grouse habitat.[14] Through this initiative, the agency has been working with the Forest Service and with state fish and wildlife agencies to adopt new management guidelines for sage grouse,[15] as well as to assess the distribution and characteristics of sage grasslands.

The Prairie Grasslands Conservation Initiative is a similar effort. BLM-managed mixed-grass and shortgrass prairie landscapes are generally scattered across the Great Plains from eastern Wyoming and eastern Montana through western North and South Dakota. The agency's landholdings include prairie dog colonies, and could support colonies large enough for the reintroduction of black-footed ferrets, North America's most endangered mammal.

Most of the work associated with this effort thus far appears to have been in conjunction with ongoing efforts of other agencies. The BLM is participating in state-led efforts to develop conservation strategies for black-tailed prairie dogs in the states where it manages prairie grasslands. The BLM is also participating in Northern Plains/Prairie pothole conservation efforts to protect and conserve wetlands.

Unfortunately, both the Sagebrush Ecosystem and Prairie Grasslands Conservation Initiatives still are vague, appear to lack management direction, and do not incorporate any measurable objectives. Participating BLM staff have recognized

the need to bring attention to these important grassland ecosystems, but they apparently have not involved other BLM programs that impact grasslands, particularly the livestock grazing program. Neither of these initiatives has been fully embraced by BLM leadership or across BLM programs.[16]

Renewed Emphasis on Land Use Planning

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 provides additional support for making land use decisions. Among other things, the guidance:

- Encourages BLM managers to look at land use planning on a scale that encompasses the resources being considered. For example, if the goal of a plan is to restore a watershed, BLM managers are encouraged to look at the entire watershed as part of the planning effort, not just the part of the area that falls within a BLM Resource Area.
- Directs managers to articulate "desired outcomes" in terms of land health and resource condition. To meet this requirement, managers will need to expand the land health standards developed under Rangeland Reform to address activities and factors other than livestock grazing in an individual Resource Management Area or planning unit.
- Requires planners to develop and evaluate foreseeable development scenarios for different commodity production programs. Such scenarios will allow managers to gauge the impact of these kinds of uses on land health, and to make adjustments to commodity programs to protect the long-term health of the land.
- Requires that land use plans be updated in response to new information. For example, events such as the new listing of a species under the Endangered Species Act, or an unanticipated increase in oil and gas development, should trigger the review and revision of a land use plan.[17]

The new planning guidance, which went into effect in December 2000, offers BLM managers a new tool for achieving conservation objectives, but it remains to be seen whether the guidance will in fact lead to shifts in on-the-ground decisions. In fiscal year 2002, BLM is seeking a similar level of funding to what was received the previous year, in order to continue updating its land use plans.

New Guidance on Recreation

With the growth in population that has occurred in the West over the past several decades, recreational use of public lands has increased dramatically. In particular, motorized vehicle use, especially by off-road vehicles (ORVs), has grown significantly. In many places, including a great many Wilderness Study Areas,

ORVs are causing damage to sensitive soils, degrading riparian areas and other critical wildlife habitats, and destroying wilderness values.[18]

Recently, and for the first time, the BLM acknowledged that ORV use was causing problems across the public lands. The agency also conceded that it had failed to enforce an Executive Order issued by President Richard Nixon, which directed that lands be closed to ORVs if they were causing "considerable adverse effects" to publicly owned resources.[19]

In January 2000, the BLM announced a plan to develop a national strategy for ensuring environmentally responsible ORV use of the public lands.[20] Following "overwhelming" involvement by the public,[21] the final strategy was released a year later. Unfortunately, the final product falls far short of what the BLM needs to achieve its announced goal, because it essentially continues the status quo, which the agency had conceded had failed. Specifically, the new strategy continues to rely on local BLM managers to decide what to do about ORV use and to enforce the rules that they have failed to enforce in the past.

Given the extent of the ORV problem today, and its potential for increased environmental damage on the public lands, BLM's strategy appears inadequate to protect WSAs, inventoried roadless lands with wilderness characteristics, or other sensitive areas.

Case Study: Conservation Progress on California's Public Lands

Transforming the Bureau of Land Management is a daunting task. Yet recent developments in California suggest that change is possible. The California state BLM office has made great strides toward refocusing management on conservation and environmental protection.

Only ten years ago, the BLM's California operations looked essentially like those in every other western state. Commodity interests dominated decision-making. But the California office undertook significant changes under the leadership of Ed Hastey, the long time state director and powerful agency leader. These changes were so significant that when Hastey retired, he identified conservation accomplishments as his legacy, rather than the number of major mines permitted, trees logged, or acres of crested wheatgrass planted. Why and how the California BLM office began to redefine itself as a conservation agency may provide a model for the entire agency and especially for evaluating other state offices.

First, California BLM aggressively sought to rationalize its land holdings. The agency developed and carried out an exchange and acquisition program in cooperation with the state of California, other federal agencies, and several private land conservancies. This program increased BLM's management efficiency, helped protect many unique California landscapes, and provided access to other public lands. For example, the agency transferred all its timberlands to the state, principally in satisfaction of statutorily authorized state claims. These lands, while quite valuable, amounted to only a small fraction of the BLM's land base. By transferring these lands, BLM was able to focus its resources and efforts on improving its management of other public lands. In January 2000, BLM assumed ownership of almost 225,000 acres of key parcels of private land throughout the California Desert in a deal that involved a private land conservancy and the owner of lands originally granted to Southern Pacific Railroad.

California BLM also pioneered new approaches to resource protection. The agency helped create the state Biodiversity Council, which brings together all the federal, state, and county land

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management and environmental agencies throughout California to collaborate on ways to better manage natural resources. As part of this effort, many federal, state, and local agencies are sharing data. In addition, BLM became involved in the design and implementation of multi-species, multi-jurisdictional planning efforts across large landscapes throughout the state. One multi-county, multi-jurisdiction habitat conservation plan in southern California, for example, dedicates BLM public lands to species conservation.

The agency also embraced its conservation constituency to an unprecedented degree. As had always been the case with commodity-based groups, the state director began to meet regularly with environmental groups to keep them abreast of agency activities and to obtain advice and input into operations and programs. On occasion, he explicitly asked for assistance in connection with important conflicts and issues. The state office welcomed opportunities to provide leadership for other state offices, as was the case with implementation of Rangeland Reform '94.

The state office succeeded in getting public lands identified on state maps, and promoted the special places and unique resources of those lands in a series of posters, maps, and other printed materials, as well as on the California BLM Website.

These and other actions were driven by three critical factors in California, tremendous growth in: population, the number of listed species, and the public demand for recreational opportunities on the public lands.

These factors were experienced first at the field level, where local managers found themselves faced with different demands than in the past. In response, some managers began to adjust their on-the-ground management approaches. As the agency's constituency continued to change and broaden, officials in the state office took note and lent their support to innovations in the field. Passage of the California Desert Protection Act in 1994, while vigorously opposed initially by Director Hastey, drove home the realization to the agency that its future would be limited if it chose to protect only historical commodity interests – that doing so could mean that the agency would lose its land base. Today, according to one official in the state office, "The BLM's constituency consists of a cacophony of groups. Not just environmentalists or traditional groups, but numerous other groups that were not interested in the public lands before."[22]

[1] http://www.blm.gov/nlcs/
[2] H.R. Conf. Rep. on H.R. 4577, 106th Cong., 2d Sess. (2000).
[3] U.S. Bureau of Land Management. *Background Paper on Canyon of the Ancients National Monument*. www.co.blm.gov/canm/canmback.htm
[4] U.S. Bureau of Land Management. *Background Paper, Grand Canyon Parashant National Monument*. http://www.az.blm.gov/parashant/bkgdp.htm
[5] U.S. Bureau of Land Management. *Steens Mountain*. http://www.or.blm.gov/steens/
[6] U.S. Bureau of Land Management. *Areas of Biological Interest in the Upper Missouri River Breaks National Monument*. http://www.mt.blm.gov/ldo/um/um_special.html#BIOL.
[7] Secretary of the Interior Bruce Babbitt. Remarks at Denver University School of Law, February 17, 2000.
[8] D'Antonio, C.M. and P. M. Vitousek. 1992. Biological invasions by exotic grasses, the grass/fire cycle, and global change. *Ann. Rev. Ecol. Syst.* 23:63-87.
[9] Sapsis, D.B. 1990. Ecological effects of spring and fall prescribed burning on basin big sagebrush/Idaho fescue-bluebunch wheatgrass communities. Corvallis, OR: Oregon State University. 105 p. Thesis.
[10] D'Antonio, C.M. and P. M. Vitousek. 1992. Biological invasions by exotic grasses, the grass/fire cycle, and global change. *Ann. Rev. Ecol. Syst.* 23:63-87.
[11] U.S. Bureau of Land Management. *Healing the Land*. April 2000.
[12] U.S. Bureau of Land Management. *Healing the Land*. April 2000.
[13] Paige, C. and S.A. Ritter. 1999. *Birds in a sagebrush sea: managing sagebrush habitats for bird communities*. Partners in Flight Western Working Group, Boise, ID.
[14] 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.
[15] Connelly, John W., M.A. Schroeder, A.R. Sands, and C.E. Braun. 2000. *Guidelines to Manage Sage Grouse Populations and Their Habitats*. Wildlife Society Bulletin 2000, 28(4):967-985.
[16] Personal Communication, see *Methodology*.
[17] Bureau of Land Management Manual, section 1601.
[18] See, e.g., California Wilderness Coalition. *Off-Road to Ruin – How Motorized Recreation is Unraveling California's Landscapes*. March 2001.
[19] Executive Order No. 11644, Feb. 8, 1972, 37 Fed. Reg. 2877, as amended by Executive Order No. 11989, May 24, 1977, 42 Fed. Reg. 26959; Executive Order No. 12608, Sept. 9, 1987, 52 Fed. Reg. 34617.
[20] U.S. Bureau of Land Management. *National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands*. January 2001.
[21] U.S. Bureau of Land Management. *National Management Strategy for Motorized Off-Highway Vehicle Use on Public Lands*. January 2001.
[22] Personal Communication, see *Methodology*.

A Conservation Agenda for 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 on the public lands for open space, clean water and healthy watersheds, wildlife habitat, and public recreation are increasing rapidly. At the same time, historic demands for these lands to provide livestock forage remain, while demands for energy sources are escalating rapidly. With foresighted and responsible management, the good news is that these lands can accommodate reasonable demands. But an approach to public lands management based on accommodating historical users and negotiating site-specific conflicts will serve neither the public interest nor, in the long term, the economic interests that benefit financially from the public lands. A more farsighted vision will require time and effort – recall that FLPMA was not passed until thirty years after creation of the BLM – but fortunately, a new sense of potential for the public lands and the agency responsible for them is emerging.

The new conservation initiatives undertaken by the BLM over the past few years have set the stage for development of a broader conservation-driven agenda for the public lands. They have also provided an opportunity for the agency to demonstrate its willingness and ability to perform as an effective steward of the public lands. Strengthening and promoting these initiatives, in the context of an integrated conservation agenda, is the pathway that will allow the BLM to overcome its historical limitations and become an effective manager of the public lands. Should it prove capable of doing so, public support for the BLM will increase, including backing for increased agency funding.

The need for the BLM to adopt a programmatic conservation agenda is urgent. Species diversity on the public lands is decreasing rapidly, particularly in the Great Plains and the Great Basin. Invasive weeds are destroying native ecosystems on the public lands at a rate of 4,600 acres per day.[1] The recent establishment of new National Monuments and National Conservation Areas on the public lands has raised public expectations about the BLM's performance and commitment to protection of these special areas.

The BLM has the statutory direction to adjust land use based on conditions on the ground, the development of new information, evolving scientific information, and change in public attitudes, all within a framework of conserving the publicly-owned land base in perpetuity. It is past time for the agency to use its existing authority and management flexibility to place primary emphasis on the long-term health of the public lands, and to adopt management, budget, and personnel priorities accordingly.

If the BLM cannot, or will not, meet this challenge, both the public lands and the agency will suffer. If the historical trend continues, and BLM ultimately loses its most ecologically important and scenic landscapes to other land management agencies, leaving only those public lands best suited to energy production or livestock grazing, the agency would likely see further and dramatic reductions in its role. Avoiding the fate of the former Bureau of Mines and other bureaucratic entities consigned to history will require that the BLM demonstrate its relevance in the 21st century by adopting a 21st century conservation agenda for the public lands. The following provides an initial blueprint for that agenda.

Protect the Crown Jewels of Public Lands

Support Planning and Management for the National Landscape Conservation System

The units of the newly created National Landscape Conservation System represent the crown jewels of BLM's domain, including many of the lands richest in ecological, cultural, scenic, and wildlife values. Today, even as controversies continue over the management of the rest of the public land estate, the treatment of the NLCS system and its individual units will be seen as a test of the BLM's capacity for conservation leadership. Management of this system will be seen as a bellwether for the agency, and a test case for conservation management of all the public lands.

Planning and stewardship of National Monuments, National Conservation Areas, Wilderness Study Areas, and other units of the NLCS must be a high priority and a fully supported and funded enterprise. The new NLCS units should be BLM's showcase for demonstrating its capacity for long-term, sustainable management of the public land resources, reinforcing a new approach to wildland management that involves local communities while meeting national needs.

To meet agency needs and public demands for these special places, the BLM must allocate sufficient staff and funding in each affected state office to support coordinated management of NLCS units within and across state lines. This funding should be established on a unit-by-unit basis within the NLCS, so the agency and the public fully understand the budgets needed to manage these lands appropriately.

BLM managers who are given responsibility for these flagship public lands should be compensated for taking on these new challenges at a pay level and government service grade that reflects the importance of these lands. This will attract highly qualified managers to these positions and convey throughout the agency the importance placed on units within the system.

In addition, the BLM must develop solid land use plans for these units, in full communication with the general public. A technical support team should be established at the national level to help unit managers develop strong plans that protect the outstanding natural and recreational values of the units.

A Conservation Agenda for America's Public Lands

The BLM has identified roughly $18 million in funding from a variety of sources to develop new land use plans that govern the management of the National Monuments, National Conservation Areas, and other special status areas in fiscal year 2001. However, funding may not be specifically provided in fiscal year 2002 to develop land use plans and effectively manage the units of the NLCS. The BLM must press for, and Congress should appropriate, a minimum of $13 million over the next few years to develop land use plans for the new units, and a minimum of $20 million annually to implement those plans.[2]

Over time, the number of units in the NLCS should increase as new areas deserving of special management attention and resources are identified through the land use planning process and other means.

Preserve Remaining Roadless Lands

Keeping roadless areas free of roads keeps wildlife habitat intact, slows the spread of invasive weeds, and provides places of quiet solitude.

Another necessary step toward protecting intact landscapes on the public lands is implementation of the Wilderness Inventory policy adopted by the BLM in December 2000. The policy was developed to help field staff avoid management actions that would foreclose designation by Congress of unprotected roadless areas as formal Wilderness Areas. It was also intended to ensure that roadless public lands receive adequate protection under the Wilderness Study Area provisions of FLPMA.

The new policy should be applied to qualifying lands within units of the NLCS. Additionally, when necessary, other land use plans should be amended to designate roadless lands as Wilderness Study Areas so that they can be added to the NLCS.

Review, Designate Areas of Critical Environmental Concern

As discussed previously, Areas of Critical Environmental Concern (ACECs) are an important conservation tool provided by the Federal Land Policy and Management Act, but too often this tool has been ignored or under-used by the BLM. The agency should take full advantage of its authority to designate and manage ACECs, and plan for the management of these areas in ways that protect their resource values.

Nothing in FLPMA or the guidance that further defines implementation of the ACEC concept limits the size or scope of an ACEC. The BLM should consider designating new ACECs to meet emerging conservation challenges.

The need to protect imperiled populations of black-tailed prairie dogs – a keystone species of shortgrass and mixed-grass prairie ecosystems – provides an example of how ACECs could be used. Both the species and the habitat it creates are critical for numerous other grassland species, such as the swift fox, the mountain plover, the burrowing owl, the ferruginous hawk, and our nation's most endangered mammal, the

black-footed ferret. Designation of black-tailed prairie dog towns as ACECs would not only help conserve and restore this native species, which has been identified as a candidate for listing under the Endangered Species Act, but would also provide habitat for the myriad other species that depend on prairie dog towns for food and shelter. Black-tailed prairie dog colonies fit the regulatory criteria for ACEC designation that the BLM has established, in that:

- The presence of prairie dogs on the public lands makes this habitat "relevant" as one of the resource values Congress intended to protect through ACECs.
- These areas have "substantial significance" because the prairie dogs that inhabit them are a keystone species of the shortgrass and mixed-grass prairie ecosystems, their populations have dropped to less than 1% of their historic levels, they have been found to warrant listing as threatened under the Endangered Species Act, and their population decline is directly linked to habitat loss.
- The interest in protecting this species and its habitat is of greater than local importance.[3]

Black-tailed prairie dog colonies on BLM lands should be identified, used as a focal point for designation of large-scale ACECs through the land use planning process, and managed primarily for the recovery of prairie dogs and associated species that rely on them for survival. Designated areas should encompass both existing prairie dog towns and suitable habitat appropriate for expansion and interconnection of the small, isolated, and fragmented colonies that remain. Prairie dog ACECs may need to be 10,000 acres in size, or even larger, to incorporate the entire landscape need of key species and habitats.

Milestones for Demonstrating Progress

Within two years, the BLM should:

- Develop templates for land use planning for all new units of the National Landscape Conservation System.
- Initiate land use planning on all new units of the National Landscape Conservation System, using templates for evaluation of goals and alternative management strategies for each unit.
- Launch a campaign to educate the public about the resource and wildland values found in the units of the National Landscape Conservation System.
- Train BLM field managers and recreation managers about the new Wilderness Inventory policy.
- Review criteria for consideration of ACECs and provide guidance on landscape level ACEC designation in the land use planning process.
- Audit the management of existing ACECs within the BLM to ensure that management decisions protect the relevant resource values for which ACECs were designated.

Within ten years, the BLM should:

- Have completed and be implementing new plans for all new units of the National Landscape Conservation System.
- Integrate the planning and management strategies developed from efforts involving the National Landscape Conservation System into all BLM planning efforts.
- Double the size of the National Landscape Conservation System.
- Establish a new network of ACECs that encompasses grassland ecosystems on BLM lands.

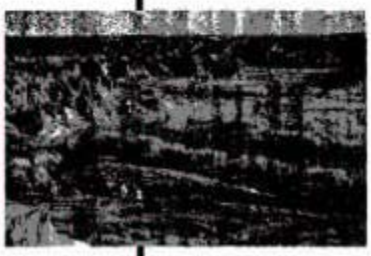
Promote and Strengthen Restoration Initiatives

Both the Riparian-Wetland Initiative and Rangeland Reform held real potential for significant improvement in management and resource conditions on the public lands. Both endeavors, however, have thus far failed to deliver on their respective promises. The BLM must recommit to the respective goals – healthy riparian areas and healthy rangelands. In addition, it must secure the funding and staff necessary to achieve these goals.

While the three grasslands initiatives also begun recently by the BLM can draw attention to important and imperiled ecosystems, they too have serious problems: they suffer from an inadequate focus on land restoration, a lack of coordination across BLM programs, and a lack of measurable objectives. To avoid further loss of grasslands species and ecosystem function, the BLM must aggressively embrace and strengthen its grasslands efforts throughout the agency.

The new infusion of fire management funding provides the BLM a key opportunity to expand its grasslands restoration efforts while simultaneously reducing threats from wildfire. The BLM should use these funds to:

- Restore areas infested with the highly flammable, invasive cheatgrass, returning them to native grasses and forbs.
- Create a stable native seed source for sage grasslands restoration after fires.
- Invest in preventative work along streambanks and riparian areas that are natural barriers.



In fiscal year 2001, specific funds were provided for the Great Basin Restoration Initiative.[4] The BLM must demonstrate clear progress in land restoration within this program in fiscal year 2001, and should place emphasis on the restoration of native communities and improving information collection through mapping and other means. Better data will not only improve the BLM's ability to manage fuels but will also facilitate land use planning decisions that will sustain sage species and their habitats across large landscapes.

The other BLM grassland initiatives, the Sagebrush Ecosystem Conservation Initiative and the Prairie Grasslands Conservation Initiative, are in their infancy. These are intended as overarching campaigns for the public lands, and as such they must be fully integrated into all BLM program activities. The BLM must demonstrate its commitment to restoration of important grassland ecosystems through its budgeting process, in the land use planning work that will be done over the next few years, and in the personnel decisions made by the agency.

Moreover, the BLM must integrate standards into both initiatives that address the restoration and maintenance of healthy wildlife populations. For example, sage grouse habitat and population guidelines have been adopted through a Memorandum of Understanding between the BLM and other state and federal agencies. Their implementation is one of the objectives of the sagebrush conservation initiative. Decisions to issue or renew livestock grazing permits must comply with these new guidelines[5] in order to protect the remaining habitat for sage grouse and achieve healthy native populations of other wildlife on the public lands.

Full implementation of the sagebrush and prairie initiatives will require an $18.5 million and $15.5 million respectfully, while the full cost of the Great Basin Restoration Initiative could not be determined. The BLM must press for, and Congress should appropriate, full funding for the sagebrush and prairie initiatives, and sufficient funding for the Great Basin Restoration Initiative to restore the health and productivity of this landscape.

Milestones for Demonstrating Progress

Within two years, the BLM should:

- Issue an instruction memorandum detailing how the Riparian-Wetland Initiative will be integrated with procedures established under Rangeland Reform.
- Direct each state office to develop a schedule for assessing allotments for compliance with rangeland health standards, using ecological conditions as the basis for prioritizing areas.
- Develop and carry out a training program to ensure that Rangeland Reform procedures are carried out in a consistent manner throughout the agency.
- Identify clear, measurable objectives, with appropriate benchmarks toward meeting objectives, for all three grasslands initiatives. Objectives should be linked to the BLM's standards for public lands health.
- Integrate the Sagebrush Ecosystem Conservation Initiative and the Prairie Grasslands Conservation Initiative across BLM programmatic areas, including the rangeland management program and the fire program.

- Establish a stable seed source for sage grassland restoration after fires.
- Implement the *Guidelines to Manage Sage Grouse Populations and Their Habitats.*

Within ten years, the BLM should:

- Document the restoration and maintenance of riparian-wetland areas under its jurisdiction so that 100% of them are in healthy, proper functioning condition.
- Complete at least one assessment for every grazing allotment, identify the grazing management actions required to ensure compliance with applicable standards, and carry out those actions.
- Fully implement the Great Basin Restoration Initiative, the Sagebrush Ecosystem Conservation Initiative, and the Prairie Grasslands Conservation Initiative.
- Ensure that at least half of all federally threatened, endangered, and candidate species found on the public lands are experiencing upward population trends.

Plan for Conservation Management

Land use plans are the first step in implementing a management vision for America's public lands that is focused on land health and conservation. Decisions about resource allocations made in the land use plan (e.g., areas where oil and gas drilling will be allowed, or areas that will be managed to protect natural values) determine the future use of and disturbances on the landscape. Land use plans are also key vehicles for ensuring compliance with land health standards. Yet 60 land use plans are more than 20 years old.[6]

Fund Land Use Planning

Simply put, the BLM has failed to carry out the environmental analysis and balancing of uses mandated by FLPMA. Both the agency and Congress recognized this crisis in early 2000, and Congress appropriated additional funds for land use planning updates and revisions for fiscal year 2001.

In addition to developing land use plans for NLCS units (discussed earlier), the BLM must begin immediately to develop resource management plans for the 60 land use plans more than two decades old. New standards for land health should be integrated into these plans and extended to all land uses and activities.

Updated land use plans are also needed in areas where land use plans are more than 15 years old. Priority should be given to lands where dramatic change in land use is

taking place. Areas in Wyoming, Colorado, and New Mexico where coalbed methane gas development is taking place provide a stark example. Earlier efforts to plan for future uses of the public lands in those areas did not contemplate this kind of development, much less consider its impacts on ranching, on water quality, and on wildlife habitats.

To effectively complete and update land use plans to comply with FLPMA and accurately reflect current resource conditions on the ground, the BLM must aggressively pursue funding for land use planning and improve consultation with other federal agencies and local governments regarding current and emerging uses of the public lands.

Plan for Land Health

Public land health was a key element of the Rangeland Reform initiative. The BLM must recognize that land health considerations extend beyond the livestock grazing program and should be the focus of all agency programs. In Colorado, for example, the new standards for public land health have been applied to recreation activities on BLM lands. As a result, in that state guidelines for recreation management now ensure that the long-term health of the land is considered in planning for future recreation use. The BLM should not only adopt Colorado's approach to recreation, it should expand that approach to all other activities it permits or allows on public lands, including, for example, oil and gas development and mining.

The new land use planning guidance specifically describes how the land use plans will address land health by giving BLM managers a template for the decisions that must be made in the planning process. Appendix C of the new *Handbook for Land Use Planning* asks the BLM to identify the following in its planning efforts:

- Desired future conditions for air quality, water quality, vegetation, fish, and wildlife.
- Restrictions necessary to achieve the desired future conditions, described as objectives in the plan.
- Watersheds that need special protection.
- Priority plant species and habitats, and the mix of vegetative types, structure and landscape and riparian functions that will support native plant and animal communities.
- Designated visual resource management classes.
- Strategies and decisions to protect and restore special status species, which are sufficiently detailed to enhance habitat or prevent avoidable loss of habitat.
- Lands available and unavailable for livestock grazing.
- Allowable kinds and levels of recreation, including designations of lands open, limited, or closed to off-road vehicle use.
- Areas open, restricted, or closed to oil and gas or geothermal development, the nature of the restrictions, and whether the leasing and development decisions also apply to geophysical exploration.

This new planning guidance reflects a significant shift in BLM's land use planning efforts. The agency now must consider resource goals in its land management efforts, identify the restrictions or changes in land use necessary to meet those goals, and identify specific areas on which conservation, species protection, or energy and minerals development will be given priority. Conceptually, this approach could fundamentally change how the BLM addresses land use, and will improve land management through its more integrated emphasis on long-term land health. The BLM must also ensure that the land use plans authorize the commitment or conveyance of resources only when the environmental and economic impacts of doing so are fully understood.

Reform Planning for Oil and Gas Leasing

In 1989, the National Academy of Sciences (NAS) issued a report citing deficiencies in the BLM's planning system with regard to onshore oil and gas leasing. The NAS findings remain relevant today, as the Administration and some members of Congress have proposed actions to increase oil and gas production dramatically on the public lands, and to open undeveloped public lands to development.

The Congress directed the NAS through the Federal Onshore Oil and Gas Leasing Reform Act of 1987[7] to assess how the BLM addresses oil and gas resources in the land use planning process. In particular, the Congress asked the NAS to examine concerns regarding the social, economic, and environmental consequences related to oil and gas exploration and development, as well as terms and conditions that should be applied to leases.

The NAS report observed that most leasing could take place without conflict. However, the NAS reported that when industry or government proposed making undeveloped lands in the West with high conservation values available for leasing, there was considerable potential for public controversy. The NAS found that in many such areas, "little site-specific information is available," casting "doubt on the efficacy of the planning process."[8]

The shortcomings of the BLM's planning process as it relates to oil and gas development contribute directly to both significant environmental damage on the public lands and increased taxpayer liabilities. These problems arise whenever the BLM transfers rights to develop public resources to private interests without first understanding the nature and value of those assets, the environmental values that may be sacrificed, and the environmental protections that should reasonably be included in any lease.

In addressing the oil and gas issue, the NAS urged that the government develop criteria for identifying lands as either suitable or unsuitable for exploration and development, that those criteria be applied during the BLM's established planning process, and that the agency adopt a staged process of approvals in those cases – now the majority of cases – when sufficient, site-specific information is unavailable. Under such a system, the BLM would only convey rights to explore, but

not to develop, the leasehold, and then, depending on the data generated, would subsequently decide whether to proceed with any further activity.

Currently, and as authorized by statute, the BLM imposes stipulations on oil and gas leases to mitigate damage to natural resources, but these are often inadequate to protect the full range of environmental values.[9] The NAS recommended that all onshore oil and gas leases contain a carefully written stipulation that would ensure that the land management agency not only could, but would, utilize its authority to adequately protect the public lands and their resources from harm. The NAS recommended that the agency include a stipulation specifying its right to "control and if necessary, to prohibit, activities on the leases that pose serious and unacceptable impacts on other values."[10] This is a concept with much broader applicability, and should be implemented whenever the authorizations to develop publicly-owned resources are contemplated.

The inadequacies of the BLM's internal capability to manage the oil and gas program – i.e. lack of budget, personnel, and data – magnify the need to change fundamentally the way the agency approaches the commitment of natural resources. The current system places the burden for inventorying all site-specific information on the government (or taxpayer), while allowing and even encouraging development rights to be bestowed on the industry regardless of whether or not the agency has the data. The consequences of such a system are that when potential problems are identified – usually after the impacts of a specific development project have been analyzed – the BLM is normally faced with a choice between allowing significant environmental degradation or buying back the development rights at a higher price than it originally received. This choice is normally decided in favor of development at the expense of the environmental values supported by the land.

Unless a new system of contingent-rights stipulations is instituted, as recommended by the NAS, the current planning mechanisms will ensure major, continuing problems for the federal treasury and for the environment. Failing this, and the BLM retains the current leasing and permitting process, at a minimum the agency should commit to full, comprehensive, site-specific inventories prior to any leasing or permitting activity. The costs of doing so would be considerable, and could be borne either by the government or the industry itself.

As previously described, the BLM has recently reported to Congress that most of its land use plans are out of date. When faced with new technologies, or development proposed on a scale previously not considered, the consequences of this planning failure are greatly magnified. As the agency contemplates another significant increase in the already record-levels of oil and gas leasing and production, many questions have arisen with regard to how plans will be scoped, data will be gathered, technology will be analyzed, timelines determined, and conflicts assessed.

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The BLM faces an urgent need to assess its own capabilities and systems, including the degree to which it is able to administer the oil and gas leasing program at current levels of activity. Does the agency have sufficient funding and management direction and controls to manage existing leaseholds properly? What financial and other liabilities have been created by abandoned (orphan) wells? Significant shortcomings in inspection and enforcement activities have been identified by the General Accounting

Office and the Department of the Interior's Inspector General.[11] These issues must be resolved prior to consideration of any proposals for major increases in oil and gas production on the public lands.

Strengthen the Recreation Strategy

Because the BLM's new recreation strategy effectively continues the status quo, it cannot achieve its announced goal of protecting Wilderness Study Areas (inventoried roadless lands that have wilderness characteristics) and other sensitive areas from damage caused by off-road vehicle use. Given the extent of the current ORV problem – and its potential for increased environmental damage in the future – a more proactive approach is needed to prevent further proliferation of roads from unregulated vehicle travel. The example of the Colorado BLM provides a useful model. Specifically, the agency, at the headquarters level, should instruct field managers to carry out the following activities with public involvement:

- Set priorities for protection of roadless and other areas, according to the degree of threat posed by ORVs.
- Determine which areas merit emergency closures to protect wilderness values, endangered and threatened species, or other critical resources.
- Develop recreation management guidelines as promptly as possible.
- Complete land use plans and associated recreation decisions as promptly as possible.

In addition, because ORV use is an *environmental* issue, the BLM's Washington, D.C., office should assign responsibility for planning and management activities to biologists or other *resource* specialists who have the expertise to identify and assess ORV impacts on public resources.

Milestones for Demonstrating Progress

Within two years, the BLM should:

- Adopt a land health-based approach in all new planning efforts, including those for areas without current plans.
- Establish a planning schedule for these areas, including deadlines for completion of plans.
- Begin development of new land use plans for one-quarter of areas with plans more than 20 years old.
- Evaluate agency capacity for effectively managing the existing oil and gas leasing program at current levels of activity and at proposed increased levels, including ability to monitor all leases, enforce stipulations, and ensure full reclamation of the land.
- Work with the Office of Management and Budget and the appropriate congressional committees to obtain the necessary resources to effectively manage the oil and gas program.

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- Develop and adopt unsuitability criteria for lands open to oil and gas exploration, and apply them during the planning process.
- Adopt a staged approach to issuing oil and gas leases by issuing drilling permits only after complete information has been gathered and an affirmative determination can be made on the environmental and financial acceptability of drilling.
- Apply contingent rights stipulations to all leases.
- Have issued emergency closures for areas that merit such actions in order to protect their publicly owned resources from ORVs.

Within ten years, the BLM should:

- Complete land health-based plans for all public lands.
- Through the planning process, establish routes and trails for different uses, and identify areas that are open and closed to ORV access.

Rationalize the Bureau of Land Management's Land Base

As previously discussed in this report, land ownership patterns in many areas of the West are fragmented and chaotic. Intermingled federal, state, and private landholdings hinder efforts to manage natural resources across large areas. Wildlife populations, such as sage grouse, move freely between various land jurisdictions and encounter different conditions and management actions, and thus different habitat quality, on each different section of land. Under these circumstances, consistent management of the public lands for wildlife conservation and other values is often very difficult.

Several existing legislative and regulatory tools are available to the BLM to help consolidate and adjust the boundaries of the public lands. The agency should use them to pursue a land reconfiguration strategy that will reduce resource conflicts, increase management efficiencies, and improve environmental protection. Careful use of these tools could increase the agency's ability to conserve its resources, and should be pursued.

Pursue Limited Sales and Exchanges for Conservation Benefits

FLPMA establishes principles governing public land transfer and disposal. Generally, the statute directs that "public lands be retained in federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest."[12]

More specifically, FLPMA spells out the criteria that govern land transfer and disposal. The BLM may sell public lands, provided that they are first identified for

disposal in the applicable land use planning process, that the BLM receives a price not less than fair market value, and that the sale meets the statutory criteria relating to manageability, community expansion, and other public objectives.[13] Local government officials and the governor in the affected state must be notified in advance of any land sale or conveyance.[14]

In the past, large-scale efforts to transfer or dispose of public lands have been controversial. Several proposals to dispose of the public lands surfaced in the early 1980s; then-Secretary of the Interior James Watt proposed to sell off the public lands in part to finance the land acquisition needs of the National Parks and National Wildlife Refuges. Two years later, a massive land exchange was proposed between the BLM and the Forest Service in order to consolidate some federal landholdings and also to clear the way for the disposal of vast acreages in the West.[15]

In 1994, another suite of Congressional proposals for land divestiture surfaced. Some would have transferred lands to the states. Others contemplated the outright sale of federal lands.[16] Like the initiatives of the 1980s, these proposals were designed to reduce the federal government's land holdings in the West, rather than to provide any conservation benefits for the lands remaining in federal ownership. Widespread protests from conservationists, sportsmen, citizens, and local officials kept the legislation from receiving serious consideration.

These proposals understandably evoked outrage from the general public. None were designed to improve either management or conservation of America's public lands estate, and all were widely seen as transparent attempts to transfer control of lands owned by the public at large to the hands of a few, with vested financial interests. Nevertheless, thoughtful, limited, and strategic sales of certain public lands have the potential to improve conservation management of America's public lands and benefit local communities across the West.

In 1982, Director Frank Gregg proposed a land transfer program based on the principles under FLPMA[17] that would have reviewed land identified for disposal and created a rational process for disposing of these lands. Some elements of this approach merit reconsideration. This time, however, the BLM's focus should be on consolidating and rationalizing the land ownership pattern to achieve land conservation objectives.

In 2000, Congress directed the BLM to pursue disposal of lands that had been identified for disposal through the land use planning efforts on a priority basis to assist in the conservation of resources on public lands.[18] The BLM was further directed to track and publish information about its land disposal activities. This kind of program, if focused on meeting resource conservation goals, could assist the agency in consolidating and better managing its lands.

Explore State-Wide Adjustments

In 1999, Congress enacted landmark legislation to exchange lands between the State of Utah and the Department of the Interior, consolidating BLM, National Forest,

National Park Service and state land holdings. It is the largest statewide land exchange to date, and provides one potential model for consolidating lands to benefit conservation purposes and improve land management.

While the impetus for this land exchange came from the 1996 creation of the Grand Staircase-Escalante National Monument on public lands in southern Utah, the vision of a comprehensive land exchange between the state and the BLM dated back almost two decades. Former Governor Scott Matheson presented Project BOLD in 1980, a proposed large-scale exchange between the State of Utah and the Department of the Interior. Project BOLD received little Congressional support at the time, but the idea remained attractive among many stakeholders, and legislation pressing the BLM and the state to revisit the issue, together with monies appropriated to support it, passed in 1993.

The creation of the Grand Staircase-Escalante National Monument, after decades of controversy surrounding the lands in this region, proved to be the catalyst in bringing about such a consolidation. With the twin goals of maximizing environmental protection and facilitating responsible development on state-owned school trust lands, negotiations between the State of Utah and the Department of the Interior produced an agreement acceptable to both parties and hailed by conservation advocates and school supporters alike. The proposal gained swift Congressional approval.[19]

No large, landscape-level decisions will be able to make everyone happy, and the Utah case was no exception. But the breadth of the support was remarkable, and that exchange demonstrated the potential for regional and state-wide land exchanges to work for the benefit of all interests, including the environment. Looking ahead, the conservation and management value of acquiring inholdings within units of the NLCS, important grasslands habitat, or ACECs is clear. For state governments, consolidating income-producing holdings while reducing environmental conflict is also a desirable outcome.

In Colorado, discussions began regarding a state-wide land exchange between the State Land Board and the BLM, covering at least 135,000 acres of state lands in the northwest corner of the state. The BLM was interested in the proposal because it would consolidate landholdings in areas that will be important for the conservation of resources.[20] The state was interested in blocking up its landholdings for ease in management, and to enhance revenue generation from mineral development.[21] Unfortunately, Colorado Governor Bill Owens took this land exchange proposal off the table during the summer of 2000, arguing that it would create momentum for the creation of a new National Monument in the area, an outcome the governor did not favor.

The BLM should attempt to revive these negotiations, and to explore other state-wide land exchanges designed with a clear conservation benefit to the public lands. Both of these examples involve government-to-government transactions, and environmental and development interests were both adequately represented. However, many land sales and exchanges involving private developers and the BLM, both administrative and Congressional, have been viewed as bad deals for the government and the taxpayer.[22] Both Congress and BLM must ensure that all

such sales and exchanges carried out under their respective authorities serve the public interest, are debated through a thorough and open public process, enhance conservation management of the public lands and provide a fair value for any lands transferred out of the public domain.

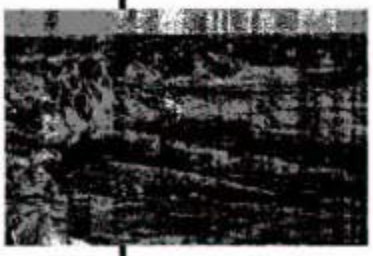
Milestones for Demonstrating Progress

Within two years, the BLM should:

- Complete the review of public lands identified for disposal in existing land use plans, and develop strategies for selling these land parcels at fair market value or otherwise disposing of them in ways that serve a conservation or other public purpose.
- Identify at least one state for a regional or state-wide transfer of state and federal lands to achieve land conservation objectives.

Within ten years, the BLM should:

- Consolidate federal and non-federal land holdings in at least three states to achieve landscape conservation goals and improve species management.
- Divest small, scattered tracts with little or no conservation value, in order to better focus on managing a newly-reconfigured public estate.



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[1] U.S. Bureau of Land Management. *The War On Weeds: Winning it for Wildlife.*

[2] Personal Communication, see *Methodology.*

[3] 43 Fed. Reg. 1610.7-2 (2000).

[4] Department of the Interior and Related Agencies Appropriations Act of FY01.

[5] Memorandum of Understanding between Western Association of Fish and Wildlife Agencies, and U.S. Department of Agriculture, Forest Service, and U.S. Department of Interior, Bureau of Land Management, and U.S. Department of Interior, Fish and Wildlife Service. July 2000.

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

[7] Federal Onshore Oil and Gas Leasing Reform Act of 1987, 101 Stat. 1330-256 (1987).

[8] National Academy of Sciences. *Land Use Planning and Oil and Gas Leasing on Onshore Federal Lands.* 1989.

[9] See, e.g., FLPMA, 43 U.S.C. sections 1732 (b) and (c).

[10] National Academy of Sciences. *Land Use Planning and Oil and Gas Leasing on Onshore Federal Lands.* 1989.

[11] See e.g. Office of Inspector General. *Audit Report on the Inspection and Enforcement Program and Selected Related Agencies.* Bureau of Land Management. Rep. No. 96-I-1267 (1996). General Accounting Office. *Implementation of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.* T-RCED-89-69 (1989)

[12] Federal Land Policy and Management Act of 1976, § 102(a)(1), 43 U.S.C. § 1701 (1976).

[13] Federal Land Policy and Management Act of 1976, § 203 (a)(3) (d), 43 U.S.C. § 1713 (a)(3) (d) (1976).

[14] Federal Land Policy and Management Act of 1976, § 210, 43 U.S.C. § 1720 (1976).

[15] National Wildlife Federation. *Marching Backwards: The Department of the interior Under James Watt.* 1982.

[16] Natural Resources Defense Council. *Selling Our Heritage – Congressional Plans for America's Public Lands.* July 1995.

[17] Gregg, F. *Federal Land Transfer: The Case for a Westwide Program Based on the Federal Land Policy and Management Act.* The Conservation Fund. 1982.

[18] Valles Caldera Preservation Act, 16 USCA Sec. 698v (2000).

[19] Nijhuis, M. "Monumental deal over Utah's Land Trusts." *High Country News.* May 25, 1998.

[20] Personal Communication, see *Methodology.*

[21] Personal Communication, see *Methodology.*

[22] See, e.g., General Accounting Office. *BLM and the Forest Service: Land Exchanges Need to Reflect Appropriate Value and Serve the Public Interest.* GAO-RCED-00-73. June 2000. General Accounting Office. *BLM and the Forest Service: Federal Taxpayers Could Benefit More From Land Sales.* GAO-01-882. September 2001. Western Land Exchange Project. *Commons or Commodity: The Dilemna of Federal Land Exchange.* 2000.

A Conservation Agenda for America's Public Lands

A Reform Agenda for the Bureau of Land Management

Implementing a conservation agenda and institutionalizing conservation-driven management of the public lands will require organizational change within the BLM and well as a redirection of programs and priorities. This section describes these necessary shifts in BLM's organizational culture.

Recruit and Train Conservation Managers

Historically, the BLM's personnel structure and staff positions have been designed to accommodate the dominant commercial uses and practices on the public lands. The agency's workforce has been overwhelmingly dominated by range conservationists and petroleum and mechanical engineers, with expertise in commodity and resource extraction activities such as livestock grazing and mineral development. Certainly the agency will continue to manage grazing and energy and mineral programs. But adopting and implementing a conservation agenda will require a new distribution of staff expertise and experience.

Build Expertise for the Future

The BLM must recruit and build an agency workforce with expertise in a wider range of disciplines than has been important in the past. For example, public lands near the urban/wildland interface with western communities need to be integrated into the community planning efforts of that community or the region. The BLM needs people who understand community planning and who can participate effectively in decision-making about land use at the state and local level. These people would be responsible for communicating with local communities about the opportunities provided by public lands and the nature of the BLM planning and land management process, and for bringing back to the BLM information about community needs so that future public lands management decisions are in concert with local decisions about private land use.

The BLM currently has a shortage of personnel dedicated to recreation management. Recreation is already the single largest use of the public lands and recreational pressure will only continue to grow. Managing recreation impacts on land health is a growing need and one that requires additional recreation specialists.

Recreation specialists often tend to focus on increasing recreational opportunities through the development of trails, campgrounds, and interpretive sites. These are important to help the public use and enjoy the public lands. At the same time,

however, BLM staff must recognize and address the damage that recreation uses can cause to fragile public land resources. For example, travel management or transportation planning is needed to identify lands that are open or closed to off-road vehicle use.

Expanding staff expertise in the basic sciences important to land management must also be given greater attention by the BLM. Hydrologists are needed to help the resource staff evaluate the impacts of different activities on the precious water resources found on BLM lands. Botanists are needed to protect healthy populations of rare and endemic plant species found on the public lands, and to assist in managing unique and rare grassland plant assemblages, keeping in place remnants of the vast grasslands ecosystems that once dominated the Western landscape.

The BLM is facing "train wrecks" in species management, as more and more imperiled species are found only on the public lands in the West. Ensuring their survival – as well as meeting land health goals – requires that the BLM increase the number of fish and wildlife biologists assigned to planning, monitoring, impact analysis, species recovery, and other efforts. All basic biological disciplines must be well-represented among the BLM's resource staff to ensure that land management decisions are guided by relevant and current science.

Expand Monitoring Capability

Monitoring and compliance programs within the BLM are inadequate and ineffective. The BLM range conservationists currently monitor only a fraction of the livestock grazing allotments on the public lands, visiting as few as 10% of allotments each year. Oil and gas specialists are frequently too busy preparing lease sales and issuing permits for new development to monitor industry compliance at existing sites.

The BLM must take steps to build its credibility on the issue of monitoring activities that are authorized on public lands. The agency currently faces enormous but uncertain liabilities resulting from the lack of compliance with grazing regulations, hardrock mining regulations, and oil and gas reclamation requirements on the public lands. More aggressive monitoring of land uses and activities on the public lands is essential to meeting conservation objectives and enforcing the law.

Train Managers in Landscape-Level Management

For several years, the BLM has been experiencing a series of shifts in its leadership ranks. There has been substantial overturn in the director or acting director position in the past decade. Many of the state directors, associate state directors, and deputy assistant directors have changed recently. Retirements and the consolidation of BLM District Offices and Resource Areas are changing the face of the agency in the field. Many of the most senior BLM resource staff received their academic training in the 1960s and early 1970s, and studied livestock grazing management or engineering.

Today's public lands manager needs skills in ecosystem management and communications that were not taught 30 years ago. Landscape-level analysis and decision-making is critical to conservation management of these lands, yet many BLM managers lack sufficient training and expertise in this regard.

Within the BLM, an array of personnel training programs is available to all staff levels. Workshops are offered on almost every conceivable topic, such as people management, where managers can acquire the communication skills needed for dealing with the diverse constituencies now using public lands. Running a public meeting can seem a daunting task for an individual who has not been trained to do so. Unfortunately, it appears that this type of training is vastly underutilized.[1]

The BLM's leadership must engage its management staff in developing appropriate training programs and must require that managers acquire the diverse skills they need.

Milestones for Demonstrating Progress

Within two years, the BLM should:

- Undertake a rigorous examination of monitoring capabilities and prepare a comprehensive proposal for addressing the existing problems.
- Evaluate personnel needs for achieving conservation goals on the public lands, and propose budgets accordingly.
- Initiate a landscape conservation training program for managers.

Within ten years, the BLM should:

- Have a strongly improved workforce, with staff possessing appropriate skills and expertise deployed throughout the agency, sufficient to perform the agencies statutory responsibilities.
- Have implemented a comprehensive monitoring program to evaluate environmental impacts of authorized activities on the public lands, and connected to a strong enforcement program.

Extend Performance Measures Based on Land Health

Conservation-driven management of the public lands will not be achieved until it is linked to performance measures for the BLM, and until the BLM's managers are held accountable for meeting these performance measures.

The BLM budgeting and workload measures include a variety of items that are tracked and from which agency performance is measured. Traditionally, the BLM budget justification has included a summary of how many grazing permits and leases have been issued in the prior fiscal year, and how many are anticipated in the upcoming fiscal year. In FY2001, for the first time, the BLM's budget included items related to measuring the condition and health of the public lands. These measures were derived from the goals of BLM's *Strategic Plan* developed during the prior administration.

The clear goal of these activities is – or should be – to restore and maintain the health of the land. The BLM should expect its land managers to measure their success or failure according to the impacts of their decisions and actions on the land. How many acres of riparian habitat are in proper functioning condition this year? How many acres of public lands are meeting the public land health standards? These and other similar questions should provide the basis for evaluating staff and agency performance. The needed data are routinely collected by the BLM, but they are not consistently used as the bases for evaluating the overall performance of the agency or all of its employees.

According to the BLM Annual Performance Report 2000, the agency has an overall strategy for assessing the health of the public lands, using watersheds as the geographic unit for analysis.[2] In 2001 and 2002, the BLM is mapping the watersheds it believes are highest priority for conservation efforts. Also discussed in the report are measures (in acres) for the lands treated with prescribed fire and mechanical fuels treatments, and the lands treated to handle the spread of noxious weeds. Given that the agency has the ability to track land health performance, it must ensure that a broad set of land health measures are henceforth included in its annual report. Such objective indicators should also be included in the annual work plan for each BLM state office, and evaluated in the personnel performance review of every manager within the BLM.

To further strengthen the agency's focus on land health and conservation, performance criteria that are not related to these goals should be eliminated. For example, the BLM tracks how many applications for permits to drill for oil and gas are approved each year. This is a service function for the oil and gas industry, and while the data could continue to be collected and published, they are unrelated to land health. Consequently, this information should not serve as a management performance measure.

Milestones for Demonstrating Progress

Within two years, the BLM should:

- Identify criteria for measuring land health and include them in all annual work plans and personnel performance evaluations.
- De-emphasize performance criteria not based on land health for all managers with responsibilities for land management.

Within ten years, the BLM should:

- Incorporate land health measures into all management staff performance criteria.

BUDGET FOR HEALTHY LANDSCAPES

The BLM's ability to advance conservation on the public lands is limited by both the inadequacy of its budget and way the budget is structured and managed. The agency must identify and justify its budget needs more aggressively to stakeholders and the Congress, and must communicate more clearly the actual costs of fulfilling its multiple responsibilities and the management tradeoffs that inevitably will occur if the agency is not adequately funded. In addition, the BLM should work with the Congress and the Office of Management and Budget to restructure its budget to facilitate landscape-level conservation management. Such a "healthy landscapes" budget would also remove administrative hurdles to integrated land management, and would make the BLM's activities and expenditures more readily understood by stakeholders and decision-makers.

As previously described in this report, the BLM's "Management of Lands and Resources" budgetary line item includes most of the programs that impact natural resources on the public lands (such as rangeland management); it also includes such activities as communication site management, survey and realty work, transportation and facilities management, and information systems management. Although the agency's budget justification asserts that "each of the subactivities with the Land and Resources Activity all contribute to healthy, productive, and sustainable public land resources,"[3] this overly detailed budget structure severely impedes the integrated planning and management necessary to achieve this worthy goal.

A starting point for constructing a "healthy landscapes" budget would involve collapsing many of the existing budget categories and subcategories, particularly within the "Management of Lands and Resources" appropriation, into a few – or even a single – broad line items that emphasize conservation management and land health goals. This approach would have several advantages. Land managers would have much greater flexibility to direct funding across programmatic lines to high priority management needs. For example, as the BLM increases its attention to watershed-based management, a "healthy landscapes" budget would allow managers to construct watershed-based operating budgets that would provide funding for those activities most relevant to particular watersheds. By integrating specific and measurable goals for land health into these operating budgets, senior management would have new tools for ensuring accountability and for gauging the effectiveness of land management activities. Other stakeholders would have also benefit from the clearer linkage this could establish between the budget and conservation work on the ground.

The BLM's budget request and justification should give priority to those activities necessary for conservation management. It should also clearly communicate how and

to what extent the appropriations request will contribute to achieving land health goals, rather than simply predicting outputs such as numbers of permits issued or numbers of surveys conducted.

Milestones for Demonstrating Progress

Within two years, the BLM should:

- Develop a proposal for constructing a "healthy landscapes" budget, and initiate discussions with the Office of Management and Budget and the appropriate Congressional committees regarding design and approval of such a budget structure.
- Determine the level of investment needed to meet land health goals on the public lands.

Within ten years, the BLM should:

- Have institutionalized throughout the agency internal budget development and management processes based on land health goals that yield measurable programmatic improvements.
- Have an approved "healthy landscapes" budget structure and receive a substantially greater annual appropriation.

Establish Regional BLM Offices

The BLM needs to restructure its regional offices to facilitate landscape-level conservation and to reduce the political pressures the agency frequently faces as a result of its state-based organization. At its formation in 1946, the BLM was organized in a two-tier management structure that included seven regional offices, each responsible for more than one state, and district-level field offices. This structure was retained until 1954, when the BLM reorganized to create the current state office structure. Over the course of several years, the regional offices were eliminated, and all the regional responsibilities moved to the state offices.

Not surprisingly, BLM state offices have tended to become captive to the political climate and organized constituencies within their states. Although responsiveness to state and local concerns is appropriate, the current system gives elected state officials tremendous and disproportionate influence over agency management decisions; in practice, BLM state directors are often as accountable to the state's governor and other elected officials as they are to the director of the BLM. This is a strong factor contributing to the dysfunction of the BLM, as compared with other federal public land managers.

In 1992, the Interior Department's Office of Inspector General recommended that the BLM begin work on re-creating a regional office structure. According to the Inspector General, the BLM could reduce its program overhead, reduce administrative support

functions, and eliminate duplicative program costs under such a structure.[4] Because field offices would be retained, minimal impact would be felt by the BLM's staff in each state. The Inspector General suggested creation of five regional offices, structured as follows:

- Alaska
- Eastern States
- Montana, North Dakota, South Dakota, Wyoming, Colorado, and New Mexico
- California, Utah, Nevada, and Arizona
- Oregon, Washington, and Idaho

A state-based management structure hinders the ability of BLM managers to work with other federal agencies. No other federal land management agency is organized along state lines. The Forest Service, the Fish and Wildlife Service, the National Park Service, the Bureau of Reclamation, and the Army Corps of Engineers all have regional offices that manage the resources under their jurisdiction in the region. A similar structure at the BLM would facilitate coordination of federal activities. Additionally, as the agency moves toward land use planning and conservation based on watershed boundaries, the state structure will limit its ability to manage areas in which watersheds cross state lines.

Milestones for Demonstrating Progress

Within two years, the BLM should:

- Complete an agency-wide regarding how best to re-create a regional office structure for the BLM, possibly using an independent contractor. Special emphasis should be placed on maximizing economic and management efficiencies.

Within ten years, the BLM should:

- Have replaced the state office system with a regional system, to improve agency professionalism and performance, and maximize economic and management efficiencies.

Improve Coordination with Other Federal Land Management Agencies

Few Americans, other than some living in communities surrounded by federal lands in the West, distinguish between the various lands administered by different federal agencies. This is particularly true when it comes to the lands under the jurisdiction of the Forest Service and the BLM. Public lands often share a common boundary with Forest Service lands; frequently they are the lower-lying rangelands adjacent to more forested and mountainous lands.

Sharing jurisdiction and management responsibilities on the ground between the BLM and the Forest Service offers opportunities to serve the public better and enable more effective and efficient conservation and management of the federal land resources.

BLM and Forest Service personnel already are realizing cost savings from sharing office space within certain jurisdictions. The agencies are trying to develop common signs that can be used to post the location of federally owned lands, both public lands and National Forests. A set of common signs also is being considered for recreation guidelines on federal property.

Through the last 20 years of advances in the field of conservation biology, federal land managers have learned that larger landscapes provide more opportunities for resource conservation. Migratory birds, seasonal distributions of big game, and watershed-based restoration efforts all benefit when management efforts are designed and implemented across landscapes as large as possible.[5]

The BLM is attempting now to explore opportunities to form partnerships with other federal and state land management agencies at the land use planning level. New guidance on land use planning specifically directs BLM managers to work closely with other federal and state land management agencies to develop comprehensive land use plans.[6]

The BLM and the Forest Service also are making strides toward collaborative watershed-based land use decision-making.[7] Watershed management can involve a variety of strategies. At a minimum, joint committees of federal land managers, local governments, stakeholder groups, and others are established, and charged with planning future activities in a watershed. More elaborate efforts involve cooperative work on watershed and water quality restoration projects.

One of the most effective examples of this kind of collaboration is taking place now in the San Juan area of southwestern Colorado. At the National Forest unit and the BLM Resource Management Area level, BLM and Forest Service staff effectively merged into one office, and one manager has responsibility for all the federal lands in the area. Joint coordination and cooperation on all management activities is taking place in the area.

Another innovative approach affecting many BLM public lands is also underway. This effort began in the San Luis Valley of Colorado along the Upper Rio Grande. Known as the Service First initiative, it enables BLM and Forest Service personnel to not only share office space in several field office locations, but also to administer common programs on their respective landholdings. For example, agency range staff are responsible for all grazing activities within an area, regardless of whether the grazing allotments are on BLM public lands or on National Forests. Recreation staff work together to address conflicts between recreation and other uses, regardless of whether they are located on BLM public lands or National Forests. Personnel working in these offices joke they wear "brown pants and a green shirt," in reference to the respective field uniforms of the BLM and the Forest Service.[8]

Congress has provided authorization for these experiments in joint land management, beginning in 1998 and extending through 2002. Last year, the authorization for "cross delegation of authority" was extended throughout the BLM and the Forest Service.[9] Specific congressional authorization was needed to allow the agencies the flexibility to share budgets, personnel, equipment, and overhead costs.

The Service First initiative has realized several successes. Joint location of offices, shared equipment, and some joint projects have all been launched. The agencies estimate that the cumulative savings from the Service First projects have totaled $5.4 million through June 2000.[10]

These experiments in land management have been successful in large part because of the commitment and expertise of land managers at the local level. Results have been most impressive where the BLM regional manager and the Forest Service's forest supervisor were able to establish an effective relationship and to work together to ensure that both agencies would thrive through cooperative management. Committed staff will be the essential ingredient for success in shared land management.

The BLM must aggressively look for opportunities where joint management can improve land health and benefit the public and taxpayers – places where politics, agency leadership and expertise, and other circumstances will support cooperative management of federal lands across agency boundaries.

Milestones for Demonstrating Progress

Within two years, the BLM should:

- Develop a list of priority watersheds where interagency collaboration and cross-jurisdictional responsibilities would facilitate landscape-level conservation.

Within ten years, the BLM should:

- Have implemented interagency collaboration and cross-jurisdictional responsibility sharing in priority watersheds
- Develop a list of second-tier watersheds where interagency collaboration and cross-jurisdictional responsibilities would facilitate landscape-level conservation.

[1] BLM managers across the agency indicated to the authors that they did not have the time, or do not take the time, to participate in these kinds of training opportunities.

[2] U.S. Bureau of Land Management. *Annual Performance Plan 2002, Annual Performance Report 2000.* www.blm.gov/nhp/

[3] U.S. Bureau of Land Management. *Bureau of Land Management 2001 Budget Justification.* March 2000.

[4] U.S.D.I. Office of Inspector General. *Staffing and Resource Allocation, Bureau of Land Management.* Rept. No. 92-I-367. January 1992.

[5] Soule, Michael. *Conservation Biology: The Science of Scarcity and Diversity.* (1986)

[6] Bureau of Land Management Manual, section 1601.

[7] Williams, J, Wood, C., and Dombeck, M. (eds.). *Watershed Restoration: Principles and Practices.* American Fisheries Society. 1997.

[8] Personal Communication, see *Methodology.*

[9] U.S. General Accounting Office. *Service First Initiative.* GAO-01-50. November 2000.

[10] U.S. General Accounting Office. *Service First Initiative.* GAO-01-50. November 2000.

Appendix: Partial List of Individuals Consulted

Bob Abbey
State Director
Nevada Bureau of Land Management
Reno, NV

Dave Alberswerth
Director, BLM Program
The Wilderness Society
Washington, D.C.

Anna Aurelio
Legislative Director
U.S. Public Interest Research Group
Washington, D.C.

Jan Bedrosian
Congressional Liaison
Bureau of Land Management
Sacramento, CA

Liz Birnbaum
(former) Associate Solicitor for Mineral Resources
Department of the Interior
Washington, D.C.

Henri Bisson
Assistant Director
Renewable Resources and Planning
Bureau of Land Management
Washington, D.C.

Gene Bray
Board Member
Western Watersheds Project
Hailey, ID

David Brooks
Majority Senior Counsel
Senate Energy and Natural Resources Committee
Washington, D.C.

Mark Burget
Director
The Nature Conservancy
Boulder, CO

Chuck Clusen
Project Director
National Parks and Alaska
Natural Resources Defense Council
Washington, D.C.

Pete Culp
Assistant Director of Minerals
Realty and Resource Protection
Bureau of Land Management
Washington, D.C.

Tom Darin
Staff Attorney
Wyoming Outdoor Council
Lander, WY

Pam Eaton
Regional Director, Four Corner States
The Wilderness Society
Denver, CO

Adam Eichberg
Associate Director of Conservation Finance
Trust for Public Land
Denver, CO

Joe Feller
Law Professor
University of Arizona School of Law
Tempe, AZ

Maggie Fox
Deputy Executive Director
Sierra Club
Boulder, CO

Tom Fry
(former) Director
Bureau of Land Management
Washington, D.C.

David Getches
Professor
University of Colorado Law School
Boulder, CO

Scott Groene
(former) Director
National BLM Wilderness Campaign
Salt Lake City, UT

Tim Hartzell
Manager Rangelands, Soils, Water and Air Group
Bureau of Land Management
Washington, D.C.

Nina Hatfield
Deputy Director
Bureau of Land Management
Washington, D.C.

John Horning
Director of Conservation
Forest Guardians
Santa Fe, NM

Chuck Hunt
(former) Staff Assistant to Assistant Secretary
Department of the Interior
Washington, D.C.

Fran Hunt
(former) Director, BLM Program
The Wilderness Society
Washington, DC

Chris Jahoula
Manager, Fish, Wildlife and Forests Group
Bureau of Land Management
Washington, D.C.

Tony Jewett
Senior Director
National Parks and Conservation Association
Helena, MT

Elise Jones
Executive Director
Colorado Environmental Coalition
Denver, CO

Suzanne Jones
Assistant Director, Four Corner States
The Wilderness Society
Denver, CO

Jay Kenney
Attorney
Denver, CO

Andy Kerr
The Larch Company
Ashland, OR

Linn Kincannon
Central Idaho Director
Idaho Conservation League
Sun Valley, ID

Gwen Lachelt
Executive Director
Oil and Gas Accountability project
Durango, CO

Jill Lancelot
Legislative Director
Taxpayers for Common Sense
Washington, D.C.

Deborah Lanzone
Minority Staff Director
Subcommittee of Energy and Minerals Committee on Resources
House of Representatives
Washington, DC

Tom Leshendock
Deputy State Director, Minerals Management
Bureau of Land Management
Reno, NV

John Leshy
(former) Solicitor
Department of the Interior
Washington, D.C.

Jim Martin
Attorney
Environmental Defense
Oakland, CA

Jon Marvel
Director
Idaho Watersheds Project
Hailey, ID

Mike Matz
Executive Director
Pew Wilderness Center
Boulder, CO

Dick Mayberry
Range Management Specialist
Bureau of Land Management
Washington, D.C.

Cal McCluskey
Senior Wildlife Specialist
Fish Wildlife and Forests Group
Bureau of Land Management
Boise, ID

Heidi McIntosh
Conservation Director
Southern Utah Wilderness Alliance
Salt Lake City, UT

Molly McUsic
(former) Counselor to the Secretary
Department of the Interior
Washington, D.C.

Ann Morgan
State Director for Colorado
Bureau of Land Management
Denver, CO

Jay Nelson
Environment Program Officer
Pew Charitable Trusts
Philadelphia, PA

Patricia Nelson Limerick
History Professor
University of Colorado
Boulder, CO

Al Pierson
State Director for Wyoming
Bureau of Land Management
Cheyenne, WY

Mike Penfold
(former) State Director and (former) Associate Director for Renewable Resources and Planning
Bureau of Land Management

Tim Rewatt
Deputy Manager for Rangelands, Soils, Water and Air Group
Bureau of Land Management
Washington, D.C.

Terry Riley
Director of Conservation
Wildlife Management Institute
Washington, DC

Emily Roberson
Senior Land Management Analyst
California Native Plant Society
San Francisco, CA

Alan Rolston
Organizer
San Juan Citizens' Alliance
Durango, CO

Bruce Runnells
Regional Vice President
The Nature Conservancy
Fort Collins, CO

Carol Russell
Acting Mining Team Leader
Environmental Protection Agency
Denver, CO

Michael Scott
Executive Director
Greater Yellowstone Coalition
Bozeman, MT

Will Shafroth
(former) Executive Director
Great Outdoors Colorado
Denver, CO

Maitland Sharpe
Director, Policy and Analysis Staff, Programs & Legislation Department
Forest Service
Washington, D.C.

Stan Sloss
Senior Counsel
Office of Rep. Mark Udall
Washington, D.C.

Alan Septoff
Reform Campaign Coordinator
Mineral policy Center
Washington, D.C.

Tiernan Sittenfeld
Environmental Advocate
U.S. Public Interest Research Group
Washington, D.C.

Jacob Smith
Policy Director
Wildlands CPR
Boulder, CO

Mark Stiles
Manager, Western Slope Center
Bureau of Land Management
Grand Junction, CO

Travis Stills
Counsel
Oil and Gas Accountability Project
Durango, CO

Rhea Suh
Program Officer
Hewlett Foundation
Menlo Park, CA

Edward Sullivan
Executive Director
New Mexico Wilderness Alliance
Albuquerque, NM

Pat Sweeney, Regional Director
Western Organization of Resource Councils
Billings, MT

Billy Templeton
(former) State Director for Nevada
Bureau of Land Management
Reno, NV

Susan Tixier
Great Old Broads for Wilderness
Escalante, UT

Kevin Sweeney
Consultant
Berkeley, CA

Geoff Webb
Executive Director
The Wyss Foundation
Santa Fe, NM

Richard Whitley
Associate State Director for New Mexico
Bureau of Land Mangement
Santa Fe, NM

Dana Wolfe
Associate Representative, Land Protection Program
Sierra Club
Washington, D.C.

Chris Wood
(former) Special Assistant to the Chief
Forest Service
Washington, D.C.

The mission of the National Wildlife Federation is to educate, inspire and assist individuals and organizations of diverse cultures to conserve wildlife and other natural resources and to protect the Earth's Environment in order to achieve a peaceful, equitable and sustainable future.

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Susan Rieff
Vice President, Southwest Region

Catherine Johnson
Director
Rocky Mountain Natural Resource Center

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John H. Adams
President

Frances Beinecke
Executive Director

Johanna Wald
Director
Land Program

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"For decades, the territory managed by the U.S. Bureau of Land Management was viewed as the leftovers from Western settlement and a below-market supply for private mining, grazing, and logging interests. Twenty-five years after the BLM was given a conservation mandate, this report shines a light on the often-overlooked but hugely important domain of America's largest land manager. It documents the essential ecological and social values associated with 264 million acres of public land as well as concrete steps that could ensure their long-term health, diversity, and productivity. With a review of what's worked and what hasn't, under the leadership of several administrations, both Republicans and Democrats should take this audit and its associated recommendations to heart."

Mike Dombeck
Professor of Global Environmental Management, University of Wisconsin
Former Chief, U.S. Forest Service
Former Director (acting), U.S. Bureau of Land Management

"I endorse this report. While not perfect, it documents the magnitude of the issues facing the BLM and the Congress today, including the need for adequate funding to permit proper management of this great land base. The agency, its leaders and Congress must come to grips with these issues to ensure the future of the public lands."

George Lea
President, Public Lands Foundation

"The National Wildlife Federation and the Natural Resources Defense Council have teamed up to save the Bureau of Land Management from following the Bureau of Mines and other forgotten federal agencies into oblivion. The two conservation groups have written a compelling report that praises the BLM for the immense distance it has come from its early days, when it was dedicated to disposing of more than 400,000 square miles of public land. The groups go on to point out how the BLM can become the restorer and protector of those lands on behalf of all Americans. NWF and NRDC have done their job. Now it is up to citizens, the Congress and the fine people who staff the BLM to do theirs by reading this report."

Ed Marston
Publisher, High Country News

Sent via email
May 20

100,377

Poorperson's Enterprises
655 N. Cedar St.
Laramie, WY 82072
poorfolk@vcn.com
307 742-9299

May 17, 2003

Renée Dana, Team Leader
Bureau of Land Management
Rock Springs Field Office
280 Highway 191 North
Rock Springs, WY 82901

Dear Renée:

I am submitting these comments after review of the Supplemental Draft Environmental Impact Statement (DEIS) for the Jack Morrow Hills Coordinated Activity Plan (JMH CAP). My comments focus on plant biodiversity issues. I am a professional botanist and conservation biologist, and have worked in Wyoming and South Dakota since 1977, including stints with the Wyoming Natural Diversity Database (Botanist and Coordinator), the Wyoming Nature Conservancy (Public Lands Planner), and the Midwest Regional Office of The Nature Conservancy (Black Hills Vegetation Ecologist). Since 1998, I have been employed as a free-lance botanist, doing diverse projects in field botany and plant conservation with funding from Federal and State agencies, and private foundations. In addition, I have a strong personal interest in seeing natural areas and biological values protected in the multiple use context of BLM lands.

The BLM has made a lot of progress in building a botany program in Wyoming since I first worked with agency - on the Rock Springs District in 1988. This is reflected in this DEIS, which addresses both special status plants and vegetation types of concern. Surveys of species of concern and the vegetation of the JMH project area have been funded by the BLM. Several sections of the document demonstrate that your staff has an understanding of the complexities and uncertainties involved in rare plant management, and understand that simplistic unrealistic solutions need to be avoided.

However, it is not at all clear that any protective measures for rare plants will be implemented. The DEIS lacks needed information in several areas, and most or perhaps all relevant decisions in the Preferred Alternative seem to be deferred to implementation of an adaptive management strategy. Allowance of case-by-case exceptions suggests there is no guarantee that stipulations will be applied. These factors make it impossible to evaluate the impacts of the Preferred Alternative on botanical values in the project area.

In the comments that follow, I go into more detail regarding these problems. A general problem with the DEIS is omission of citations in the text. Relevant literature is included in *Literature Cited*, but no sources are cited in the text to support statements made.

Description of Alternatives (Chapter 2)

In introductory sections prior to Chapter 2, the DEIS states that "fluid minerals leasing decisions and locatable mineral decisions ... will be determined in the JMH CAP ..." (*Abstract*, p. ii). A "primary objective" of the CAP is to make decisions regarding leasing and development of fluid minerals . Other objectives included determining appropriate levels and time of leasing and development (*1.2*, p. 1-2). However, the Preferred Alternative defers decision-making to implementation of an adaptive management strategy. Decisions will be made by a team of managers rather than the CAP. Allowance for case-by-case exceptions blurs CAP direction even more. For example, "exceptions to lease stipulations and mitigation measures, identified as Conditions of Approval attached to an Application for Permit to Drill, can be requested and would be considered on a case-by-case basis" (*2.2.5.1* p. 2-17; *Appendices 4, 5*).

The adaptive management strategy is described only in general terms in Appendix 17 of the DEIS. Order and timing of removal of lease suspensions are not provided. There are no indicators, monitoring plans, decision trees nor mitigation measures specified for plant species of concern. Without this information, there is no way to evaluate impacts, and this EIS therefore fails its most basic purpose, to study environmental impacts and provide a meaningful comparison of alternatives.

In discussion of vegetation management in Chapter 2, the BLM does not consider the use of Conditions of Approval (COAs) in issuing drilling permits. COAs can be used to protect botanical resources in areas already leased for fluid mineral development:

> "In cases where Federal oil and gas leases are or have been issued (1) without stipulated restrictions or requirements that are later found to be necessary; or (2) with stipulated restrictions or requirements that are later found to be insufficient; the needed restrictions or requirements may be included in approving subsequent exploration and development activities. These restrictions or requirements may only be included as reasonable measures or as conditions of approval (COA) in authorizing applications for permit to drill (APD), sundry notices, or plans of development (POD)" (from WY BLM 1990; Great Divide Resource Management Plan)

In Chapter 4, the DEIS states that over half the JMH project area is covered by existing fluid mineral leases with no stipulations for protection of biological resources values, concluding that "... it is likely that overall adverse effects could occur if it is determined that development could continue..." (p. 4-61, Cumulative Impacts). There is no mention of COAs for protecting resources on existing leases: Oddly, in section 2.2.5.1, Leasable Fluid Minerals Management, rare plants and vegetation types are listed as one potential resource to be considered in applying COAs during authorization of drilling permits (subject to exemption at the discretion of the authorizing officer). Direction on use of protective COAs should be added to the Vegetation Management section, 2.2.1.6.

Direction for protection of basin big sagebrush / lemon scurfpea stands on stabilized dunes also should be added to this section. This vegetation type is mentioned in 2.2.1.1 under development of Desired Plant Community (DPC) objectives: "DPC objectives would be identified through site-specific activity and implementation plans and would focus on native plant species and their natural succession. Particular attention would be given to mountain shrub, basin big sagebrush, lemon scurfpea, aspen and other unique or important vegetation types." This is very weak direction at

best. Sites with this vegetation should require at minimum NSO stipulations on new leases, and protective COAs on existing leases. Stabilized dune vegetation is addressed in Chapter 4 during analysis of impacts, and the agency acknowledges the potential for significant impact: "Constructing wells or access roads in stabilized dunes would cause direct loss of anchoring vegetation, creating active dunes that may not stabilize with natural vegetation within the planning period (20 years). One such stabilized dune community, the basin big sagebrush / lemon scurfpea association, is not known to exist elsewhere in the country to the quantity and extent that it does in the planning area. Disturbance of this plant community would likely result in the long-term loss of this unique vegetation type for the life of this plan and *would therefore result in a significant impact* [emphasis added]" (p. 4-60).

Similar direction is needed for other vegetation types and habitats of concern identified since the DEIS was released, including dunes wetlands and dunes swale complexes (see discussion in next section).

Description of Affected Environment (Chapter 3)

The description of affected environment with regard to botanical values is basically accurate and complete. The DEIS identifies vegetation types and plant species of concern as of the release date of DEIS; the agency should request an updated list and information from the WY Natural Diversity Database (WYNDD) for the final EIS and during implementation of the adaptive management strategy. With new information continually being collected, species status can change. For example, the status of Nelson's milkvetch (*Astragalus nelsonii*), a BLM Sensitive species, currently is being reevaluated. Dunes wildrye (*Elymus simplex* var. *luxurianus*) was added to the state list in 1998, and was found in the JMH project area in 2000. It occurs in dune swale complexes, and also is a component of a rare vegetation type (Walt Fertig [WYNDD Botanist] 2000, in letter to Renée Dana, BLM). Also of concern are dunes ponds. These fall within the desert wetland type identified as high priority for conservation by the WY Gap Analysis project. This new information also should be incorporated into analysis of impacts in Chapter 4.

Environmental Consequences (Chapter 4)

Analyses of impacts on vegetation and plants of concern are inadequate for two basic reasons. First, information regarding distribution is missing, and there are no analyses of areas of conflict or degree of potential threat. More significantly, because decisions are deferred to adaptive management and case-by-case consideration, it is impossible to evaluate the impacts on botanical values. Compounding the problem, the proposed adaptive management strategy is vague with few specifics.

This chapter suffers more than any other from lack of citations. The agency needs to provide supporting evidence for statements made regarding species viability and vegetation recovery, for example. For some of the statements made, no supporting evidence exists, as explained below.

Impacts on Vegetation Management (4.4.5)

In describing analysis methods, the BLM presents unrealistic criteria for rare plant species. "Effects to vegetation would be considered significant if the viability of protected plant species were jeopardized, with little likelihood of reestablishment after disturbance, or actions would result in the need to list a species under the ESA." This is a general statement without concrete measures that could be used in analysis. In addition, in most cases there is insufficient knowledge to judge effects on species viability. The agency acknowledges this in its standards for surface disturbing activities (Appendix 6). The agency also states that "... new oil and gas leases would have stipulations for protection of threatened, endangered and Wyoming BLM sensitive species." This is not a full description of the situation, as stipulations are subject to exceptions at the discretion of the Authorizing Officer, as described above.

In 4.4.5.1, the agency relies on rangeland condition as a surrogate for plant habitat in general. "Implementation of the Wyoming Standards for Healthy Rangelands as the minimum acceptable conditions for public rangelands would increase the health and diversity of vegetation communities. By ensuring that all activities conducted on public lands within the planning area are designed to maintain and enhance native vegetation and promote healthy watersheds, *negative impacts to plants and their habitat would be minimized to an acceptable level* [emphasis added]." The agency provides no supporting evidence for this claim, nor is any available. Range condition is *not* a valid indicator of healthy habitat for rare plants.

The agency briefly mentions that much of the planning area is already leased, with potential for adverse effects to vegetation due to lack of protective stipulations (p. 4-47). In order to adequately analyze impacts to special status plant species, it is necessary to determine current conditions with regards to protection and potential threats. How much known and potential habitat is within existing leases? How much is within areas open to new leases? How much is within existing and proposed protected areas? Without this information, it is impossible to begin to evaluate impacts. Some of this information is readily available from the WYNDD, in the form of element occurrence records and GIS layers for special status species. Locations can be overlain on existing leases, areas open for new leases and areas withdrawn from leasing. My quick analysis of such data showed that most populations of BLM sensitive species are on lands already leased for fluid mineral development.

The last paragraph of section 4.4.5.1 (p. 4-47) includes additional strong and unsupported statements regarding rare plant habitat. "Achievement of the revegetation objectives under reclamation would replace native plant communities in the long term, providing healthy habitat for colonization and expansion of special status plant species." No supporting evidence is cited. For the species of concern in the JMH planning area, no information is available regarding restoration, colonizing ability, and other relevant topics, and revegetation programs are not designed to restore specialized rare plant habitat. The agency acknowledges elsewhere in the DEIS that restoration is not an option for special status plant species. "Mitigation options to avoid or reduce impacts to rare plants may be limited because of specific habitat requirements or lack of necessary biological information to make such an assessment. Most of the common techniques, such as offsite compensation or habitat restoration, have proven largely unsuccessful ... because of the difficulty of providing successful mitigation options, impacts to candidate plants are considered less than significant only if no net loss of

population size or habitat quality results" (Appendix 6; Standard Practices, BMPS, and Guidelines for Surface Disturbing Activities).

For the Preferred Alternative, impacts to special status plants are discussed on p. 4-61. Some management approaches are described but impacts are not at all clear. For example, special status plants are said to be avoidance areas for ROWs, and yet elsewhere it is stated that exemptions are allowed at the discretion of the Authorizing Officer if analysis shows no adverse impacts (2.7.1.6). We rarely have enough information to be able to make such evaluations, and this is in direct conflict with the agency's surface-disturbing guidelines cited above. The agency takes the same approach with lease closures and NSO stipulations. In analysis of impacts, the BLM claims that "a portion" (which portion, how much?) of habitat will be closed to surface disturbance, and yet exemptions will be considered on a case-by-case basis (2.2.5.1 p. 2-17). Clearly, there are no guarantees of protection for special status plants even in areas theoretically closed to surface disturbance.

Impacts not Addressed

Two types of impacts to vegetation types of concern and special status plants are missing entirely in the DEIS. First, energy development results in the creation of new roads. These cause direct impacts to plant populations through surface disturbance, but indirect impacts due to off-road driving are more significant. In much of the planning area it is very easy to drive off of roads, and more roads expands off-road use. No analysis regarding this potential impact is presented.

Second, it is difficult for the BLM to enforce restrictions. This is hinted at in section 4.2 (p. 4-2): "The intensity of an impact is dependent on several factors, including the potential for violation of laws or regulations" The BLM does not have the resources to monitor compliance with protective stipulations nor to prohibit illegal off-road driving throughout the project area, for example. This needs to be factored into analysis of impacts.

Inadequate Range of Alternatives Considered

None of the alternatives presented adequately and realistically provides protection for special status plant species nor for vegetation types of concern, such as vegetated dunes. Most of the known populations and stands occur on lands already leased for fluid mineral development with no protective stipulations, and stipulations on any new leases are subject to exemption. The BLM does not have the resources to enforce stipulations, nor to restrict off-road travel from existing and new roads. Coexistence of energy development and rare plant/rare vegetation protection is unrealistic. Known sites with adequate buffers should be withdrawn from fluid mineral leasing, and existing leases purchased.

Summary

While the DEIS accurately describes the botanical values of concern within the planning area, analysis of impacts and development of alternatives for protection of botanical values are far from adequate. A major weakness of the DEIS is inadequate description of actions under the Preferred Alternative, and reliance on a vaguely-described adaptive management strategy. This and the allowance for case-by-case exceptions to vegetation and rare plant mitigation measures make it impossible to evaluate potential impacts to botanical values. It appears that no protection is ensured. Also of concern are unsupported statements regarding rare plant biology and management, especially in regards to species viability. Finally, no real conservation alternatives are under consideration. I hope that you will use the information provided above to correct these deficiencies in producing the final EIS.

Sincerely,

Hollis Marriott

Hollis Marriott
Botanist/Vegetation Ecologist