

**“BLM PLANNING 2.0”
AND THE BLM’S PROPOSED PLANNING RULES**

BRIEFING PAPER

What is BLM Planning 2.0?

The BLM manages over 240 million acres of land, much of which is located in 11 western States and Alaska. How that land is managed and what uses are permitted are vitally important to rural counties, their local economies, and their citizens, who depend on the ability to use public lands for timber production, ranching, mineral exploration and development, outdoor recreation, and other traditional uses.

The BLM is engaged in rewriting the regulations and policies that apply to the use of public lands. This effort is called “Planning 2.0.” This rulemaking is intended to implement recent presidential and secretarial orders and agency guidance documents. It will override existing law, and substitute a centralized planning and management approach that marginalizes the roles of States and local governments.

BLM’s Proposed Land Use Planning Regulations

The centerpiece of Planning 2.0 are new rules proposed by the Bureau of Land Management (BLM) that will govern how public land is managed. 81 Fed. Reg. 9674 (Feb. 25, 2016).

The Proposed Rules will implement Interior Department and agency guidance on climate change, “landscape-scale” management, mitigation, adaptive management, and other recent pronouncements. This guidance was issued without notice and public involvement.

What’s Wrong with the Proposed Rules?

The Proposed Rules are contrary to key requirements of the Federal Planning and Land Management Act (FLPMA), enacted by Congress in 1976 to govern the management of the public lands. Most critically, the Proposed Rules would significantly reduce the role of State and local governments in land use planning and management.

- Because of the importance of the public lands to western states and, in particular, rural areas and their economies, FLPMA § 202(c)(9) requires meaningful **coordination** with State and local governments with respect to land use inventory, planning, and management activities.
- Further, land use plans adopted by the BLM must be **consistent** with State and local plans to the maximum extent possible, unless FLPMA or other federal law requires

otherwise. And the BLM must assist in resolving, to the extent practical, inconsistencies between federal land use plans and State and local government plans.

- The BLM also must provide for **meaningful public involvement** of State and local governments in the development of BLM land use programs, land use regulations, and land use decisions for public lands.
- In other words, Congress intended States and local governments to play a key role in the management of public lands.

The Proposed Rules Undermine the Role of State and Local Governments

- Coordination with state and local governments is currently required when the BLM conducts its analysis of the management situation (AMS) and develops criteria to govern land use plan development, allowing conflicts to be identified at the beginning of the process and avoided. The BLM would eliminate this important planning step.
- Coordination would consist of allowing State and local governments to submit comments on BLM land use plans and amendments, like members of the public. The role of State and local governments would be marginalized, in violation of FLPMA.
- In addition, the BLM is changing existing planning area boundaries from BLM districts within States to “eco-regional” boundaries that cross BLM districts and/or State lines. The BLM’s Washington Office will determine the “eco-regional” planning boundaries, with no input from State and local governments.
- “Value” based management (i.e., landscape scale resource management and regional mitigation strategies) would be given priority over State and local economic development policies and land use planning.
- Important elements of land use planning would be relegated to “implementation strategies.” “Implementation strategies” will not be subject to public notice, comment or protest and can be changed anytime by the BLM with 30 days’ notice to the public. Remarkably, the BLM is not conducting any NEPA analysis in conjunction with the Proposed Rules. Even though the requirements for adopting and administering land use plans are being substantially rewritten, the BLM asserts that the rules are “categorically excluded” from NEPA because they are “entirely procedural in nature.”

The bottom line is that this is another case of the administration rushing to override existing law by means of an improper agency rulemaking.

What Should Be Done?

1. Extension of Time to Provide Comments

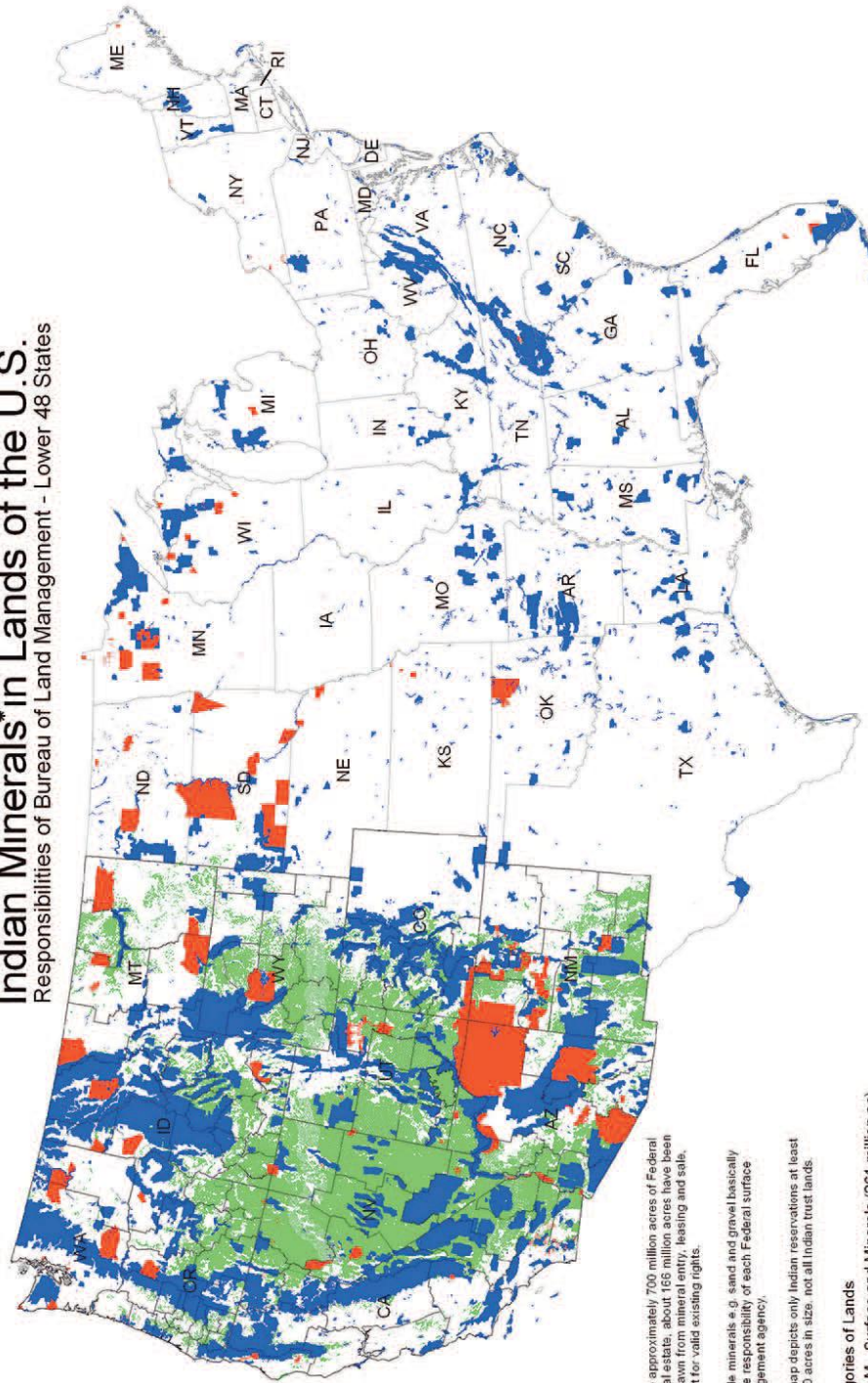
Despite the significance and complexity of this rulemaking, comments on the proposed rule are due April 25, 2016. **More time is needed to review and analyze the major changes to public land use planning being proposed by the BLM.**

2. Require NEPA Analysis of Proposed Rule

The BLM should be directed to comply with NEPA and conduct an analysis of how the Proposed Rules will impact rural communities and land uses in the West, where the BLM manages millions of acres of land.

Public Lands, On-Shore Federal and Indian Minerals* in Lands of the U.S.

Responsibilities of Bureau of Land Management - Lower 48 States



- * Of the approximately 700 million acres of Federal mineral estates, about 166 million acres have been withdrawn from mineral entry, leasing and sale, except for valid existing rights.
- * Salable minerals e.g. sand and gravel basically are the responsibility of each Federal surface management agency.
- * The map depicts only Indian reservations at least 25,000 acres in size, not all Indian trust lands.

Categories of Lands

- BLM - Surface and Minerals (261 million ac)
- Other Federal Lands - Minerals (380 million ac)
- Non-Federal Surface (include 58 million ac of Split - Estate Federal Minerals)
- Indian Trust Lands (56 million ac) except Mineral Operations for Osage Minerals
- BLM Administration Boundaries

No warranty is made as to the accuracy of the information shown on this map. The user assumes all liability for any use of the information shown on this map. This information may be updated without notice.

Produced By:
 WO-210, Leonard Gore, Jr. (Graphics)
 WO-300, Sue Ling Chang, (Data)
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