

Public Lands Foundation

Position Statement: 2010-04

Sustainability and Management Policy for the National System of Public Lands

June 7, 2010

Executive Summary

The Public Lands Foundation (PLF) asserts that the lands and resources managed by the Bureau of Land Management, now known as the National System of Public Lands, can best be—and must be—sustainably managed for the American people under the conservation mandate set forth in the Federal Land Policy and Management Act of 1976 (FLPMA).

The Multiple Use and Sustained Yield direction laid down in FLPMA requires competent, objective, professional management, and informed responsible public land users. This is no simple task. It involves a multitude of resources, uses, and issues, all with major environmental, social and economic consequences and a history of conflict.

Therefore the PLF, in this Position Statement has set forth four broad principles, which we believe should guide BLM. These four principles: Renewability, Adaptability, Stewardship, and Equity, if diligently adhered to in the promulgation of policy, development of plans, and daily on-the-ground decision making in conformity with the FLPMA mandate, will result in the lands and resources of the National System of Public Lands being truly sustainable.

Background

The PLF, at its annual membership meeting, September 2008, heard a variety of presentations relating to the application of ‘sustainability’ to public land management, including papers on environmental, social, and economic sustainability. A synopsis of the papers presented at that meeting is available from PLF.

Sustainability is a word that came into common use in the last two decades of the 20th century and is much in vogue in the first decade of this century. Determining what is meant by ‘sustainability’ when applied to specific actions, and more particularly specific policies, strategies, and tactics appears to be a complex and relativistic exercise. It is a term that serves many masters.

Sustainability was used by the Brundtland Commission which coined what has become the most often-quoted definition of sustainable development as development that "meets the needs of the present without compromising the ability of future generations to meet their own needs." The Wikipedia internet article on sustainability defines sustainable development as a pattern of resource use that aims to meet human needs while

preserving the environment so that these needs can be met not only in the present, but in the indefinite future.

The language of the Federal Land Policy and Management Act of 1976 (FLPMA, 90 Stat. 2743) provides that public lands will be retained in Federal ownership, managed on the basis of multiple use and sustained yield, in a manner that will protect the quality of environmental values through a process of inventory, planning, and decision-making that requires participation by affected citizens.

Specifically these terms are defined in FLPMA as follows (emphasis added):

Multiple Use and Sustained Yield

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

The term “sustained yield” means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use.”

Discussion

The PLF strongly supports applying sustainability principles to the management and use of the National System of Public Lands. Because of the multifaceted uses of the term however, the PLF is issuing this Position Statement to clarify what is meant in taking this position.

The FLPMA Mandate

The PLF asserts that the mandate for Multiple Use and Sustained Yield management as expressly stated in FLPMA constitutes an explicit application of the principle of sustainability to the management of the National Public Lands.

It would be hard to find a better prescription for a sustainable ‘conservation’ approach

to the management of the National System of Public Lands and their resources than the above FLPMA mandate. It is a mandate derived from a philosophy that defines 'conservation' simply as: *'use - but don't use up!'*

Application of this sustainable conservation mandate as a policy for the management of public lands and resources is not, however a simple task. The National Public Lands are widespread and diverse. There are a multitude of resources and uses, both commodity and amenity values, and a long history of uses, interests and both social and economic dependencies based upon those uses. The history of public lands is a history of conflicting interests and users and the difficulty of managing those conflicts responsibly. In recent decades the dramatic increase in access and transport to public lands has been matched by exploding technological development as well as by a near universal public demand for both recreation and environmental protection. In addition, the national demand for energy resources has not only vastly increased the exploration for and extraction of non-renewable energy resources from the National Public Lands, but they are also being looked to as a significant place for the development of renewable energy sources, solar and wind, with the concomitant demand for the facilities to transmit the energy produced on or near those lands.

Anyone who thinks that multiple use management is simple should consider the challenge facing the BLM field manager responsible for recreation in the California Desert watching the California Desert Lily Society hiking up one side of a sand dune – and the Barstow Bombers Motorcycle Club roaring up the other side. And that particular dilemma involves managing only one (recreation) of the multitude of uses of the National Public Lands.

Sustainable Conservation Principles

Because implementation of a sustainable conservation mandate for the National System of Public Lands involves the development of policy at the national level, the formulation of plans for managing specific areas of public lands, and implementing those policies and plans on a day to day basis through decisions made by managers in the field, the Public Lands Foundation believes that BLM should be guided in that entire process by a set of principles that serve to define how best to carry out the mandate. PLF proposes that the following four principles be used to guide public land policy and decision making at all levels of government. By following these four principles, FLPMA's direction for multiple use management of the National Public Lands can assure 'sustainability' for these lands and their resources for tomorrow's generations.

1 - THE PRINCIPLE OF RENEWABILITY

The language of FLPMA states that the management of public lands and their resources shall take place "without permanent impairment of the productivity of the land and the quality of the environment". The intent is that we should leave to our children – from generation to generation – our public estate in at least as good condition as we found it.

No Net Loss

The concept of no net loss has been mistakenly rejected by BLM, pressured by a variety

of resource consumers, under a foolish misunderstanding of its meaning. What it means is that we should not spend our principal. It does not mean that we should not use it, and recognize that it may be changed in the process – so long as the overall health of the land, and the productivity of the wealth of resources, both commodity and amenity, present and future, is maintained.

Obviously, when a non-renewable mineral resource is extracted from the public lands it will never again be available in that form from that place. In addition, the productivity of that particular site and the attendant impacts of extraction may dramatically reduce the productivity of the renewable resources located there – for a time. The sustainability principle of no net loss recognizes this through practical and enforceable requirements for restoration, rehabilitation, and off-site mitigation where necessary to fully comply with the FLPMA mandate.

This concept also recognizes the importance of priority in terms of fundamental resources that form the basis for all natural resource productivity, beginning with soil and water, then to micro flora and fauna and on up through vegetation to the top of the food chain. It is based upon an understanding of what is required to maintain land in a healthy condition. And it stresses the importance of planning and managing on the basis of watersheds and coherent landscapes, rather than political or other boundaries not grounded in the resources themselves.

Restoration

Sustainability and renewability have much in common. Given time and wise management degraded lands can be restored. The more nearly the fundamental productivity of such lands has been maintained the less cost and effort will be involved. What does this mean vis a vis “non-renewable” resources? By this we normally mean hard rock minerals, oil and gas, coal, sand and gravel and the like. The question here is not whether these products can be renewed. In one sense they are not lost to us, they are just changed in form, some can be recycled, some form byproducts that pollute or otherwise impact other resources, carbon emissions being the classic example of concern today.

What we are concerned about relative to sustainability is not to impair the productive potential of the renewable resource that is impacted in the process of extraction. Here the model to follow is one called sustainable development. There has been remarkable progress in the application of this approach to the National Public Lands. This approach requires that the investment made in the extraction of the non-renewable resource includes the long term benefit to the social, economic and environmental values attendant to the location of that particular project.

In many ways this is no different than the approach that should be taken in the case of certain renewable resources, timberland being the classic example. Forests once harvested are renewable and are sustainable if managed for long term social, economic and environmental benefits and values. In one sense, of course, growing 500-year-old trees for wood production is ‘non-renewable’ economically, but maintaining a forest capable of reproducing 500-year-old trees is an essential component of renewability.

Balance

It is important to maintain a balance between use and protection of public land ecosystems to insure they contribute their share to satisfy current human needs and the long-term sustainability of the earth's life support system for posterity. An example of this concept of balance can be found in sustainable forest management.

The forest as a whole, if managed for sustainability, must contain a number of ecological succession stages such as stand development, young forest, mature forest, and structurally complex forest. At each stage the forest takes on different ecological characteristics. Sustainability requires the maintenance of forest productivity regardless of the stage of growth and development while enjoying both the benefits of the timber and the wildness of the woods. Timberland sustainability will not be achieved by focusing and limiting forest management to only certain succession stages of development.

Sustainable forest management requires maintaining the health and productive capacity of the forests to produce timber that can be harvested on a sustained yield basis as well as maintaining other values associated with the forest including old growth values. This includes protecting forest lands from disease, pests and fire. Sustainability of renewable resources includes restoration, health and balance.

2 - THE PRINCIPLE OF ADAPTABILITY

Management of the National System of Public Lands must recognize and accept our limitations, both to understand and predict the impacts of decisions, either to act or not to act. There are natural forces and processes at work on the public lands that are certainly beyond our absolute control, and often beyond our desires. These include, fire, drought, climate change, and invasive species impacts among others, and, most importantly the uncertainty of change inherent in time itself.

Adaptive Management

Policy setters and managers dealing in these realms will do well to remember the doctrine of unintended consequences. A responsible caution is the hallmark of a good resource manager. By the same token, intelligent efficiency in management processes and actions requires the timely application of sound common sense based on experience and available knowledge. The assumption that all must be known before acting has resulted in a wasteful paralysis by analysis. It is the downside and perhaps the strongest argument threatening such otherwise important and valuable laws as the National Environmental Policy Act and the Endangered Species Act. Perhaps the most important process dictated by FLPMA is that land use decisions should be informed by a transparent program of land use planning with public involvement. But, as S.I Hayakawa said, "The map is not the territory"; there is no such thing as a perfect plan. The plan is only an agreed upon guide to action in a not fully known future. For this reason adaptive management is a logical and quite often the critical factor in the successful use of land use plans. Planning for planning's sake is not sustainable development.

Science

Public land management should utilize the best available science and technology to inform and advise both policy setting and decision-making. The more objectively and reliably accurate our understanding of the forces and processes at work on the natural systems of the National Public Lands, the greater the chances are that the decisions and actions taken will produce the results intended. Great care must be taken, however to assure that a passionate concern for a particular resource or single use or interest outcome does not seek to use “science” to drive rather than inform decisions. Because of their complex nature and impacts, a wide range of technical specialties must be brought to bear on many public land decisions. Realistic sustainability necessitates the fair and balanced representation of these specialties in the common cause of sound multiple use decision making.

3 - THE PRINCIPLE OF STEWARDSHIP

Citizen understanding and responsibility are fundamental to reaching practical sustainability for the National System of Public Lands and their resources. Instilling responsibility and a sense of obligation to sustainability and the conservation mandate in all users of the public lands and resources is a primary goal of the Public Lands Foundation and should be a goal of all public land agency policies and management actions. This will require full and open communication and dialogue between BLM and the American people conducted with integrity and transparency.

A Land Ethic

Aldo Leopold wrote brilliantly about what is needed to achieve an ethical relationship with land. What stewardship requires, he pointed out is an intense consciousness of land. His concept of a “land ethic” is undeniably necessary for us to achieve sustainability for our public lands and resources. What we all must do, he said, is to, “Examine each question in terms of what is ethically and esthetically right, as well as what is economically expedient. A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends otherwise.” [1]

Stewardship works when there is a nexus between the people and the land they care for. One of the factors that has frustrated people from considering themselves stewards of public lands has been the lack of a clear identity to the lands themselves. Fortunately a major first step has been taken to solve this problem with the signing of a Secretarial Order by Interior Secretary Dirk Kempthorne on December 16, 2008 formally designating the 258 million acres of BLM managed lands as The National System of Public Lands (NSPL) giving them formal identification for the first time. This gives official notice to the American people who own these lands of the critical importance of the National Public Lands to our quality of life, their value to present and future generations, and the purpose for which they are preserved in public ownership.

This official designation should become institutionalized as quickly as possible by giving clearly identifiable names to distinct blocks of the National System of Public Lands so that they can be shown on maps and in guidebooks. An excellent start has

been made with the identification of the National Landscape Conservation System, which is a part of the National System of Public Lands. Every additional site-specific identification of local blocks of public land will invest these lands with public interest and public commitment to their sustainability.

Partnership

The sustainability of the National Public Lands and their resources demands a level of commitment to the conservation mandate over a long period of time; and, because of the wide range of multiple uses these lands provide, this commitment must be made by an equally wide range of individuals, user groups, communities, and levels of government. The development of partnerships based on a mutual interest in the sustainable development of National Public Lands and resources is a very positive trend in federal land management. There are an increasing number of outstanding partnerships at the State, regional and community levels. National policies that encourage public land managers in the field to participate in, foster, and encourage such partnerships are essential.

Obligation

Sustainable management of the National System of Public Lands requires a sense of obligation and responsibility to the land at all levels. It requires principled judgment from elected officials, legislators, and administrators; judgment that does not falter in the face of pleas or threats from special interests.

It requires continuing support for the conservation mandate and strong feelings of social and environmental responsibility on the part of all users of the National Public Lands, be they (and perhaps particularly if they are) oil drillers or ATV riders, foresters or bird watchers, or any of the other myriad commodity and amenity users.

And it requires the career long commitment by objective professional public servants from a wide range of technical fields and with effective management and leadership skills. It is essential for these professionals to always remember that they are acting in the service of all of the people.

All of these are vital to assure fair, efficient, and informed policies and management decisions that affect all of the multiple benefits and values of the National Public Lands held in trust for the sustainable use and responsible enjoyment of the American People.

4 - THE PRINCIPLE OF EQUITY

To say that the public lands and resources have not historically been sustainably managed would be an understatement. Once treated as “free goods” these lands and resources were early victimized by the Tragedy of the Commons.^[2] As a result, communities, businesses and individuals developed over many years a set of expectations about their relationship with public lands that are inconsistent with sustainable development principles. Sustainable development is often described as a three-legged stool with an equitable balance between the three legs of economic, social,

and environmental values.

Fair and Orderly

Sustainable development balance is relatively easy *de novo*, but what happens when appropriately sustainable management decisions negatively impact the expectations and benefits deriving from precedent social and economic values and uses of public lands and resources? The answer to that question usually involves bureaucratic mandates, political trumpery and litigation. The principle of equity means that sustainability for the public lands can not come about overnight, rather it requires a fair and orderly process over sufficient time to reasonably adjust historical expectations and accommodate the social and economic changes concomitant with that adjustment. This will require longer term thinking than public land agencies usually apply (unfortunately never apparently exceeding four years).

By the same token, the sustainability principle of equity requires adequate reimbursement in support of public land management in return for the profits and benefits made possible through the use of those lands and public resources. This process must account for and assure to the National Public Lands appropriate reimbursement for the external costs of public land and resource uses. Addressing this principle will require a change in historic laws and policies such as the Mining Law of 1872 and grazing fees where a responsible market value of the resources taken is not presently returned to the public to pay the costs of public land management.

Unity

The National System of Public Lands and their resources are of inestimable value to the American People, a fact that is reflected in FLPMA's commitment to the retention of these lands in public ownership in the National interest. Even so, they are, in truth, part of a greater whole, which includes other lands in a variety of public ownerships as well as private lands. When it comes to the sustainability of the basic resources upon which all of us depend, that whole includes regions, states, our Nation, and our whole earth. Much can and must be done to achieve sustainability for the National Public Lands and their resources, but that effort would be frustrated without a growing sense of conviction and action seeking resource sustainability across all ownerships and all lands. Within such an important objective we would hope that our actions on our National Public Lands reflect an appropriate role as a significant component of a total set of National and global values, priorities, policies and needs.

PLF Position

The Public Lands Foundation affirms that the direction for the use and management of the National System of Public Lands under the Federal Land Policy and Management Act is a mandate for sustainability. In carrying out that conservation mandate the Bureau of Land Management should consider and be guided by the four principles of Renewability, Adaptability, Stewardship and Equity set forth in this PLF Position Statement.

The PLF believes that the application of these principles will enable BLM to meet the

standard of Multiple Use and Sustained Yield for the National Public Lands:

1. Lands which will be retained in public ownership;
2. Lands that will contribute to meeting the Nation's need for domestic sources of minerals, food, timber and fiber;
3. Lands that will be managed to protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values;
4. Lands that will provide food and habitat for fish and wildlife and domestic animals, and that will provide for outdoor recreation and human occupancy and use;
5. Lands that will be preserved and protected in their natural condition;
6. We believe that the National Public Lands, managed with wisdom and foresight under FLPMA, are truly sustainable.

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[1] Leopold, Aldo, "*A Sand County Almanac.*" Oxford University Press. 1949.

[2] The Tragedy of the Commons is a dilemma in which multiple individuals acting independently in their own self interest can ultimately destroy a shared resource even where it is clear that it is not in anyone's long term interest for this to happen. (Hardin, Garrett, "*The Tragedy of the Commons.*" Science. 1968. Wikipedia.)