

Congratulations, Mr. Zinke—Your work starts now

Congratulations on your imminent confirmation as head of the Department of the Interior, Secretary Zinke. As a retired career employee of the Bureau of Land Management who has worked under numerous political appointees, I believe that you are a smart choice for the position. As much as I'd enjoy meeting you to simply talk about the future of some of America's finest public lands—like the Missouri River Breaks in your home state of Montana, and the Rio Grande del Norte from my home state—there is a pressing issue at hand that requires your immediate attention and leadership.

Right now, Congress is using the Congressional Review Act (CRA) to eliminate the BLM's recently revised planning rule, taking the agency back to reliance on a problematic and unpopular planning process established in 1983, and preventing the BLM from any future revisions of the planning process. The old way of doing things is a cumbersome, multi-year process that does not meet the needs of public land users. More worryingly, the CRA language would tie your hands regarding any future revisions to the planning process and you'd be stuck with an outdated process that has been criticized on all sides.

Your legacy as the Interior secretary, as well as the future of BLM public lands, depends on your leadership in forging a more constructive path.

The BLM's new planning rule, commonly known as Planning 2.0, is the product of two and a half years of hard work and collaboration between the agency, tribal nations, local governments, users of public lands and our nation's citizens. This rule helps shape the process that leads up to the development and implementation of local BLM land-use plans. While not

perfect, the new rule provides three additional opportunities for stakeholders and governments to be involved at the front end of the land-use planning process, in order to increase agency transparency and avert conflict once the plan is complete.

The revised rule also enables the BLM to better identify important natural resources well in advance of plan development, so that avoidance and minimization of impacts to these vital areas can be achieved as the agency plans for any appropriate uses of the land through individual plans. This should help reduce conflict while ensuring that outdoor recreation, energy development, grazing, and timber harvest are all considered.

Finally, local, state, and tribal governments, including county commissioners, will retain their preexisting cooperating agency status. In fact, Planning 2.0 elevates their level of involvement in BLM land-use planning, as specifically required by the Federal Lands Policy and Management Act. Significant changes were made to the final planning rule in response to requests from these cooperating agencies.

I recognize that some local officials, public land users and individuals still have issues with a few isolated parts of the rule, and I'm confident that these details could be resolved quickly by your team through administrative action. I also recognize that you'll likely want to make your own mark on the BLM planning process as Secretary. Unfortunately, if Congress moves forward and passes a CRA resolution of disapproval on the BLM planning rule, you likely would not be able to address these issues.

This is because, according to the Congressional Research Service, the CRA specifies that if a "joint resolution of disapproval is enacted, the CRA provides that a rule may not be issued in substantially the same form as the disapproved rule." While it is not entirely clear what "substantially the same

form” means, I think it can be safely assumed that the BLM would never be able to revise this planning rule in the future in an effort to better meet the needs of our nation.

This is not only a bad scenario for the public; it will also tie your hands and prevent you from leaving a lasting legacy with an agency that is responsible for the management of some of America’s finest public lands. The American people and the dedicated workers at the BLM need your immediate leadership to work with members of Congress to avert a CRA resolution of disapproval. I’m confident that their concerns can easily be addressed through administrative action under your leadership.

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The views expressed by this author are their own and are not the views of The Hill.