



For America's Heritage

Public Lands Foundation

P.O. Box 7226 Arlington, Virginia 22207

July 18, 2017

The Honorable Ryan Zinke
Secretary of the Interior
1849 C Street NW
Washington, D.C. 20240

RE: Public Lands Foundation comments on creating planning efficiencies.

Dear Secretary Zinke,

I am writing to you in response to the email we received from acting BLM Director Mike Nedd on July 3, 2017 asking for our ideas on how BLM planning and environmental analysis processes can be improved. As you know, the most recent attempt to do this, known as Planning 2.0, was undone earlier this year under the provisions of the Congressional Review Act (CRA).

The CRA states: "A rule...may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule." Given this provision, we do not believe BLM should dedicate their limited resources to develop a new set of proposed regulations addressing how it carries out its planning and NEPA responsibilities. Instead the Bureau should focus its time and energy on manual, handbook, and administrative changes, and how it will deal with a 10% reduction in the number of employees who will be expected to complete land use plans, faster, and with less complexity.

Acting Director Nedd's email states that a primary purpose of the review is "...that public input, especially at the local level, is an essential component of federal land management." Indeed, the Federal Land Policy and Management Act provides that:

Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent **he finds consistent with Federal law and the purposes of this Act.** (emphasis added) (43 U.S.C. 712)

Often the claim is made that federal land use plans developed under FLPMA must comply with local land use plans. That is not what the law says. The full text of the law must be used, including the qualifier that if State and local plans are to be used they must be consistent with federal law and the purposes of FLPMA.

We believe it is important to remember that the sword of consistency can cut both ways. For example, local land use plans could prohibit secondary recovery of oil and gas resources, or prohibit coal leasing, or prohibit livestock grazing, even when these demands are not consistent with the purpose of FLPMA.

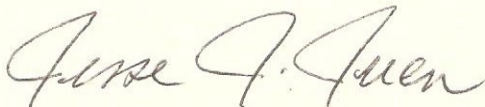
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We would like to make some suggestions, as follows:

1. Administratively fix the public comment period for environmental assessments (not EIS's) to no more than 30 days.
2. Direct that RMPs for statutorily dedicated lands, such as the O&C lands in western Oregon, Alaska, and legislated special management areas include alternatives that fully implement the mandates of the specific Acts.
3. Direct the USFWS and NOAA Fisheries (to the extent the Secretary of Commerce agrees) to be cooperating agencies with the BLM. Input from these agencies should be considered to have met the purposes of Section 7(a)(1) of the Endangered Species Act and that RMP, to the extent they do not implement on-the-ground projects, are found to have no effect and not subject to Section 7(a)(2) consultation. Direct that section 7(a)(2) consultations on implementing actions by BLM be completed within the statutory time frame of 90 days.
4. Assign a BLM representative as a planning liaison for each RMP for tribes and local governments who can attend or participate in planning team meetings throughout the process. Having a person with detailed knowledge and understanding to help a partner understand, participate, and influence the planning process can go a long way toward their being effective in putting their viewpoints forth. This would require an investment of funding for each planning effort.
5. Develop a companion document for each RMP which provides a summary for each RMP which local governments, tribes, and other stakeholders could refer to without having to read through the entire multi-volume set of documents. BLM planning documents are simply too voluminous and complex for the average user to wade through.

The Public Lands Foundation is a nonprofit national organization incorporated in 1987 to support keeping the National System of Public Lands administered by the BLM in public hands, embracing multiple use management as prescribed by the Federal Land Policy and Management Act (FLPMA), and following sound environmental principles. We are a membership organization whose members are predominantly retired former employees of the BLM. As such, our membership represents a broad spectrum of knowledge and experience in public land management.

Thank you for the opportunity to comment.

A handwritten signature in cursive script, reading "Jesse J. Juen". The signature is written in dark ink and is positioned above the printed name.

Jesse J. Juen, President