



Public Lands Foundation Position Statement Transition Advice

November 17, 2020

In November 2020, the American people elected Joe Biden as our new President. As the incoming Administration prepares for the upcoming four year term and takes on the job of managing our natural resource heritage, we would like to provide some advice regarding America's public lands based on our experience as managers and users of the public lands managed by the Bureau of Land Management (BLM). This advice is intended for the use of the transition team during the period when the Biden administration is getting its feet on the ground.

The Public Lands Foundation (PLF) is predominately made up of retired BLM employees with collectively thousands of years of experience in public land management. We deeply care about the Nation's public lands and the public servants who are entrusted to manage them for the benefit of the American people.

Our advice is as follows:

1. **Talk with your employees** - Sit down with BLM State Directors, Field Managers, individual career professionals, and small groups to solicit their input and ideas. During this time of transition you will hear from a wide array of interest groups wanting you to pursue one set of issues or another seeking one outcome or another. You have one of the largest, most knowledgeable collection of resource people right in front of you...the career staff of the BLM. Talk to them, ask them what they think. Tell them what you are hearing from others. Discuss with them what you would like to accomplish and they will help you. They have worked around the west and know what the issues will be and can offer ideas and options. See what your people have to say.
2. **Look at the existing organizational structure, particularly the BLM Headquarters organization** - During the past couple of years, the Bureau's Washington Office has endured a convoluted reorganization resulting in a geographical dispersal of most of the Headquarters staff to locations scattered across the country, a significant loss of experience at the upper levels of the organization, a large number of vacant positions in

the Headquarters organization, and uncertainty about how well the organization is going to function. During this time of global pandemic, much is changing about how organizations work, so we think the best course of action is to observe how the organization is performing before making further staff adjustments which may be as disruptive as what they have just gone through. However, we do think that some immediate adjustments to the BLM organization will be necessary, particularly at the Director, Deputy Director, and Assistant Director level to assist in the transition to the new Administration.

3. **Give yourself time to observe how the agency is making the transition to a new administration** - We think you'll find that most of the BLM career professionals will be able to adjust to and support new leadership. Encourage the early and timely consideration of the nomination of a BLM Director with "a broad background and substantial experience in public land and natural resource management" as required by Section 301 of the Federal Land Policy and Management Act (FLPMA). By the time a new Director is nominated and confirmed, you should be in a good position to figure out the best fit for your individual employees and should be able to begin the process of filling several vacant State Director positions drawing upon BLM career professionals.
4. **Review the land use planning process** - There seems to be a good deal of confusion about how resource management planning decisions delegated to State Directors or Field Managers are reviewed and approved at the Departmental level. It appears that some proposed resource management planning decisions are reviewed and changed by Departmental staff reviewers at the tail end of the process, thereby negating much of the work done at the field level to develop a plan responsive to public input and to address the issues and concerns brought up during the preparation of the plan. You should take a look at how the authority of the Secretary's office is being used in these cases and try to refine the process so that expectations and limitations are set out at the beginning of the process, not at the end. This review should include the NEPA and land use planning review and approval procedures established by the Deputy Secretary on April 27, 2018 and implemented by BLM in IM 2018-016 on June 27, 2018.
5. **Review the delegation of authority process** - In general, resource management decisions are most effectively made and implemented at the field level of the organization. They are typically more collaborative, less likely to cause a controversy, easier to implement, and free up time at the upper levels of the organization for important policy and political issues. BLM works diligently with interested parties and cooperating agencies to find common ground and it is important to maintain these relationships.
6. **Update the wild horse and burro strategy** - The wild horse and burro program is one of the most confounding, difficult, and contentious programs administered by the

BLM. There does not seem to be an easy solution. The previous administration has not asked for the funding identified in its May 2020 Report to Congress and Congress is not marking up appropriations to give BLM the funding. Absent the funding and continuing the prohibition on sale without limitation, the public is destined to spend \$2 billion on warehousing wild horses and burros (\$1 billion on those already in holding and another \$1 billion on those that will be gathered in the next several years) with no end in sight to the problems that have plagued the program for well over a decade. Increasing damage to land, waters, and wildlife, and an inhumane situation for increasing numbers of wild horses and burros will continue.

7. **Develop a wildland fire management strategy** - We are currently dealing with the aftermath of another catastrophic wildfire season in the western United States. The causes of these forest and rangeland fires are varied and long standing and the problems will not be solved overnight or by addressing only one component of a complex problem. Large fires are happening on Federal, state, tribal, and private lands and it is going to take a comprehensive strategy dealing with a wide array of solutions in order to get any immediate relief from these tragedies. This cannot be solved by foresters, firefighters, Federal land managers, or County Commissioners acting alone. It will take everybody working together. We suggest the Administration convene a broad-based working group, including a commitment of greater collaboration between Federal, tribal, state, and local governments to come up with immediate and long term steps to deal with this crisis. Fortunately, considerable work is ongoing on this issue, such as the National Cohesive Wildland Fire Management Strategy, that can be built on.
8. **Prioritize BLM benefits of the Great American Outdoors Act** - Last year Congress passed, and the President signed, the Great American Outdoors Act (P.L. 116-152). This new law presents the BLM with some great opportunities to improve public access to public lands, to enhance wildlife habitat, and to create recreational opportunities for our citizens. We understand that the Bureau has a group of people working on the implementation of this Act and encourage you to take advantage of the benefits it is intended to provide.
9. **Review the oil and gas program** - We believe you should review the current oil and gas program to assure that a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources is being achieved on the public lands. Concerns such as keeping sage grouse off the endangered species list, maintaining wildlife corridors, addressing tribal concerns, improving landscape level analysis and reviews, and revisiting previous land use planning decisions should all be taken into account as you decide how you should administer this program. Landscape initiatives such as the Wyoming Landscape Conservation Initiative, Restore New Mexico, and others should be considered for

funding as they support a balanced minerals program by mitigating impacts with stakeholder involvement. The review of the oil and gas program should include a review of the current policies and restrictions on the use of compensatory mitigation (IM 2018-093 and IM 2019-018) to address landscape-scale impacts from oil and gas development and other activities on the public lands. This review also should address steps that can be taken to reduce methane emissions from the public lands and to limit potential future liabilities to American taxpayers from oil and gas operations on the public lands.

10. **Establish Bureau of Land Management Foundation** - Congress authorized the establishment of a Bureau of Land Management Foundation in the Consolidated Appropriations Act of 2017 (P.L. 115-31) to carry out and encourage educational, technical, scientific, and other assistance or activities that support the mission of the BLM. The charitable and nonprofit organization's purpose would be to accept and administer private gifts and donations for the benefit of the BLM, including reclamation and conservation activities, support of the wild horse and burro program, and the stewardship of cultural and archaeological treasures on the public lands. The Act also required the Secretary to appoint members of a Board of Directors to oversee the Foundation. The Secretary has not appointed any members to the Board of Directors and the BLM has taken no actions to date to establish the Foundation. We believe this authority would provide substantial benefits to the management of America's public lands and believe you should take steps to reinvigorate this initiative.