The Bureau of Land Management’s (BLM) proposed public lands rule significantly improves the agency’s management of public lands by placing conservation alongside other multiple uses, emphasizing the need to protect intact landscapes and preventing the undue degradation of lands and waters. With suggested improvements outlined below, this could be a generational shift for the BLM that ensures we meet the climate, economic, and loss of nature challenges we are facing.

**ADVANCING CONSERVATION AND PROMOTING INTACT LANDSCAPES**

Despite the clear mandate in the Federal Land Policy and Management Act (FLPMA), BLM has never properly balanced the various uses of public land and has far too often prioritized mining, oil and gas development, and grazing over protection of natural and cultural resources. The rule emphasizes conservation as a legitimate land use, and identifies a number of tools for achieving conservation and land health, including applying land health standards, using high-quality information, including Indigenous Knowledge, and preparing restoration plans, among others. The rule offers a new tool, conservation leases, that would allow the public and Tribes to directly support durable protection and restoration efforts of natural environments, cultural or historic resources, and ecological communities. The rule also requires land managers to identify, protect, and connect intact natural landscapes, and to determine which lands will be put to conservation use when engaging in land management planning.

**Recommendation: Inventory and protect intact natural landscapes.**

The rule should clarify and require identification and interim management for intact landscapes outside of planning. The final rule must ensure that, prior to approving any development action, the BLM conducts a comprehensive inventory of intact natural landscapes, including lands with wilderness characteristics, and ensures that the action will not degrade any such lands.

**Recommendation: Ensure that habitat connectivity areas are identified and protected.**

In November 2022, BLM released an interim policy prioritizing the identification and protection of areas that provide habitat connectivity for wildlife. Such connectivity is essential to allow wildlife species to adapt to a changing climate. The final rule should require the identification and protection of habitat connectivity areas in accordance with the BLM interim policy.

**Recommendation: Protect remaining older and mature forests.**

Despite the presence of millions of acres of invaluable older and mature forests on BLM lands, the proposed rule is silent on the protection and restoration of these forests. The final rule must protect and restore older and mature forests in accordance with Executive Order 14072.
FLPMA requires the BLM to “give priority” to the designation and protection of Areas of Critical Environmental Concern (ACECs), which are areas of public lands that contain outstanding ecological, cultural, natural, or other values. The proposed rule strengthens existing agency policy by including new ACEC regulations, providing for citizen and Tribal nomination of ACECs, providing additional requirements for the management and identification of ACECs, and limiting the removal of such designations.

**Recommendation: Improve the designation and management of ACECs.**

The final rule should further specify how ACECs will be prioritized, as required by FLPMA. The rule should ensure that all eligible areas are designated as ACECs, and provide standardized protective management for all existing and future ACECs. The final rule should also ensure that ACECs nominated outside of a planning process receive timely review and action.

**Preventing Degradation of Public Lands**

FLPMA requires the BLM to prevent the “unnecessary or undue degradation” of public lands. The proposed rule clarifies this requirement by defining and prohibiting degradation of public lands. To prevent harm to public lands, the rule further requires land managers to apply a mitigation hierarchy to proposed actions. Under this hierarchy, land managers must avoid, minimize, or compensate for adverse impacts to public land resources.

Managers must also avoid land uses that would permanently impair ecosystem resilience. Managers must also include a restoration plan in revised resource management plans and identify priority landscapes for restoration every five years. Additionally, managers must conduct land health assessments and develop land health standards to ensure that public lands remain healthy and resilient. Where land health standards are unmet, managers must take corrective action to address the causes of public land health decline.

Despite the existential threat posed by climate change, and the outsized role public lands play in producing greenhouse gas emissions, the proposed rule is largely silent on greenhouse gas emissions from public lands.

**Recommendation: Address runaway greenhouse gas emissions.**

The final rule or a similar regulation should address the greenhouse gas emissions from public lands by analyzing the lifecycle greenhouse gas emissions from proposed actions and avoiding, minimizing, and mitigating such emissions.

**Tribal Consultation and Co-Stewardship**

The proposed rule contains several provisions addressing Tribal consultation and co-stewardship of public lands. The rule requires land managers to consult with Indian Tribes regarding any proposed action that may have a substantial direct effect on the Tribe. Managers must also ensure that proposed actions respect Indigenous Knowledge and work with Tribes to ensure that Indigenous Knowledge is properly incorporated into analyses of proposed actions. Finally, in determining which public lands to put to conservation use, managers must assess opportunities for Tribal co-stewardship of such lands.

**Recommendation: Strengthen Tribal consultation and co-stewardship.**

BLM should consult with Tribes to further develop the regulatory language and ensure it fully advances opportunities for co-stewardship, incorporation of Indigenous Knowledge, respect for Tribal sovereignty and treaty rights, protection of Tribal cultural sites, and carrying out Tribal consultation in ways that honor the unique historic and current connections of Indian Tribes to public lands.