

December 9, 2021

Director Tracy Stone-Manning
Bureau of Land Management
1849 C St. NW #5665
Washington DC, 20240

RE: Policies to Achieve the Administration's 30x30 and America the Beautiful Goals

Director Stone-Manning:

The undersigned organizations applaud the Administration and Bureau of Land Management's (BLM) recent restoration and expanded protection of the Bears Ears and Grand-Staircase-Escalante National Monuments. This action sent a clear message that the Administration and the BLM are committed to addressing the significant threats posed by the inter-related biodiversity and climate crises, in particular, the urgent need to conserve 30% of America's lands and waters by 2030. Land and water conservation is a critical component of an overall climate strategy, particularly in relation to carbon sequestration, resilience, and equitable management and access. It's encouraging to see the Administration and the BLM begin these efforts by restoring important national monuments to their original protected status and honoring tribal sovereignty by working with Indigenous communities to elevate their voice in discussions around federal land management.

As the largest land manager in the nation with almost a quarter of a billion acres under its purview, the BLM manages traditional homelands of Indigenous populations, vital watersheds for downstream communities, and outstanding fish and wildlife habitat. Because of their scale and important multifaceted public values, we believe the conservation of BLM lands must be a core component of the Administration's America the Beautiful (ATB) Initiative and strategy for protecting 30% of America's lands and waters by 2030.

There are numerous community-led efforts underway to permanently protect BLM lands as wilderness and/or national monuments. We strongly encourage the BLM to support these efforts. We also believe the BLM has an unprecedented opportunity to use its broad administrative discretion under the Federal Land Policy and Management Act (FLPMA) to do more by protecting lands programmatically and through resource management planning. We are encouraged by the Biden Administration's efforts to:

- Build on protections for sage grouse through both a reassessment of the protections in the 2015 plans and formalizing protections for Sagebrush Focal Areas
- Reinstitute former protections in the National Petroleum Reserve – Alaska and advancing additional protections there; and
- Reconsider broad-scale dropping of Alaska Native Claims Settlement Act D1 withdrawals.

Included below are a number of recommendations for specific administrative tools and processes the BLM can use to conserve public lands in accordance with your ATB Initiative, as well as criteria that could be used to determine if areas within BLM lands should 'count' as conserved under 30x30.

Our collective success in accomplishing the ATB Initiative and addressing the climate and biodiversity crises depend on BLM's ability to advance conservation on public lands. Fortunately, the agency has the tools and authority to do this and to help the Administration make significant progress toward its

climate and conservation goals. We look forward to supporting your conservation efforts and welcome the opportunity to discuss these recommendations.

Sincerely,

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Cc:

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Sarah Greenberger, Associate Deputy Secretary of the Interior
Nada Culver, Deputy Director of Policy and Programs, Bureau of Land Management
Stephenne Harding, Senior Director for Lands, Council on Environmental Quality

BLM 30x30 Recommendations

On January 27, 2021, President Biden signed an Executive Order, *Tackling the Climate Crisis at Home and Abroad*, that laid out a policy goal of protecting 30% of our nation's lands and waters by 2030. The success of this initiative will hinge on the nation's largest land manager, the Bureau of Land Management (BLM). The BLM manages 247 million acres of public lands, yet only 34 million acres are legislatively - or executively - protected lands that fall into GAP Status Code 1 and 2 including Wilderness, wilderness study areas, national monuments, national conservation areas and wild and scenic rivers.

That leaves more than 85% of BLM lands that have the potential to be conserved to advance 30x30 goals. Many of these lands remain in their natural state, provide connectivity corridors and habitat for wildlife, allow for natural storage and sequestration of carbon, and ensure clean water and air for local communities. Safeguarding BLM lands are a great opportunity to advance 30x30 goals in the U.S.

The Federal Land Policy and Management Act is sufficiently flexible such that the agency has broad discretion to provide durable administrative protections through resource management planning processes. BLM administrative protections should count towards 30x30 goals when they meet or exceed specified conservation thresholds, and policy changes could be developed that increase the rate and prevalence in which lands meet these minimum standards. This direction would ensure that more acres are managed to maintain a primarily natural state.

The BLM has existing tools and authorities that can be used more widely across the agency to accelerate the scope and pace of conservation. Below is a list of these tools and the immediate policy steps that must be taken to direct and empower staff across the agency to begin using them more broadly.

BLM's Existing Tools and Authorities

Areas of Critical Environmental Concern

Current Status: FLPMA-based conservation mechanism whose identification and protection are mandated as a priority in the RMP process

Policy Needs: Rule-making process to define prioritization in the context of both protection and designation, then tying management standards to the identified values. Guidance will be needed to identify which ACECs, in terms of management standards, and RMP-outcome targets are counted towards 30x30 goals. 43 CFR §6000 et seq

Sec. 202 Wilderness Study Areas (WSA)

Current Status: Set aside per George W. Bush administration's Utah - Norton Settlement Agreement. More than 29 million acres of BLM-identified lands with wilderness characteristics in the lower 48 states are eligible for 202 WSA designation. FLPMA 202 WSAs are the only administrative designation currently assessed as GAP 2 and thus scored for reaching 30x30 goals. FLPMA 202 WSAs are part of BLM's National Conservation Lands System.

Policy Needs: Adopt policy (Secretarial guidance, Solicitor's M-Opinion, BLM Instruction Memorandum, BLM Manual revisions) committing BLM to its longstanding interpretation of FLPMA as authorizing designation of WSAs under Section 202 and direct the BLM to begin

evaluating areas for WSA status. Statewide or programmatic (multi-state) EISs and land use plan amendments are the administrative vehicles to move this initiative forward. BLM-HQ should issue a data call to state wilderness leads for most current GIS data of BLM-identified lands with wilderness characteristics with information to be provided within two (2) months. States or areas of states without current inventories should be directed to undertake and complete that work within six (6) months. BLM-identified lands with wilderness characteristics not designated as FLPMA 202 WSAs would be managed pursuant to the agency's multiple-use mandate.

Wildlife Migration Corridors

Current Status: Limited Departmental implementation stemming from SO 3362.

Policy Needs: Secretarial Order and cascading actions that strengthen the Department's conservation action, research, and interagency collaboration regarding the identification and conservation of wildlife migration corridors, including a rulemaking to build out departmental policy defining attributes of the §201 inventory and "resource" that includes wildlife migration corridors, with emphasis on collaboration with states. The BLM should also look to amend and revise RMPs to fully consider and conserve identified corridors. Management for conservation above threshold levels to be counted towards 30x30.

Wild and Scenic Rivers

Current status: As required under the Wild and Scenic Rivers Act, BLM identifies rivers as eligible through the RMP planning process. Those rivers, as required under the Act, are provided interim protections, and, as such, should count toward 30x30 goals.

Policy Needs: Secretarial Order, and cascading actions, that identify the importance of rivers, and river systems to overall ecosystem health and protection of biodiversity. Cascading actions would include rulemaking consistent with the USFS 2012 Planning Rule identifying watershed protection as a cornerstone objective for planning purposes.

Backcountry Conservation Areas

Current Status: Established through IM 2017-036 by the Obama administration, this designation is intended to protect, conserve, restore, and enhance larger areas of generally intact and undeveloped BLM-managed lands that contain functional, unfragmented habitats and migration/movement corridors for fish and/or wildlife species, and to support associated recreation activities. Some limited implementation.

Policy Needs: BCAs should see an increased rate of implementation -- in conjunction with other BLM protective designations -- through RMP revisions and amendments. Management for conservation above threshold levels to be counted toward 30x30.

Conservation Leases

Current Status: FLPMA § 302(b) states that "(i)n managing the public lands, the Secretary shall, subject to this Act and other applicable law and under such terms and conditions as are consistent with such law, regulate, through easements, permits, leases, licenses, published rules, or other instruments as the Secretary deems appropriate, the use, occupancy, and development of the public lands...." During the development of the Desert Renewable Energy Conservation Plan, departmental solicitors suggested that the BLM could use this authority to issue long-term conservation leases to BLM managed lands in the California Desert to ensure that compensatory mitigation investments in those lands would be durable. BLM is currently considering granting such a lease to the South Dakota Department of Transportation for a wetland mitigation bank on the public lands.

Policy Needs: A small team should review 43 CFR 2920 to determine if potential revisions to this regulation would facilitate the issuance of long-term conservation leases for multiple purposes including but not limited to mitigation banks and the management of migration corridors that could be counted towards 30x30.

Habitat Management Areas

Current Status: Some use to protect important wildlife habitat, like crucial deer and priority sage grouse habitat, but no guidance or regular and consistent application.

Policy Needs: Formal guidance needed to establish criteria and direction for broad and consistent application in BLM RMPs. Opportunity exists for protection of big game winter range, migration routes, prairie grouse nesting and lekking areas, and other vital habitats. Management for conservation above threshold levels to be counted toward 30x30.

Measuring What Counts – 30x30 Checklist for BLM Management

When considering if a specific designated area should be considered conserved for 30x30 purposes, we believe the following criteria should be analyzed. These measures, if adopted, would limit threats to biodiversity, but could allow for restoration to sustain ecosystem function and provide resilience. In all portions of designated areas where management restrictions meet or exceed each of these five management thresholds, those lands should count as contributing toward the goals and objectives set out by 30x30.

- ✓ withdrawn from mineral leasing, closed to leasing, or open to leasing subject to no surface occupancy stipulations for leasable minerals.
- ✓ prohibited or limited renewable energy development.
- ✓ limited logging and vegetation management to activities that restore historic disturbance regimes, restore ecological function, and/or improve fish and wildlife habitat.
- ✓ closed to motorized use, or vehicle travel is limited to designated routes at or below a determined threshold to minimize wildlife disturbance (such as one mile per section of land), or seasonal motorized closures when wildlife are present (winter range).
administrative or permanent locatable mineral withdrawal, recommendation for mineral withdrawal in an agency land use plan, or strict conservation requirements for the development of valid existing rights.

For each conservation policy, specific exceptions could be made for evaluation purposes if it is determined with a high-degree of certainty that long-term development potential is negligible (i.e. – no potential for renewable energy development in the Teshekpuk Lake Special Area in the 2013 NPR-A Integrated Activity Plan). If any of the above listed conservation measures expire, or are waived or modified, the BLM should report such changes to the US Geological Survey (USGS) to ensure that the Atlas cited under the America the Beautiful report is updated appropriately. The Atlas will host baseline information on the amount and types of lands and waters that are being managed for conservation and restoration purposes, and will be coordinated by USGS.

The BLM should make a commitment to monitor and report on the condition of these specific designated areas. It also should make a commitment to report on any changes in the management prescriptions for these areas that would potentially lessen the significance of a restriction, e.g., to allow oil and gas lease exceptions and modifications in an area that had been open to no-surface occupancy leasing without exceptions and modifications.