

# WHY SHOULD YOU CARE ABOUT BLM'S "PLANNING 2.0"?

Rebecca W. Watson  
Welborn Sullivan Meck & Tooley, P.C.  
Denver, CO  
[rwatson@wsmtlaw.com](mailto:rwatson@wsmtlaw.com)

# Why It Matters

2

## Casper Star Tribune

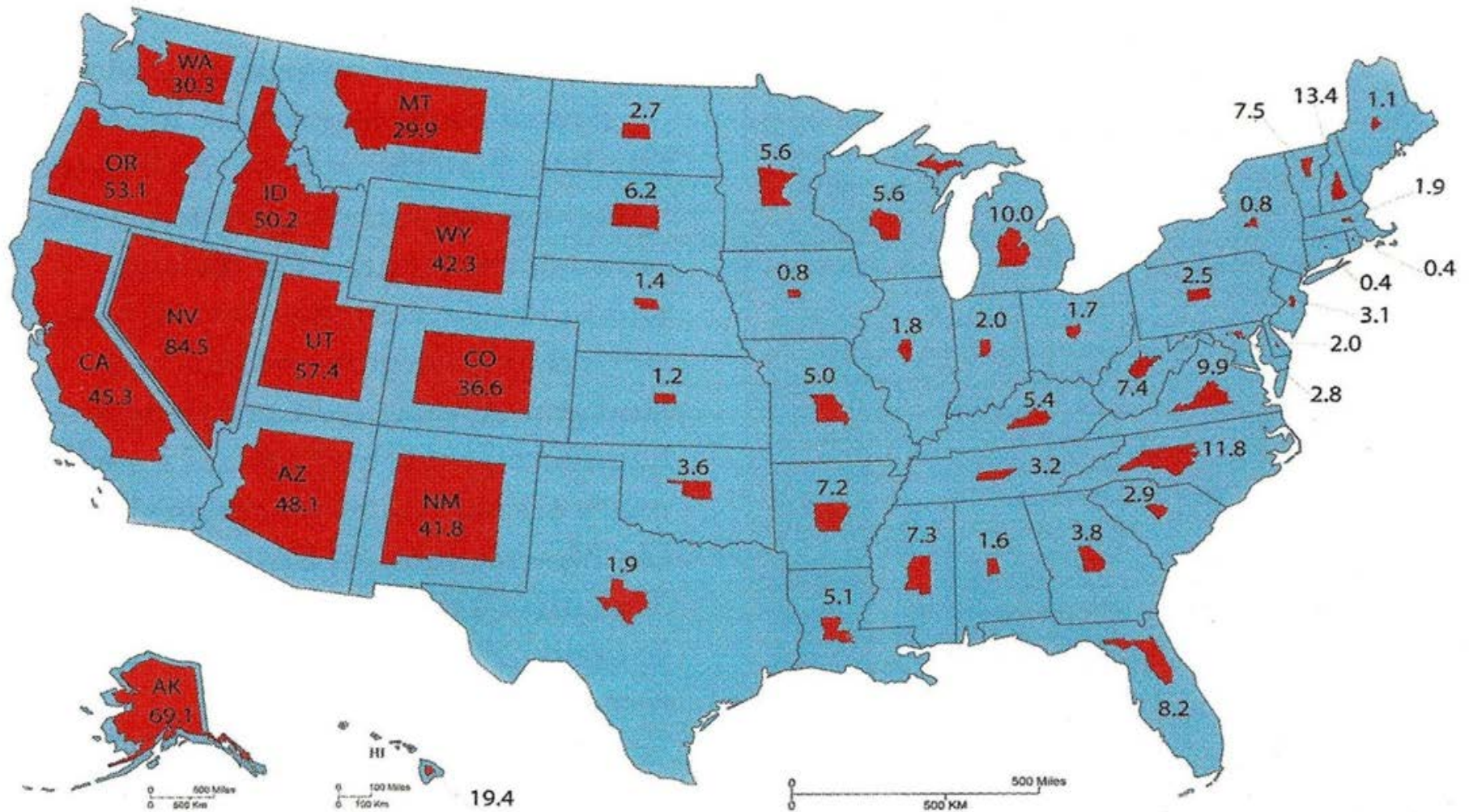
April 18, 2016

### Talking coal, oil and multiple use with new BLM Wyoming Director Mary Jo Rugwell

"Few jobs are as influential in the Cowboy State as the director of the Bureau of Land Management's Wyoming office.

The BLM oversees almost 30 percent of Wyoming's surface area and roughly two-thirds of its mineral estate. The bureau decides where people can drill for oil or mine coal in much of the state, or what areas are going to be set aside for recreation or wildlife. Often times it is a mixture of all of the above."

# Federal Land as a Percentage of Total State Land Area



Data source: U.S. General Services Administration, *Federal Real Property Profile 2004*, excludes trust properties.





FEDERAL LANDS AND INDIAN RESERVATIONS

- Bureau of Indian Affairs
- Bureau of Land Management / Wilderness
- Bureau of Reclamation
- Department of Defense (includes Army Corps of Engineers lakes)
- Fish and Wildlife Service / Wilderness
- Forest Service / Wilderness
- National Park Service / Wilderness
- Other agencies

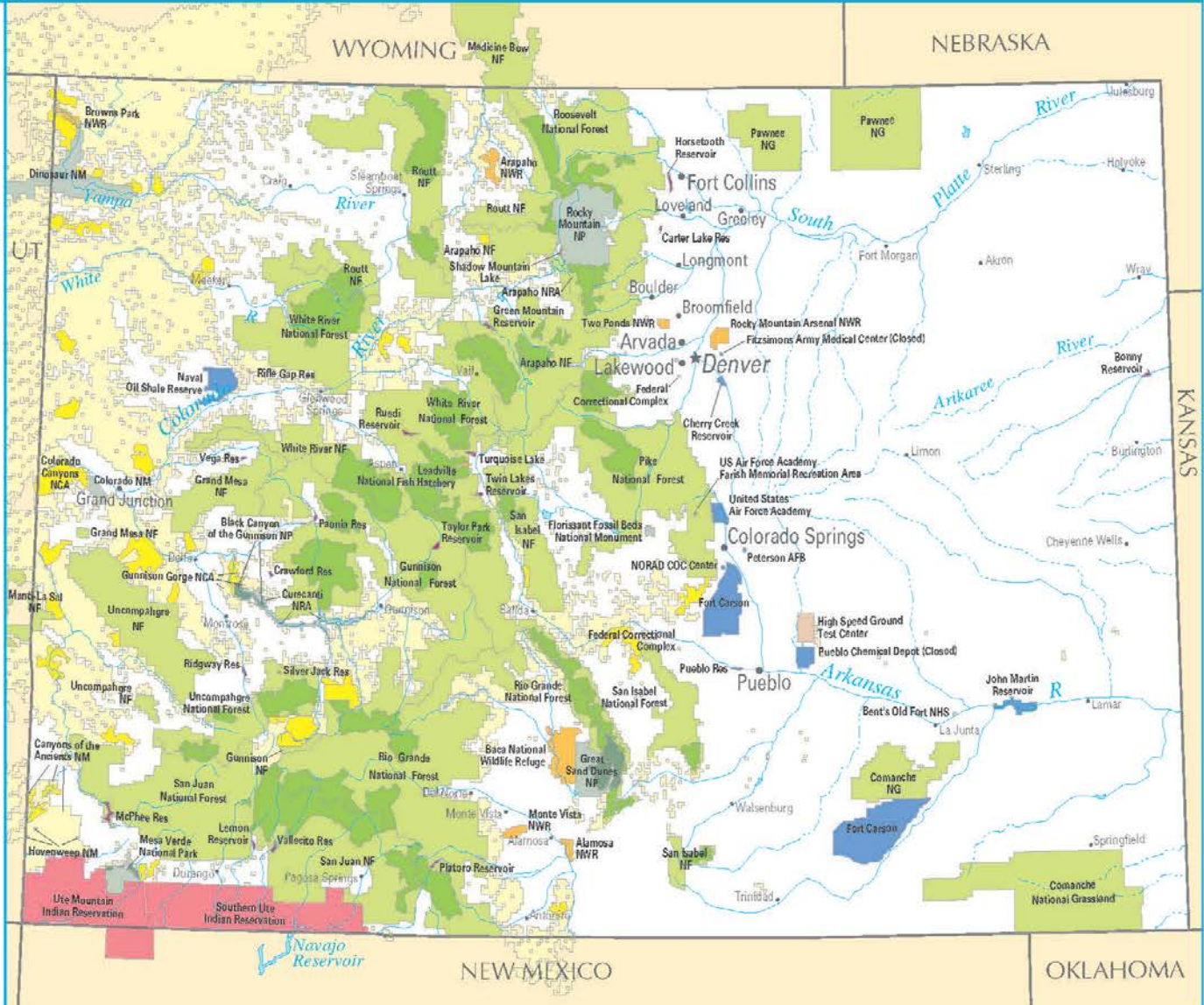
Some small sites are not shown, especially in urban areas.



Albers equal area projection

Abbreviations

- AFB Air Force Base
- NCA National Conservation Area
- NF National Forest
- NG National Grassland
- NHS National Historic Site
- NM National Monument
- NP National Park
- NRA National Recreation Area
- NWR National Wildlife Refuge
- Res Reservoir



# BLM Land Use Planning

5

## Time for a Change

- Colorado/West is changing
  - ▣ Growing
  - ▣ Urbanizing
  - ▣ Diversifying
- New technologies/information
  - ▣ GIS/GPS
  - ▣ Fire science
  - ▣ Wildlife science
- Land use planning takes too long



# BLM Land Use Planning

6

## What Makes Sense?

- Enhanced Public Participation
- Implementation Flexibility
- External Data



# FLPMA § 202 Planning & State/Local Plans

7

- **Coordinate** with state/local planning/management programs
- **Consider** approved state/tribal land use plans
- **Keep apprised** of local, state, tribal plans
- **Assure consideration** of state, local, tribal plans
- **Resolve inconsistencies** “to extent practical”
- **Provide meaningful public involvement** with state/local government offices
- **Receive advice** from state officials
- **Plans “shall be” consistent** with state/local plans “maximum extent” “consistent with Federal law” and FLPMA



# Local Government Concerns

8

- Landscape Perspective
  - who/how “landscape” defined
  - “local dependence” on public land resources to “local, regional, national or international dependence on goods and services”
  - “big picture” can outweigh local concerns
- Examples:
  - NW Greater Sage-grouse RMP
  - Desert Renewable Energy Conservation Plan



# Local Government Concerns

9

- Public Participation/MLPs
  - 8 public participation opportunities
    - MLPs add another layer
  - RMP NEPA/MLP NEPA/Lease NEPA/APD NEPA/POD NEPA
- Cooperating Agency Role
  - unique role at planning table with BLM
- Issue: Local Government Capacity
  - voice diminished
  - “zone out” economy

# Local Government Concerns

10

- Planning Assessment
  - “High Quality Data”
    - BLM hearings to “better understand public values”
  - Potential for bias
- Example:
  - Existing 65 Lease NEPA public hearings
    - none scheduled in Mesa County

# Big Picture Concerns

11

## BLM:

- Culture
- Capacity
- Politics



# Big Picture Concerns

12

- BLM Budget
  - ▣ land use planning expensive
  - ▣ more comments/public participation = more \$\$
  - ▣ BLM's budget static/shrinking
- Where is BLM's capacity to implement this proposal?



# Big Picture Concerns

13

- BLM Culture
  - “we know best”
  - collaboration not natural
- Examples:
  - Rio Blanco County/Endangered Cacti EA
  - Garfield County/NW Sage-grouse RMP
- Can this proposal change BLM culture?



# Big Picture Concerns

14

Public Land Politics: “Who decides the national-local balance, and how those decisions are made.”

CRS, “*Federal Land Ownership*” (12/29/2014)



“Drones finally are a sexy topic. The Interior Department? Still not so much . . . If there were one single address at the intersection of federal power and naked greed, it would be squarely in front of the Interior Department.” Andrew Cohen, *The Atlantic* (March 2013)

# Big Picture Concerns: Politics

15

- Rule Proposal
  - the ideal: collaboration
  - consensus
- Political Reality
  - D's = national interests
  - R's = local interests
- Examples:
  - NW Forest Plan
  - Roan Plateau
  - MLP Process

“Multiple use management is a deceptively simple term that describes the enormously complicated task of striking a balance among the many competing uses to which land can be put . . .” *Norton v. SUWA*, 542 U.S. 55 (2004)

Where do political winds leave public land communities?