

## View Point

# FLPMA Turns Forty: Providing Bureau of Land Management with Long-Term Vision



By Joseph V.H. Ross

### On the Ground

- Under the Federal Land Policy and Management Act (FLPMA) of 1976, the Bureau of Land Management (BLM) manages public lands to sustain their health, diversity, and productivity for the benefit of present and future generations. The task is complicated, and there are issues that need to be addressed.
- Public demands and expectations continue to increase, and the agency must pursue logical, transparent, scientific and sustainable resource decisions.
- I encourage the BLM to be more open, creative, and collaborate with diverse publics. As we see frustration grow with multiple-use management, the BLM needs to do a better job of balancing the needs and wishes of the American public.

**Keywords:** Bureau of Land Management, Federal Land Policy and Management, Act, public land, National Landscape Conservation System, BLM, FLPMA.

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The Bureau of Land Management (BLM) was formed when a 1946 reorganization plan consolidated functions of the General Land Office and Grazing Service into a new agency within the U.S. Department of the Interior. However, no mandate was given for the newly formed agency. The Bureau, therefore, had to continue administering the public lands using the outmoded and often conflicting mandates of 3,500 laws passed during the previous 150 years. The major statute directing BLM activities was the Taylor Grazing Act, which provided for the administration of grazing “pending final disposition” of the public lands.<sup>1</sup>

One of the most significant land management laws enacted within the 20th century was the Federal Land Policy and Management Act (FLPMA) of 1976. It gave a clear mandate to the nation’s largest land manager, BLM, for 246

million acres of public lands. Much of the public domain, originally totaling some 1.8 billion acres, was transferred into private ownership during the course of westward expansion and settlement. Other lands became parks, wildlife refuges, forests, military bases, and holdings of other Federal agencies. The remaining acres of public domain were to be used in the National interest and for public benefit. Today, we refer to them as our “National System of Public Lands,” a term adopted in 2009 to characterize the inter-connectedness of the public lands and their multiple uses.

After BLM’s creation in 1946, public land law reform was badly needed. In 1976, Congress responded with FLPMA, declaring that America’s public lands should be retained in Federal ownership<sup>2</sup> (an exception provided for the disposal of individual tracts when in the public interest). The retention policy reversed the disposal policy that dated back to the earliest days of our country.

FLPMA formally recognized what the BLM had been doing on an interim basis for many years—managing the public lands under principles of multiple use and sustained yield. But FLPMA also granted the BLM new authorities and responsibilities, prescribed specific management techniques, and designated BLM’s California Desert Conservation Area. With the passing of FLPMA, the BLM would finally get its “organic” mission, a clear and well-articulated statement of policy and process for management, planning, and administration. For much more about the first three decades under FLPMA (with profound insights and candid perspectives from former BLM Directors of that time period), please see my article in the October 2006 issue of *Rangelands*.<sup>3</sup>

### Early Days Under FLPMA

FLPMA required the BLM to develop a more comprehensive land-use planning system for “developing, displaying, and assessing” management alternatives. The Bureau was also instructed to strengthen its coordination with state and local governments. In 1977, the BLM began developing Resource Management Plans (RMPs) in conjunction with Environmental Impact Statements.



Management of wild horses and burros has long been a focus of BLM's mission. Salt Wells Creek Herd Management Area in Wyoming. Photo courtesy BLM, Wyoming.

In the late 1970s, the Sagebrush Rebellion grew out of opposition to the federal government's enlarged role in public land management and was based on an argument that federal lands belonged to the western states. Livestock grazing reductions, environmental laws, and anti-government sentiment fueled the movement. While it quickly dissipated with the election of Ronald Reagan to the presidency in 1980 and reassessment of the BLM's policies, it is a revolt with vestiges that periodically flare up.

The situation is complex, but there is no question that rural land users can feel intimidated by federal land management agencies. We have seen a gradual, but overall significant, decline in the amount of grazing on BLM-administered land from 18.2 million animal unit months (AUMs) in 1954 to 8.3 million AUMs in 2014. The BLM states that such reductions are "because of such factors as changes in land-use plans, wildlife habitat protection, and ranching business decisions, and that trend continues today."<sup>4</sup>

Other factors such as drought, wildfire, market consolidation, and rising operational costs can further affect the actual grazing that takes place each year. Some grazing lands in urban areas are being developed. Feedlots have grown. Range science is also being applied to determine how many AUMS should be authorized.<sup>5</sup> The BLM does seem to be trying harder to foster more transparency, coordination, communication, dialogue, and information sharing without relegating their role, responsibilities, and decision-making authority.

In the 1980s, the BLM began to integrate its land and mineral records with information it maintained on natural resources, tying all of this data to specific locations through survey coordinates generated from the Public Land Survey System that subdivides and describes all public lands using a rectangular system of surveys. Recognizing its data was a significant national asset, the development of the BLM's Land Information System in the 1980s would come to have the same far-reaching effects on the agency that implementation of its land-use planning system did in the 1970s. The Bureau modernized automated data processing equipment, standardized its data, and integrated its information systems to more efficiently process workload and make its land and mineral resources information more readily available to the public.<sup>6</sup>

During the 1990s, the BLM focused on public land health. Specific efforts emphasized sound science to manage or restore northwest forests, rangelands, riparian areas, and fish habitats. The BLM led efforts to check the spread of noxious weeds. They implemented fire policy to protect lives and property while recognizing the ecological role of fire in natural systems. The BLM improved customer service through collaborative management, cooperation, strategic planning, and use of Resource Advisory Councils. Recognizing accountability for results, the BLM said they fully intended to 'walk the talk' as public land stewards. During the Clinton Administration (1993-2001), agency efforts were focused on land-use planning for sustainable resource decisions, public land treasures, healthy watersheds for resources dependent on them, and safety for public land visitors.

In 2000, the National Landscape Conservation System (NLCS) was formed to manage special lands designated by Congress or the President under the agency's multiple use mandate. Also including Wilderness Study Areas, it now has 877 areas encompassing over 32 million acres and over 8,000 miles of rivers and trails. Traditional uses continue within NLCS areas while some of the country's last, great open spaces are protected for future generations.

As the BLM strives to provide good public land stewardship, it is helpful to recall the wisdom of the conservation movement's founding father, President Theodore Roosevelt. "Conservation," he said, "means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us."

The NLCS has its mission, but current BLM leadership also needs to keep a very strong continued emphasis on long-term visioning to see the NLCS achieve its potential. Administration, funding, and organizational changes will indubitably affect NLCS and other programs. As long as visioning is participative (built collaboratively with others), I am optimistic that change can be beneficial with new insights, innovative solutions, and organizational improvements to guide programs. Pressures and ambiguity will require BLM leaders to remain willing to adapt behaviors and work processes to new information, changing conditions, and unexpected obstacles.

The NLCS needs a decisive and results-oriented road map to cohesively guide this unique system so that it is effective, efficient, and responsive. Both strategic and site-specific planning needs to effectively delineate each unit's resource values and multiple-use objectives. Operational and budgetary systems need to fully support units so they have the greatest chance of achieving goals. Finally, the management of each NLCS unit needs to be responsive to all levels of the American public.

During the 2000s, the BLM made significant strides for better management of recreation activities. In 2006, the BLM became part of a broad national partnership to develop a strategy for comprehensive travel management to meet future recreation demands. They also completed a 10-year plan for the management of the National Scenic and Historic Trails.

The BLM's Great Basin Restoration Initiative on 75 million acres promoted plant community diversity and structure to make

them more resilient to disturbance and invasive species. The BLM's sage-grouse habitat conservation strategy emphasized partnership efforts to conserve the remaining sage-grouse habitat on BLM-administered land. Implementation began of the National Fire Plan, a comprehensive 10-year strategy to reduce wildland fire risks. Through the Healthy Forest Restoration Act, partnerships were expanded to promote healthy forests and communities. The BLM assumed a leadership role in implementing a National Energy Policy to develop domestic energy from both traditional and alternative sources.

A management approach called Cooperative Conservation strengthened partnerships and promoted citizen stewardship. The BLM searched more aggressively for creative new ways to carry out its mission. Good stewardship of the public lands was not found in bigger government, but in broader public participation in the land-management process, a principle called Shared Community Stewardship. Grants and landowner incentives leveraged millions to eradicate invasive species, restore wildlife habitat, provide stable water supplies for elk, and provide new and improved recreation and educational opportunities.

## The Last Decade

In recent years, the BLM has aligned resources on four strategic areas: 1) resource protection, 2) resource use, 3) recreation, and 4) serving communities. A Healthy Lands Initiative, embodying cooperative conservation, facilitated needed energy development in six western states while protecting world-class wildlife habitat and other resources. The BLM oversaw energy production, environmental studies, corridor designation, and improved permit processing as they implemented provisions of the Energy Policy Act of 2005. Emphasis was put on offering outdoor recreation experiences. Collaborating with others, the "Take it Outside – Connect with Your Public Lands" initiative was launched to get kids involved in outdoor activities. The BLM also reached out to students and others with educational programs and volunteer opportunities.



Recreation is one of BLM's four strategic areas. Mountain biking on BLM-administered public land is increasingly popular. Photo courtesy of BLM.

Pursuing positive working relationships and more multiple use balance, the agency recognized the economic benefits from both commodity production and conservation. Oil and gas leasing reform brought greater involvement of interdisciplinary teams to improve certainty, reduce conflict, and choose appropriate parcels that minimally impact other values.

BLM continues to strive for a more balanced approach, putting greater emphasis on conservation while allowing reasonable oil and gas development. They are implementing key oil and gas leasing reforms, reducing permitting times, expanding clean energy, and bolstering protections for greater sage grouse and the big-game species that share its habitat. Resource management plan amendments will provide certainty that conservation measures will be implemented to prevent the listing of sage grouse under the Endangered Species Act.

Because of scattered land ownership patterns, the BLM wants to better inform the public about where the agency is and what they do. They should also more closely track where those public lands are with "inadequate" access and improve efforts for access to them. Improved technology is breaking down barriers. One example is the use of an online permitting system for oil and gas drilling. A new agency perspective is also expediting the survey and conveyance of Alaska lands.

Facing substantial management challenges, declining budgets, and increasing demands on public lands and resources, the BLM remains optimistic, exploring new approaches to become more effective and responsive. Expect to see a greater use of science in their decision-making processes and a move to a more landscape-level planning approach. The BLM is striving to become a "hyper-local organization" where meaningful partnerships and agency-wide consistency are emphasized.

The agency is rolling out a new approach to planning that will invite the public, with their diverse views, to get collaboratively involved much earlier in a more inclusive and transparent process of resource management plan development. They hope that plans will better reflect priority landscape-level needs such as wildfire prevention, invasive species eradication, and wildlife corridor protection. They will need better trained and open-minded managers and staff, as well as increased trust levels to succeed.

While the BLM is a healthy, can-do organization with a great deal of enthusiasm and good morale, one pitfall can be government's bureaucratic inertia. It is encouraging to see how citizen-powered "friends" groups are forming to assist the agency in its public land stewardship role. Such groups leverage funds for special areas, and these funds in turn infuse dollars into local economies.

One interesting budget proposal calls for the formation of a Congressionally-chartered BLM foundation to bring additional resources to the table. As BLM overall funding lags far behind other land management agencies, we should remember that the agency is an excellent national investment that generates a benefit:cost ratio of about 4:1 when all economic factors are considered. In Fiscal Year 2014, BLM programs generated about \$114 billion in economic output and supported nearly 500,000 jobs.<sup>7</sup> Recreation visits to BLM-administered public land totaled about 61 million in that year.

To tell its story and inform the public, I would encourage the agency to again publish concise annual reports that summarize, publicize, and promote the BLM's performance

and accountability. No such reports have been printed since 2007. The agency could do more to connect with the public. They need to provide clearer, more user-friendly information about resources that exist on the public lands. The BLM needs to engage the public more to seek input on long and short-term management plans.

### BLMs Conflict Management Challenges

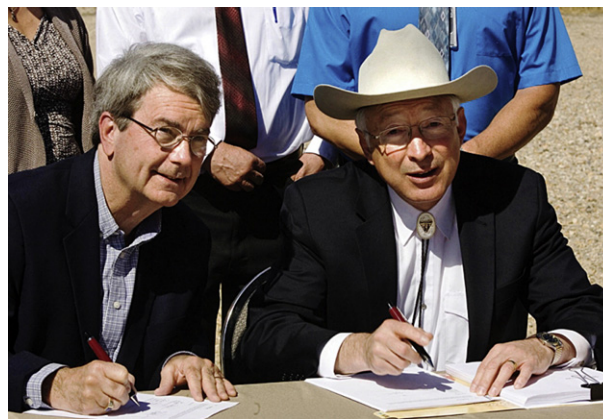
Much of the BLM's business deals directly with conflict that is a result of population growth, competing resource demands, polarized publics, and political trends. Unfortunately, BLMers also create conflict for themselves due to internal procedures, priorities, deadlines, provincialism, micro-management, and unnecessary change. One of their biggest challenges is to find innovative ways to recognize, understand, and harness the conflict that is inherent in nearly everything they do.

Conflict can be managed in positive and constructive ways to minimize its impact on the agency, mission, and workforce. When a subject is debated, I often observed conflict escalate due to the disagreeing participants' demeanor and behaviors. The word "conflict" is derived from the Latin for "strike together" with the sharp disagreement or collision emphasizing the process rather than the end. By breaking down barriers and building trust, the BLM can create positive results. By adjusting perspective, they should retire the word "conflict" in favor of one with a different connotation like "contention" that comes from Latin for "to strive after, stretch out or extend." The BLM is doing a better job of developing leadership skills at most levels of the organization. A strong continued emphasis is needed to train employees to constructively engage, collaborate, and work cooperatively in teams. Clear proactive techniques are needed to deal with unclear or unrealistic objectives, funding shortfalls, arbitrary deadlines, obstructionists, or any negativity encountered.

The BLM's management challenges may be best addressed by understanding that they will always be faced, as an agency, with strong disagreements. They should welcome the tough issues, listen closely to varying perspectives, maximize information flow, apply the best science available, develop new insights, apply creative solutions, and focus on desired results for the greater good. BLMers and their public served have a great deal of knowledge, skill, energy and passion. Rather than being a "Bureau of Conflict Management," I encourage agency employees to model constructive behaviors that will allow them to emphasize excellent land and resource management.

### BLM Director Perspectives

During the last decade, four BLM Directors have led the agency: James Caswell (2007–2009), Robert Abbey (2009–2012), Mike Pool (2012–2013), and Neil Kornze (2013–present). Whether in an acting capacity or confirmed by Congress, each has brought different leadership styles, vision, and priorities to the agency (consistent with the administration's expectations). Some of their own personal recollections and thoughts about FLPMA were solicited for this article.



Former BLM Director Bob Abbey with Former Secretary of the Interior Ken Salazar. Abbey states, I worked closely with Secretary Salazar to bring more balance to multiple use on public lands. We were coming into our roles after the previous administration had spent eight years of emphasizing oil and gas development over other uses. Recognizing the importance of the extractive industries to our nation's economy, we also knew that economic benefits are not just from traditional commodity production but also conservation. We made reforms to BLM's leasing programs, taking a closer look at areas prior to leasing rather than addressing natural and cultural resource issues after the commitment of the land and minerals. The Secretary and I were both proponents of renewable energy, and we advanced actions that allowed renewable energy to play a larger role as a domestic energy source. Photo courtesy of BLM.

For this article, James Caswell was asked what changes he would make to FLPMA to enhance the management of public lands. Caswell replied, "I suggest three changes to FLPMA. First, a complete repeal or amendments to the authorizing statutes (inherited from the General Land Office and Grazing Service) that had guided the BLM from its creation in 1946. While FLPMA was a significant milestone and victory for the BLM and gave the agency a new start, it did not resolve the basic tension between traditional resource programs and the new public demands for environmental protection. These tensions still exist today. Second, FLPMA requires that the Director be a political appointee, nominated by the President and confirmed by the Senate. I believe the Director should not be a political appointee but a professional natural resource manager with a public lands background, and preferably from the ranks of the Bureau. Third, symbols are important, they are everywhere in our society and define us as a nation and what we are about. The public lands deserve a proper name, one that denotes their importance to the nation and brings them into the family of Federal lands managed by the BLM's sister agencies. I was pleased to address this oversight during my tenure through a Secretarial order. However, I would prefer the name be codified into law."<sup>8</sup>

The same question was asked of Bob Abbey, BLM Director from 2009 to 2012. Abbey stated, "Despite divisive political rhetoric and changing demographics, I have found that we have much more in common than we have differences when it comes to public land management. Most of us want clean water and air and a healthy environment for plants, animals, and humans. We want opportunities to use public lands for recreational pursuits and we want resources managed in a manner that help sustain our communities and local economies. We want public lands managed for multiple use, recognizing that these assets are

valued as much today for wilderness as they are for energy and beef production. These are the lessons we have learned during the 40 years of implementing FLPMA.”

Abbey adds, “The greatest challenge for public servants today is not from outdated laws. Rather it is the ability to earn and maintain the trust of those being served. BLM employees interact with state, local, and tribal officials as well as with a more diverse but not necessarily more informed public. It is important that communications be more than just through written correspondence. Today, the BLM has social media presence in BLM offices where employees are using Facebook, You Tube, and Twitter. Employees are sharing videos and pictures highlighting our National System of Public Lands.”

“There will never be enough federal or state appropriations to address the tremendous needs we have as a nation. Yet we have the opportunity to work together in pursuit of our common goals to leave a positive natural resource legacy for the generations to follow. We need to be smart from the start and realize that if these lands are to be managed appropriately, it is up to us as individuals to act responsibly.”<sup>9</sup>

At present, Director Neil Kornze continues the more balanced approach that the agency has been striving for, putting greater emphasis on conservation while allowing reasonable energy development. Kornze is implementing key oil and gas leasing reforms, reducing permitting times, expanding clean energy, and bolstering protections for greater sage grouse and the big-game species that share its habitat. Resource management plan amendments will provide certainty that conservation measures will be implemented to prevent the listing of sage grouse under the Endangered Species Act.

Because of scattered land ownership patterns, Kornze wants to better inform the public about where the BLM is and what they do. I would also encourage him to more closely track where those public lands are with “inadequate” access and improve agency efforts to improve access to them. Director Kornze is also calling for the improved use of technology to break down barriers. One example is the use of an online permitting system for oil and gas drilling. A new agency perspective is also expediting the survey and conveyance of Alaska lands.

Facing substantial management challenges, declining budgets, and increasing demands on public lands and resources, Director Kornze remains optimistic. “I’m committed to exploring new approaches with the public, our stakeholders, and Congress so that the BLM can become a more effective and more responsive organization.”<sup>10</sup>

Kornze said he hopes to leave the BLM with “a greater center of gravity” to buffer the agency (with its \$1 billion annual budget and over 10,000 employees) from the political swings it has experienced from one administration to the next. He speaks of a “hyper-local organization” where partnerships are real and matter. “That’s where we’re making our decisions,” Kornze says. “But at the same time, you want a consistent structure so people aren’t experiencing a different BLM in a corner of Wyoming than they are in a corner of Montana.”<sup>11</sup>

Director Kornze is working to connect with the public, partners, and his internal team. However, Kornze admits, “We’ve made some strides in this area, but much more needs

to be done to provide clearer, more user-friendly information about the resources that exist on the public lands and the both long and short-term plans for management.”

The next administration will no doubt bring some change and new direction to BLM, but the first two years of a new presidency seldom result in much action or momentum.

## A Look Ahead

FLPMA gave the agency a defined mission, and firm guidance for multiple use management of public lands. Public land management has become increasingly complex, and it will likely remain so. We need efficiency without creating unreasonable burdens or sacrificing quality and integrity. There is no doubt that “procedural” requirements and duplicative multi-agency efforts can lead to such disheartening results such as “analysis paralysis,” “process predicament,” and “cyber-asphyxiation.” Openness, transparency, and science-based decision-making were advocated by the current administration, but such goals also have to align with message control within a bureaucracy.

Land management remains an art as much as it is a science. Three years after the BLM’s creation in 1946, Aldo Leopold published his conservation essays in “A Sand County Almanac.” One of its final essays, “The Land Ethic,” should be read periodically by every BLMer. A forester, hunter and ecologist, Leopold acknowledged that people lived within ecosystems, and he challenged us to see land as more than a community but rather as “a community to which we belong.”<sup>12</sup> He recognized the practical benefits of nature. To Leopold, successful conservation required human connection to the land, and connection required respectful land use for spiritual, aesthetic and economic benefits. “Examine each question in terms of what is ethically and esthetically right, as well as what is economically expedient,” he stated. “A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.”

Administrations, manuals, systems, reorganizations, and initiatives have come and gone, but the role of individual employees in getting the BLM’s work done is as critical as ever. One thing is certain. BLM employees will continue to cooperate, partner, and collaborate with others to ensure the agency’s continued success. During the past 40 years, the growth and diversification of the BLM’s workforce has provided better public service.

The BLM respects its traditions and values its employees. There have been challenges and controversies on the public lands since 1785, with battles won and lost. More are yet to come, but opportunities still remain for BLM employees, land users, and the American public to cooperatively work together to manage public lands. That is what makes the experience exciting and worthwhile.

Under FLPMA, the BLM manages the public lands and their vast resources for the benefit of both present and future generations. As much of the areas around public lands are developed, the public’s demands and expectations on the BLM

increase. The agency must adapt and develop sustainable resource decisions, while staying true to its multiple-use mission.

Innovative and creative public land management will continue as the BLM's mantra for the future. It will be interesting to see what the next decades bring. Managers and employees are encouraged to stimulate, inspire, and reward creativity, freedom of expression, and the willingness to try new ideas. During the agency's 70-year history, the BLM has made a difference. This will remain true as multiple-use management of the public lands is carefully balanced with the needs and wishes of the American public. As FLPMA turns 40, focus is on direction, resilience, possibilities, and achievement in the years ahead.

As we reflect on 40 years under FLPMA, I can only hope that public land managers also look beyond legislation and regulations to a clear, evolving articulation of a "land management ethic." Leopold was ambitious in his essays, but he concluded that nothing is as important as an ethic is ever 'written.' Rather, ethics evolve "in the minds of a thinking community" and do so slowly amid more pressing and immediate compulsions. For the BLM, a 1976 law established direction and sideboards, but "success" is being spelled out in varying, and some rather abstract, innovative ways. The BLM will continue to succeed as long as they use FLPMA to manage ethically, with love and respect for the land, moral consideration of entire ecosystems, obligation for commodity production, and recognition of the land as a community to which we all belong.

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*Author spent over thirty years working for the Bureau of Land Management in Oregon (Portland, Medford, Roseburg) and Nevada (Las Vegas). From 2008 to 2010, he completed his federal career as Land Acquisition Program Manager, U.S. Marine Corps, Twentynine Palms, CA, USA ([rossjoe@hotmail.com](mailto:rossjoe@hotmail.com)). Opinions expressed herewith are those solely of the author and do not reflect any of the Bureau of Land Management.*