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To: Michael Nedd, Acting Director, Bureau of Land Management

From: Todd Leahy, Deputy Director, New Mexico Wildlife Federation

Rollo Scott, Legal Fellow, New Mexico Wildlife Federation

Date: July 18, 2017

Re: Public Comments on BLM Planning

Thank you for this opportunity to submit comments on the Bureau of Land Management (BLM)'s new, in-depth look into land use planning and National Environmental Policy Act (NEPA) processes, which was initiated by President Trump and Secretary of the Interior Zinke. The New Mexico Wildlife Federation is the Southwest's oldest sportsmen-led conservation organization. On behalf of our more than 80,000 members, please accept our comments in the spirit in which they are intended; to help the BLM make land management decisions that are in the best interest of the American people and move towards developing a more collaborative and transparent process.

The BLM is the nation's largest landowner managing more than 10% of the nation's land and 30% of the nation's subsurface minerals under the authority granted in the Federal Land Policy and Management Act (FLPMA). FLPMA requires that the BLM manage America's public lands

for multiple-use and sustained yield. To accomplish those goals, FLPMA requires the BLM to prepare land use plans in coordination with other Federal agencies, state, local and tribal governments. The New Mexico Wildlife Federation believes that public input in resource management planning is an essential tool for balancing both the many competing uses of America's public lands and the many values of the diverse set of administrative stakeholders concerned with resource management issues.

The BLM's regulations regarding the planning process have not been updated in decades. In New Mexico, our members and supporters often state that the BLM planning process is too slow and opaque. Routinely, resource management plans are already outdated by the time they are finally completed and have cleared the hurdles of legal challenges. These facts create a situation wherein plans are not responsive to changing situations or demands on our public lands and do not use best practices or science to deal with new or ongoing issues.

In order to help the BLM address the complex issues facing public land management in a timely, responsive, and transparent manner, the New Mexico Wildlife Federation offers the following recommendations:

Involve the public early. Responding directly to our members, the New Mexico Wildlife Federation hopes that the BLM will adopt new rules that allow for the introduction of a planning assessment phase as the first step in the planning process. During this assessment phase, the BLM should solicit public comment to help identify public views, better define a planning area boundary, and collect information from the affected community. At the same time, BLM staff members should be gathering the best available peer-reviewed science. Public comments and

best available professional comments and science should be combined to create a “Preliminary Alternative.”

The “Preliminary Alternative” should then be made public and another round of comments should be initiated. These steps, which include two rounds of public comment, should all occur BEFORE the BLM creates and publishes a draft resource management plan. These new steps should be utilized in addition to the public process that already takes place AFTER the BLM publishes a draft resource management plan. At the point where a draft plan is made public, the process of public comment and revision should continue as before.

By recommending these two additional opportunities for public involvement in the BLM planning process, we are not advocating slowing the process down. On the contrary, the New Mexico Wildlife Federation believes that by engaging the public early in the planning process the BLM would make that process more efficient and effective. Early involvement of the public would render supplemental analyses moot and would reduce costly and time consuming litigation by alerting the BLM to concerns and legal pitfalls early in the process.

Once the draft management plan has been made available to the public, the minimum comment period should be extended to 100 days. Many of our members, who are average, everyday New Mexicans, have complained that BLM planning reports are highly complex and technical and that current comment periods allow too little time for them to work through and fully understand the issues. In order to increase efficiency, and recognizing that amendments typically involve a shorter process than full plans, comment periods on amendments could be reduced to 60 days. Making the public comment periods appropriate to the task would help both the BLM and the

public. Through this process, the BLM would become better acquainted with the wishes of the public, and the public would better understand the needs and constraints of the BLM.

Perhaps the most important step the BLM should take is to enhance the agency's working relationships with state, local, and tribal governments and with concerned NGOs. Both FLPMA and NEPA give other federal agencies, state, local, and tribal governments a special role in the planning process and include coordination and consistency requirements. When other government entities choose to participate as a cooperating agency, they work side-by-side with the BLM throughout the process, sharing information, documents, and other materials not available to the public. This courtesy should be extended even if the state, local, or tribal government entity does not choose to work as an officially cooperating agency. These entities are often the most affected by the management decisions made at the federal level, and therefore they should be made aware of the thought and planning process whether or not they are officially deemed a cooperating agency. Finally, because of the new opportunities for public involvement discussed above, NGOs will be able to engage in the process every step of the way—either directly at the public comment periods or indirectly by working with their local, state, and/or tribal governments—whether or not they choose to be officially cooperating agencies.

The BLM should engage in the planning process only with the highest quality information and such planning should be done at an appropriate scale. The BLM can only be flexible and meet the needs of the American people if it is guided by the best available science about all of the resources under its purview at every stage of the planning process.

Additionally, the BLM should, in all cases, identify planning area boundaries that make both administrative and on-the-ground sense. As under the current practice, the State Director should

be the final decision-maker, however, the BLM should develop a process whereby other decision-making processes and individuals could be identified and integrated into the BLM framework. For example, in the case of a planning decision that could impact a tribal nation to a major extent, placing final decision-making authority with the State Director and tribal leadership would make the most sense and be the most responsive form of planning. In order to bring this planning to reality, the BLM should use tested and proven best practices that consider the breadth of resource values, the uses that people make of those resources, environmental and ecological conditions on the ground, and the social and economic needs and concerns of the local community.

Finally, the New Mexico Wildlife Federation is aware that pressures on BLM lands have increased due to growing demands for use, competing uses, and resource issues such as invasive species and wildfire. Adapting to changes and working towards the best forms of adaptive management should be the goal of the BLM. To that end, resource management plans should state clear, easily understandable goals and objectives. Doing so will make future plans and plan amendments easier and allow for the use of evolving tools of adaptive management.

Sincerely,

Todd Leahy, Deputy Director

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