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FLPMA FROM THE PERSPECTIVE OF THE
BUREAU OF LAND MANAGEMENT

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THE FEDERAL LAND POLICY AND MANAGEMENT ACT

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Is there anyone here who does not know we are gathered to discuss the Federal Land Policy and Management Act? That it became the law of the land on October 26, 1976? That it is an historic piece of federal legislation? Good. Since time is of the essence in this discussion, FLPMA will be hereafter called The Act.

The desire to conserve our public domain has a long and distinguished history. Land use planning and subsequent conservation dates to 1891 when the first Timber Reserves were withdrawn from homesteading. The idea behind this movement was to preserve valuable timber areas while providing watershed for communities. The second reserve established was the White River Timber Reserve near Glenwood Springs, created in early 1891. From these first steps came land management. Later, the reserves saw grazing permits issued to control the numbers of animals. Timber cutting was regulated to slow the decimation of the west's forests. The Department of the Interior was responsible for managing these reserves and continued to do so until 1905 when the U. S. Forest Service was created.

The creation of the National Park Service in 1916 was equally conservation motivated. In this case prime examples of public lands were set aside for posterity. Rather than conserving resources for later use, this agency was mandated to preserve, intact, lands that were special. Again, the Department of the Interior oversaw this organization.

With such a rich background, it is little wonder that the BLM was, and is, a land management agency with expertise in planning and resource use. The Taylor Grazing Act of 1934 began our modern tradition of managing the public lands. In 1946 the creation of the Bureau of Land Management brought forth our modern agency. From that time, BLM has been in the land use business and continues a long tradition of management and conservation.

I find it particularly fitting that we are probing and analyzing The Act early in its eighth year, while at the same time we are celebrating the 50th anniversary of the Taylor Grazing Act.

Public land managers are famous for working into their speeches the subject of multiple use. Some sneak up on it while others weave it into what otherwise might be a humorous story. I will not tempt fate and jump directly to the subject. With full deference to those who worked so hard during the 92nd, 93rd, and 94th sessions of Congress to hammer out a legislation, let me suggest that some--but not all--of the opposition and conflict that created The Act, was brought about because the Bureau of Land Management had persisted in practicing multiple use management without a license.

From the perspective of BLM, the Public Land Law Review Commission in its 1970 submission, "One Third of the Nation's

Land," reflected many things that BLM was being challenged over, mainly our struggle to practice true multiple use land management, and our record of public involvement--or lack of it. Because the Commission focused on these, and other problems, the late Wayne Aspinall's group offered the Administration and Congress an opportunity to come to grips with land use problems and to assert leadership in an era of environmental unrest.

From the BLM viewpoint, The Act provided a surprising wealth of opportunities in seeking an equitable means of assuring maximum multiple use of our public lands. And, if we are in anyway to fault The Act, it is perhaps that while the opportunities that were afforded by it relate to people's needs, The Act may not reflect sufficient interest in the capability of the public lands to meet such needs.

Those were exciting times at BLM. After years of benign neglect, this little agency was touched by Congress, and recognized by that same body as a full-fledged land management entity capable of overseeing more than 400 million acres of public lands. Congress embraced our major philosophies, ratified our past use of discretionary authority and instructed us to go forth and do good with the land.

It solved all our problems. Since then we have been described by one Secretary as the rape, ruin and run boys, and

by yet another as those environmental twerps. Happily, both even learned to love us while they served in office.

While not written into The Act, there have been several management innovations of note. Prior to The Act, BLM and the public it serves, worked under a strongly centralized system of authority. With some exceptions, the decision-making level was in Washington, D.C. State Directors enjoyed little discretion and while they were held responsible for what went on in the lands, District Managers and, more particularly Area Managers, had lesser authority .

There was an obvious reason for this. You cannot delegate authority you do not have. Centralization was a matter of necessity, rather than desire. Today, BLM is decentralized. Area managers are making decisions once relegated only to the Director or State Director. Our public users are benefiting from this new "grass roots" live authority. They have embraced this new policy, and BLM has become far more efficient in dealing with rights of ways, drilling permits, and other localized actions that once took months or years. Now it is a matter of just a few days or several weeks at the most.

In addition to instructing BLM to preserve and protect our public lands, The Act also directed us to "manage in a manner which recognized the Nation's need for domestic sources of minerals, food and timber, and fiber from the public lands." At time of passage, BLM was in the business of leasing mineral

exploration rights to the public lands. Then we lost track of that same land, because the U. S. Geological Survey took over until the lease ran its course. Faced with not only a mountain of forms and regulations from one agency, the leasee also had to deal with yet another bureaucracy.

Then, the old Conservation Division of the Geological Survey became the Minerals Management Service (MMS) within the Department of the Interior. All on-shore mineral authority of MMS soon became part of BLM, when in 1982 these agencies were merged. People and activities formerly delegated to MMS are now with BLM and we have a new Division of Mineral Resources. Coupled with decentralization of authority, and BLM's new "one-stop" shopping minerals program, the tons paperwork and resulting delay are fading rapidly from the scene. All public land management is now under one roof.

Recently surfaced problems of BLM inadvertently offering known oil and gas resources under the simultaneous leasing program should never happen again, and serves as an example of the need to merge. The mistakes made were pre-merger errors. Now, since we are one, it is possible for BLM, as the single responsible agency, to quickly respond to the desire for a more streamlined approach to oil and gas leasing.

The Act, of course, created new regulations. At first blush, this could be interpreted as giving a Federal agency a blank check to run amok. Just the opposite occurred. BLM was

able to dispose of numerous conflicting regulations involving some 2,700 public land laws that were repealed by The Act. It also opened the door to re-write and simplify those regulations not affected by passage of The Act.

As for new regulations, fifteen have been created. None were adopted without full public involvement and scrutiny. For example, it took four years to come up with our (3809) regulations covering hardrock surface mining. In the end, even the mining industry supported the final product.

Returning to my primary subject, perspective, it should be explained that The Act is neither perfect nor is it the root of all evil. Many people blame things on The Act over which there is no control. For instance:

- General Mining Law of 1872
- 1920 Mineral Leasing Act
- Multiple Use Classification Act of 1964
- National Historic Preservation Act of 1966
- National Environmental Policy Act of 1969
- Wild Horse and Burro Act, 1971
- Surface Mining Control & Reclamation Act of 1977

Just to name a few.

The first new regulatory action dealt with the recordation of unpatented mining claims. We rushed this through, having only 90 days from the final passage date of The Act. This was good intention gone awry. You are going to hear more on this

regulation tomorrow from William Marsh. I'm quite interested in what he has to say. In Colorado, alone, we now have over 200,000 mining claims on file. That's 200,000 file folders. Have you ever seen a federal file with only one piece of paper in it?

As the Acting State Director, I am responsible for signing the various planning and environmental documents that we produce in Colorado. This is not a new task, because long before the Act passed Congress, BLM was in the planning business. Prior to the Act, land use planning was based on what we called Management Framework Plans. This document's foundation was resource based inventories and then alternatives were arrived at through conflict analysis. The process was fairly sophisticated, if a bit awkward. The Management Framework Plan was, and is, based on multiple use management and while the basic planning process remains alive, we now develop more products called the Resource Management Plan.

Planning calls for preparation and maintenance of an inventory of the public lands, and their resources, along with other values, as a part of the land use planning process. From BLM's perspective, the preparation and maintenance of such an inventory was not solely intended to change either management or use of the public lands. Inventory's role was for BLM to make this information available to State and local governments for their use in planning and regulating non-Federal lands in the area of public lands. This has, and will, continue to occur.

Given the increased demands on public lands from many sources, we need to plan carefully for multiple use, and sustained yield. The Resource Management Plan involves not only resource inventories, but the presentation of a range of alternatives for land use management. In this way, the public which is involved early in the process has maximum input, as envisioned by Congress. Various user groups ranging from industry to environmentalists have a chance to literally formulate a land use plan. In addition, state and local governments, usually having vital interest in the public lands, are deeply involved in the creation and review of BLM land use plans.

These plans are not simply tools for managing the public lands, for they also contain environmental assessment elements, such as grazing impacts or wilderness study area components. A land use plan is multiple purpose in nature. It can be a vehicle to deal with other concerns while planning for the future. In this way both time and money are saved and the public need is served.

As development of Resource Management Plans occurs, it should be remembered that the older Management Framework Plans are still in use. This is a testament to the quality of the pre-Act plans that BLM developed. As time goes along and as new plans are written, the older Framework Plans will be retired. But the information in them, including baseline

inventory, will be used in the creation of new plans.

The Act, and Bureau planning, recently survived a nearly direct hit. The missile was in the form of the well-intentioned, much maligned Asset Management Program. This program once was seen by its more ambitious promoters as the answer to retiring the national debt; among other things.

BLM wholeheartedly embraced the basic concept: dispose of those tracts of land that did not benefit either the public or the Federal government by remaining in Federal ownership. This was long one of our secret priorities--in fact, so secret it was not recognized by anyone as having anything to do with our budget. Asset Management opened the door to funding. We were finally successful in moving small, isolated acreages from public to private ownership.

When asset management first emerged, BLM said "well and good. But remember please, Congress has directed that we sell no land before its time. Until it has been run through the planning process, we cannot permit land disposal through sale, exchange, or give away."

Before the ink on The Act had dried, Colorado's State Director received a request from the Mayor of Rangely seeking title to public lands adjacent to her community. Rangely was landlocked. Thanks to planning, Rangely is now some 700 acres larger.

I mentioned Management Framework Plans. In our perspective these pre-Act, documented, decisions, reached with public input, were honestly arrived at, and generally remain in effect. For example:

The "mining versus wilderness": dispute was the environmental counterpart of a "guns versus butter" debate. Such an adversarial situation existed during 1974-75 in the Montrose District's American Flats-Silverton Planning Unit. American Flats is an area of 130,000 acres of craggy peaks, alpine meadows, and hardrock mineral deposits in southwestern Colorado. One prominent landmark is 12,300-foot Red Mountain, which lies about 3 miles south of Lake City.

Environmental groups long articulated that Red Mountain should be included in a proposed Primitive Area of some 24,000 acres. (Remember, this was before The Act. We were still in our "primitive" stage of wilderness management). An iron oxide vein sweeping across the south side of Red Mountain gives the peak its color and its name. Earth Sciences, Inc., of Golden, saw another beauty in Red Mountain; alunite. Earth Sciences staked claims in a nearby 1,667-acre area.

Through public participation and the planning system, a potentially bitter struggle was diffused. Wilderness advocates reasoned that obvious mineral values should not be ignored, while Earth Sciences also compromised agreeing to strict stipulations if a workable deposit was discovered. BLM has

continued to work under the decisions reached in the original Management Framework Plan, and now has under consideration an application from Earth Sciences to proceed with its mining plan.

It is not so much that the rules of the public land management game have changed as it is that there are many new players. There are new definitions of the public interest, new constituencies to be served, and new claims as to the resources of our public lands.

The passage of The Act in 1976 mirrored a broadening national recognition that the public lands are the heritage of all Americans and that decisions about how these lands are to be used should reflect the broadest possible participation and debate. By doing so, The Act established that the policy of the nation was to manage the public lands under the principles of multiple-use and sustained yield and that decisions on the use of these lands would be based up on detailed inventories of a resource base, comprehensive plans detailing alternative levels of use, extraordinary levels of public participation, and a careful balance among competing users.

I see my discussion as being embraced in two questions:

1. Did the Congress do the right thing when it passed FLPMA? And,
2. Is the Bureau doing a good job of carrying it out?

While The Act and its subsequent implementation can honestly be said to be the result of a steady evolution of attitudes and values about the public lands, the significance of management changes in the last 8 years cannot be overstated. I want you to know we in BLM continue to believe that Congress acted with vision and balance in casting The Act and the laws both leading to or springing from it. It is our basic intention to manage the land so as to make this law work.

The Act is not "Western" legislation. It is nationwide in scope and effect. The needs of the West are, in many respects, reflective of the demands of the rest of the nation. They read like a litany for multipleuse: expediting yet carefully pacing mineral and energy development; ensuring the health of livestock industry and communities that depend on it, while restoring and increasing rangeland productivity; providing for community growth; protecting water resources and assuring their availability to permit growth; finding places for recreation activities of all kinds, from hunters and fishermen to wilderness hikers and ORV users; improving access for a wide variety of users; protecting wildlife habitat for both economic and conservation purposes; preserving agricultural land and our great open public land traditions, and protecting the finest of our natural, historical, and cultural heritage. No matter how you cut it, the West faces the same challenges as the whole nation.

In a primary approach to these concerns, BLM has reemphasized its commitment to a better, more open, more cooperative approach to managing the public's resources -- an approach that promises consultation, participation, expedited decisions, and decentralization while striving to meet, wherever possible, both unique western needs and the broad national interest.

BLM intends to stick to these principles and we invite all who share an interest in the Public Lands the West and the rest -- to work with us today, tomorrow, and in the years ahead to assure the best stewardship of your public lands.