

Congressional Testimony from
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House Committee on Natural Resources
Subcommittee on Oversight and Investigations
United States House of Representatives
Oversight Hearing on “State Perspective on BLM’s Draft Planning Rule 2.0”
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[Chairman Bishop], Chairman Gohmert, Ranking Member Dingell, and members of the Subcommittee, I am honored to be here and thank you for this opportunity.

I am here today to voice my strong opposition to BLM Planning 2.0. It is my experience that BLM planning is most effective and durable when the BLM works side by side with states and counties to understand land management challenges and opportunities. When I was at the BLM, I felt so strongly about this that we developed a rule that mandates a process for rigorous cooperative engagement with state and county officials. State agencies bring data, expertise, and a history with the land that the BLM doesn’t have. County commissioners are able to articulate the interests of the people they have been elected to represent. While the system is not perfect, Utah has many examples of truly effective cooperation between the BLM and state and local governments that has resulted in workable compromises and practical solutions that are good for both the land and the people.

In my opinion BLM Planning 2.0 will fundamentally undermine the role of state and county governments in BLM planning. Although the official position of the BLM is that the planning rule will not impact the BLM's relationships with cooperating agencies, in practice, I believe that the rule as proposed will significantly marginalize the role of cooperators and will dramatically diminish their influence. Let me share with you a few examples.

The BLM proposes a shift in planning philosophy towards what is called **“landscape scale management.”** This is planning on a large scale that may extend across state borders. Planning areas will not be fixed as they are now, but will be established arbitrarily by BLM officials. For example, such a policy, if adopted, could very well lead to a Great Basin Resource Management Plan that includes portions of both Utah and Nevada. Or it could lead to a Colorado Plateau Resource Management Plan that includes three or four different states. This sort of multi-state management will force the BLM to juggle consistency with several different state land use plans. It will have to consider and respond to different policy positions of multiple governors. I believe that this proposal for multi-state landscape management will prevent the kind of close coordination between an individual state and the BLM that Congress envisioned in FLPMA. The biggest losers from this proposal will be state governments and the actual landscapes, which require highly localized and fine-tuned management.

Utah possesses an incredibly diverse array of small, unique landscapes. They need specialized attention from the BLM. To be successful, land management must offer a plan for stewardship, monitoring, and funding for land treatments. Effective management plans require local input and expertise, not one-size-fits-all directives for large multi-state areas. BLM planning should encourage greater specification for small landscapes contained within a single state. Without the engagement and buy-in of state and county elected officials in BLM planning, support for BLM plans will be diminished and success compromised.

BLM 2.0 also proposes to weaken the role of its own State Directors and Field Office Managers. Currently, the Utah BLM director has broad decision-making authority within the State, which allows for strong partnerships with state elected officials and their representatives. I have a very positive relationship with the BLM's Acting State Director in Utah, Jenna Whitlock. I see her often and we communicate regularly. This close association has allowed both of us to understand the different sides of a problem, make compromises, and resolve difficult issues resulting in win-win solutions. Unfortunately, BLM Planning 2.0 could strip BLM State Directors of much of their decision making authority, putting it in the hands of what the BLM calls "deciding officials." These deciders could be anyone, such as a bureaucrat in Washington D.C. or some other third party brought in for a specific land use plan. There appears to be no requirement that the deciding official live in Utah or have real life experience with Utah lands or culture. The relationship of trust that currently exists between BLM state

directors and state elected officials will be fractured as more BLM decision are made by BLM with employees with no ties to affected states.

The BLM proposes a similar dilution to the role of its field office managers. Currently, the boundaries of most BLM field offices closely align with county borders. This facilitates effective cooperation between BLM field office managers and county commissioners. I know county commissioners who consider local BLM field office managers and staff to be personal friends. They meet often and resolve issues as partners, not as adversaries. But under BLM Planning 2.0, field office managers may be relegated to the side-lines, making room for what the BLM calls “responsible officials.” This vague policy could shift decision-making power to far-removed BLM employees who have no history with the planning area and will never experience the real-world impact of his or her decision making. The BLM should withdraw this proposal so as to not impair these critical relationships between state directors, field office managers, and elected state and county officials.

Another very troubling matter proposed in BLM 2.0 is the introduction of a new step in the agency’s planning process. They call this step the “Planning Assessment.” The BLM purports that this “planning assessment” will “help the BLM better understand public values.” The “planning assessment” will include open public meetings at the very beginning of a planning process. The problem is that the BLM doesn’t propose any additional coordination with elected state or county officials. Under the proposed rule, state and local governments would have the same role during the “planning

assessment” as environmental organizations, special interest groups, and the general public. If unelected special interest groups have an equal seat at the table during the “planning assessment,” the role of state and local governments as cooperators will inherently be diminished. Key decisions and direction will likely have already been set before cooperating agencies ever have a chance to meet privately with the BLM.

The BLM says that it wants to better understand public values, but chooses to ignore the fact that the citizens within a given jurisdiction have elected their leaders to faithfully represent their values and protect their interests. Elected officials rightly represent the values of the majority of voters in their jurisdiction, not the values of the loudest, most well-funded interest groups. To comply with both the letter and the spirit of FLPMA and NEPA, the BLM must provide for formal coordination with state and local governments from the very beginning of its planning process.

FLPMA explicitly requires that BLM plans be consistent with local land use **plans, policies, and programs**. Unfortunately, the BLM’s proposed rule requires the BLM to be consistent only with “official approved or adopted land use **plans**” of state and local governments, and allows the BLM to disregard land use “**policies and programs**” of state and local governments. This proposal is illegal as it is a clear violation of FLPMA. Not all counties have “officially approved or adopted land use plans,” and the BLM cannot ignore the consistency requirements in FLPMA merely because a county has a land use “**program**” or “**policy**” instead of an official “**plan**”. Utah’s is rapidly working to create official land use plans in all of its counties, but this

proposal could do great damage to rural counties all across the west that lack the resources to create official land use plans.

Conclusion

BLM Planning 2.0 has the potential to undue much of what currently works in BLM planning, and opens the door to a host of other problems and conflicts. We ask that the BLM withdraw the proposed rule and work with their legally identified cooperating agencies to consider a new rule that enhances state and federal cooperation and trust.

Thank you.