



U.S. Department of the Interior
Bureau of Land Management

Public Lands Rule

May 2024



Sacramento River Bend, BLM photo



Public Lands Rule

The Public Lands Rule delivers on the Bureau's promise to sustain the health, diversity, and productivity of public lands for present and future generations.





Public Lands Rule

- Comes at an urgent moment in the face of unprecedented drought, increasing wildfires, new and increasing use, and the declining health of public lands.
- Focuses on ensuring the Bureau manages for landscape health to achieve its multiple use and sustained yield mission.
- Clarifies conservation as a use within FLPMA's multiple use framework.



Public Lands Rule



Restore lands back to health



**Provide for
informed decision-making**



Protect important landscapes



Protect Important Landscapes



- Maintain intact, functioning landscapes
 - Provides direction to identify intact lands and manage certain intact lands to support wildlife habitat, migration corridors, and ecosystem function
 - Requires the BLM to maintain a publicly available database of landscape intactness data
- Provide for consistency in prioritizing the designation and protection of Areas of Critical Environmental Concern (ACEC) -- a requirement of the Federal Land Policy and Management Act
 - ACECs are managed to protect specific wildlife species, values (such as fossils), uses (such as recreation or research) or natural hazards.
- Promote locally driven and locally led conservation



Restore Lands Back to Health



- Directs land managers to identify and prioritize lands and waters for restoration and create a restoration plan for those priority landscapes every 5 years, which builds on investments under the **Inflation Reduction Act** and **Bipartisan Infrastructure Law**.
- Establishes the process for applying for, evaluating, analyzing, and granting restoration leases and mitigation leases, including suspension and termination, determining noncompliance, and setting bonding obligations.
- Mitigation leases provide for compensatory mitigation funds to be invested on public lands in a consistent and durable manner for the first time.
 - Responds to state, local, and industry partners who requested a clear path for compensatory mitigation to facilitate balanced development – and provides for durable mitigation to take place on public lands



Restoration Leases and Mitigation Leases

What are restoration and mitigation leases?

- These leases are a mechanism to provide durable mitigation and restoration work on public lands
- Leases may be issued in response to proposals submitted to the BLM and for two purposes only:
 - To restore a degraded landscape to a more natural, resilient ecological state; or
 - To mitigate impacts to resources resulting from other land use authorizations
- The BLM will evaluate collaboration with other permittees and compatibility with uses as part of assessing a potential lease.
- Leases do **not** override valid existing rights, privileges or preclude other, subsequent authorizations compatible with the lease.
- Leases will not be issued to foreign entities.





Ensure Informed Decision-Making through Land Health Standards

- Incorporates consideration of land health into all decision-making (not just grazing) by:
 - Acknowledging overarching goal to manage all programs to achieve or make significant progress toward achieving land health standards.
 - Conducting comprehensive watershed condition assessments and watershed land health evaluations to understand public land condition.
 - Streamlining the process to focus more time and effort on addressing any identified problems and improving habitat conditions.
 - Using those results to inform authorizing and managing all uses on the public lands, recognizing that dedicated uses of some areas (such as those with other authorizations or disturbed lands prioritized for development) will affect how land health information is used.
 - Making land health information available to the public.
- Provides for the BLM to work collaboratively with public land users and stakeholders in both the evaluation of land health and management for land health



Ensure Informed Decision-Making through Land Health Standards

- Provides information on land health by requiring the BLM to:
 - Develop, review and amend national land health standards every 10 years, provides option for States to adopt regionally specific standards.
 - Use existing land health standards while developing additional standards (many ecosystem types have existing standards).
 - Complete watershed condition assessment every 10 years.
 - Conduct land health standards evaluations on all BLM-managed land every 10 years that are informed by watershed condition assessments. For areas not meeting standards, conduct a causal factors determination within 1 year.



Ensure Informed Decision-Making

- Promotes Tribal Engagement:
 - Requires meaningful consultation with Tribes and Alaska Native Corporations during decision making processes and identifies opportunities for Tribal co-stewardship
 - Provides opportunity to be co-leads or serve as cooperating agencies in the development of environmental impact statements or environmental assessments;
 - Respects and directs the inclusion of Indigenous Knowledge as part of incorporating science and data to support decision making



Extensive Public Engagement

- Public Comment:
 - 90-day comment period (original 75-day comment period extended)
 - 5 public meetings: 3 in-person and 2 virtual
- In addition, held dozens of meetings:
 - congressional briefings
 - states and state agencies
 - grazing, recreation, renewable energy interests – including presenting at conferences and events
- More than 216,000 people voiced their opinions in more than 150,000 comment submissions – approximately 8,400 substantive comments
 - majority generally supportive of the rule
 - smaller portion proposed changes
- The rule maintains general structure and content from proposed rule; updating and clarifying to reflect input received



Refinements from draft: Leases for restoration and mitigation

- Changes nomenclature from “conservation leases” to “restoration leases” and “mitigation leases”
- States explicitly that restoration or mitigation leases would only be authorized if they do not conflict with existing authorizations
- Adds opportunities for conservation districts and state wildlife agencies to hold restoration leases; prohibits foreign entities from holding leases
- Removes “enhancement” as a purpose for a lease, references as a potential outcome
- Identifies factors that will make a proposed lease more likely to be accepted, including collaboration with existing permittees/adjacent land managers, work with local communities, consideration of environmental justice, and desired outcomes are consistent with existing land management (such as management for recreation or permitting development)



Refinements from draft: ACECs

- Retains overall approach to update existing Areas of Critical Environmental Concern regulations to better ensure that the BLM is meeting FLPMA's requirement to give priority to the designation and protection of ACECs.
- Further clarifies the process for considering, designating and managing ACECs, primarily during the land use planning process.
- Clarifies how an ACEC should be designated in order to protect important values, while specifically addressing how BLM will consider ACECs proposed in areas identified for development or during evaluation of a proposed action.
- Specifies how to carry out temporary management of proposed ACECs in situations where this may be needed, while emphasizing BLM's discretion in conducting evaluations and applying temporary management.



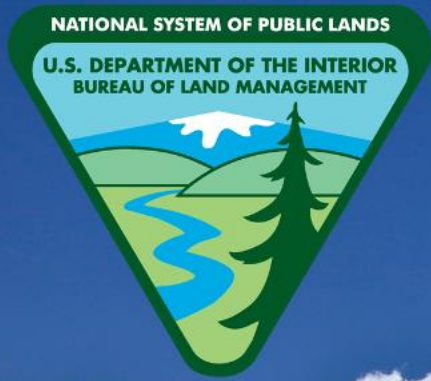
Refinements: continued

- States that sustainable recreation is compatible with conservation, including restoration and mitigation leases, and that the rule is not intended to prevent or decrease recreation use.
- Identifies habitat connectivity and old-growth forests as important elements of ecosystem resilience and intact landscapes.
- Emphasizes use of watershed condition assessments and national standards for evaluating land health, identifies efficiencies for incorporating this information into decision-making, clarifies how trends toward meeting land health standards informs management.
- Reiterates that development, including clean energy, would continue to be permitted, while emphasizing importance of avoiding or minimizing impacts, and when the impacts are unavoidable, using compensatory mitigation, including through mitigation leases.
- Continues to emphasize and elaborates on opportunities for Tribal co-stewardship and the importance of incorporating Indigenous Knowledge in decision-making.



Next Steps:

- On May 9, 2024, the BLM published the [Public Lands Rule in the Federal Register](#).
- On June 10 the Public Lands Rule goes into effect.
- Additional material available: <https://www.blm.gov/public-lands-rule>



QUESTIONS?

