

**Remarks of Rachel Kondor, Senior Staff Attorney and Planning Manager
The Wilderness Society
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My name is Rachel Kondor, and I am a Senior Staff Attorney and Planning Manager with The Wilderness Society, and I am joined by my colleague Michael Carroll, our national BLM Campaign Director and Michael Spears with MOS Research LLC. We appreciate the opportunity to speak with OIRA about BLM's forthcoming proposal to revise its land use planning regulations, including provisions related to designation of Areas of Critical Environmental Concern.

The Wilderness Society is a national non-profit organization that works to unite people to protect America's wild places. Founded in 1935, we are headquartered in Washington, D.C., with offices throughout the country. We have over one million members, supporters and followers nationwide. TWS has longstanding expertise and a history of engagement on a wide range of matters concerning public lands, including land management planning and the designation of ACECs.

Today, we want to emphasize that BLM's planning regulations are not merely procedural, they are the mechanism Congress established in FLPMA to ensure that public lands are managed transparently, deliberately, and for the benefit of present and *future* generations. Our remarks will focus on why strong planning requirements, meaningful public and Tribal engagement, and clear ACEC procedures are essential to fulfilling BLM's statutory obligations.

Specifically, we will discuss how FLPMA's purpose and vision for public lands are carried out by and through the detailed body of existing planning regulations. We will discuss how planning regulations preserve the public's ability to engage with federal agency officials in the development and maintenance of plans for their public lands. We will also discuss FLPMA's emphasis on the designation of ACECs which allow for the preservation and protection of irreplaceable natural, historical and cultural resources. And, we will tie the current effort to revise planning and ACEC regulations to other efforts across the federal government that are designed to rollback and dismantle protections for irreplaceable natural and cultural resources across all our public lands and are resulting in reduced public input and more resource extraction. We urge BLM to retain the strong public participation elements of the planning and ACEC regulations to ensure our public lands are managed in a way that honors FLPMA's promise.

- **FLPMA's Vision and Mandate**

In 1976, Congress enacted FLPMA to end decades of fragmented, ad hoc public land management. Congress recognized that the many demands placed on public lands, including livestock grazing, mining, energy and mineral development, and rights-of-way, were colliding with changing societal goals placing a stronger emphasis on recreation,

conservation, watershed protection, cultural resources, and wilderness values. These many demands could not be responsibly reconciled one project or lease at a time. FLPMA's answer was a durable national commitment: BLM must manage public lands for multiple use and sustained yield, with decisions guided by a long-term vision rather than short-term pressure.

To make that commitment real, FLPMA requires a comprehensive land use planning framework that looks across entire landscapes, weighs present and future needs, and determines where particular uses are appropriate before individual projects move forward. Planning is what transforms Congress's broad promise into meaningful direction on the ground.

But statutory vision alone is not enough. The planning regulations are the practical engine of FLPMA: they require BLM to gather and evaluate current resource information, consider a range of management options, assess tradeoffs among competing uses, consult with Tribes and governmental partners, and provide meaningful opportunities for public participation. These safeguards help ensure that public land decisions are informed, transparent, and durable. Weakening them would erode Congress's vision of public lands managed openly, carefully, and in service of generations to come.

Resource management plans are where that future is shaped. They determine what activities may occur on the landscape, where they may occur, and under what conditions. They protect wildlife habitat, cultural resources, recreation values, watersheds, and other irreplaceable resources, while also providing clarity for development and other authorized uses. Because every subsequent management decision must conform to an approved plan, the planning stage is often the most consequential moment for deciding the long-term fate of public lands.

For that reason, BLM's planning regulations and ACEC designation procedures are not merely administrative details. They are the tools that make FLPMA's promise tangible, ensuring that public lands are managed with care, foresight, and accountability, and that their values are sustained for the public today and for future generations.

- **FLPMA Requires Prioritizing ACECs**

A central pillar of FLPMA is Congress's directive that BLM "give priority to the designation and protection" of Areas of Critical Environmental Concern. ACECs are not an optional conservation overlay or a discretionary regulatory preference; they are a statutory tool Congress singled out to safeguard places with exceptional historic, cultural, scenic, ecological, wildlife, and other values. Through ACECs, FLPMA gives BLM both the authority and the responsibility to identify irreplaceable places before they are degraded and to provide the special management attention needed to protect them.

The planning regulations are what make that statutory command meaningful. They require BLM to identify and evaluate potential ACECs throughout the planning process, apply relevance and importance criteria, provide public notice and comment, and carry protective management measures into approved resource management plans. In this way, ACEC procedures turn FLPMA's broad protective mandate into concrete, landscape-level decisions that shape how public lands are managed for decades.

Strong ACEC procedures in theory also reflect the best of FLPMA planning: they are intended to be grounded in inventories, science, transparency, and meaningful public and Tribal engagement. Implemented and designated as FLPMA intended, they would ensure that nationally significant resources receive focused consideration before irreversible decisions are made, while providing clarity and predictability for communities, Tribes, and land managers alike. BLM must continue to prioritize ACECs in land use planning as the statute requires, including by maintaining clear procedures for identifying potential ACECs, evaluating their relevance and importance, accepting public input and citizen proposals, and adopting the management protections necessary to sustain designated areas over time.

With that statutory and regulatory framework in mind, I'll turn now to Michael Spears, who will discuss the 2023 NATHPO-TWS report we submitted for the record and speak to the potential of ACECs for the management and protection of places of cultural importance to Indian Tribes, and how the current regulations support the prioritization of defining ACECs during planning.