

THE BIDEN ADMINISTRATION'S BUREAU OF LAND MANAGEMENT

REPORT

Rebuilding an Agency to Meet Today's Challenges



I. Where We Are Today

As the Biden administration nears its halfway point, there are encouraging signs of progress and plenty of room for growth when it comes to conserving public lands. The Biden administration has made strides towards reigning in extractive industries that operate on public land and has leaders in place who embrace the importance of climate action and species protection. Still, stronger leadership from the Biden administration and within federal land agencies is critical to act on both the climate and biodiversity crises. No public lands agency more epitomizes the challenges and opportunities ahead than the Bureau of Land Management (BLM) – the country's largest land manager at more than 245 million acres.

On the campaign trail and in office, President Joe Biden, Interior Secretary Deb Haaland, and BLM Director Tracy Stone-Manning have pledged to undo the Trump administration's rush to sell off public

lands to the highest bidder. That's a welcome change from the Trump administration's Department of the Interior that was run by industry lobbyists and anti-public lands crusaders who favored extractive industries over land conservation. During the Trump administration, budget cuts, a hollowed-out leadership corps, and a bungled relocation of BLM headquarters all served to undermine the mission of the agency and the dedicated staff charged with stewarding BLM lands.

Now, Biden's administration has an important chance to build a conservation legacy and culture within BLM. The administration's signature "America the Beautiful" campaign lays out a grand vision of public lands critical role in conserving 30% of lands and waters by 2030. In order to make that vision a reality, BLM will need strong leadership and support systems for workers in the field. It will also need concrete commitments and standards that ensure land that's being counted as conserved remains in a natural state that serves native and endangered species.

The consequences of inaction by BLM are clear and immediate. BLM managed lands were responsible for more than [900 megatonnes of greenhouse gas emissions](#) in 2020. That's far more than the [entire country of Canada's](#) greenhouse gas emissions. In the "Sagebrush sea," the vast landscape of the interior West where BLM land dominates the landscape, habitat destruction and climate driven catastrophes are [driving the entire ecosystem to the brink of collapse](#).

Biden's BLM has failed to match the urgency of the current moment with action. For the most part, the agency has continued to conduct business as usual and shirked the comprehensive reforms needed for the fossil fuel leasing, mining, and grazing programs. Now, the clock is ticking and leadership within the administration must seize the closing window of opportunity to right the ship at BLM. Without strong political leadership within the administration and agency, and major investments in agency staff, the Biden administration will fail to meet this critical moment.

BLM must act swiftly and boldly to confront the challenges of climate change and biodiversity loss. Several key areas of focus which will require stronger leadership within the agency and the support of the Biden administration and Congress are:

- Addressing staff shortages and increasing the quality of the jobs;
- Improving the Agency's politics and culture; and
- Overcoming legal and policy shortcomings.

II. Address Staff Shortages and Increased Responsibilities

The ranks of BLM staff have seen a steady decline over the last two decades. The agency's workforce was reduced by roughly 20% from 2003-2020. The Trump administration's treatment of BLM underscored how vulnerable the agency is to political turmoil and the continual winnowing of its already threadbare ranks. During the Trump administration, many of the most experienced BLM staff members were lost when the administration briefly moved agency headquarters from Washington D.C. to Grand Junction, Colorado. Staff members were also shuffled around, and often plucked from their field of expertise, in order to support the Trump administration's drive to lease more BLM land to extractive industries.

BLM staff members are charged with a wide breadth of tasks that mirror the diverse uses of BLM lands. The agency employs law enforcement, environmental planners, firefighters, oil and gas site inspectors, and range technicians to name just a few of the wide variety of positions at the agency. In

recent years, agency staff has been increasingly concentrated in occupations that focus on extraction over conservation. Added pressure from the growing size and intensity of rangeland fires has also strained agency staff.

BLM staff often face political whiplash from administration to administration. The ongoing transition from the Trump administration to the Biden administration is a clear example of the politicization of the agency. During the Trump administration, the agency was run by political appointees who sought to undermine the agency's resource protection role by opening more land to extraction, cutting staff, and evading Congressional oversight. Now, the agency is being asked to pivot towards a greater focus on conservation, but often lacks the capacity and leadership to do so effectively and boldly.

This pendulum swing takes a toll on the rank and file of the BLM workforce. In 2021, BLM's score dropped again, and it was ranked in the bottom quarter of all federal agencies in the [annual Best Places to Work survey](#).

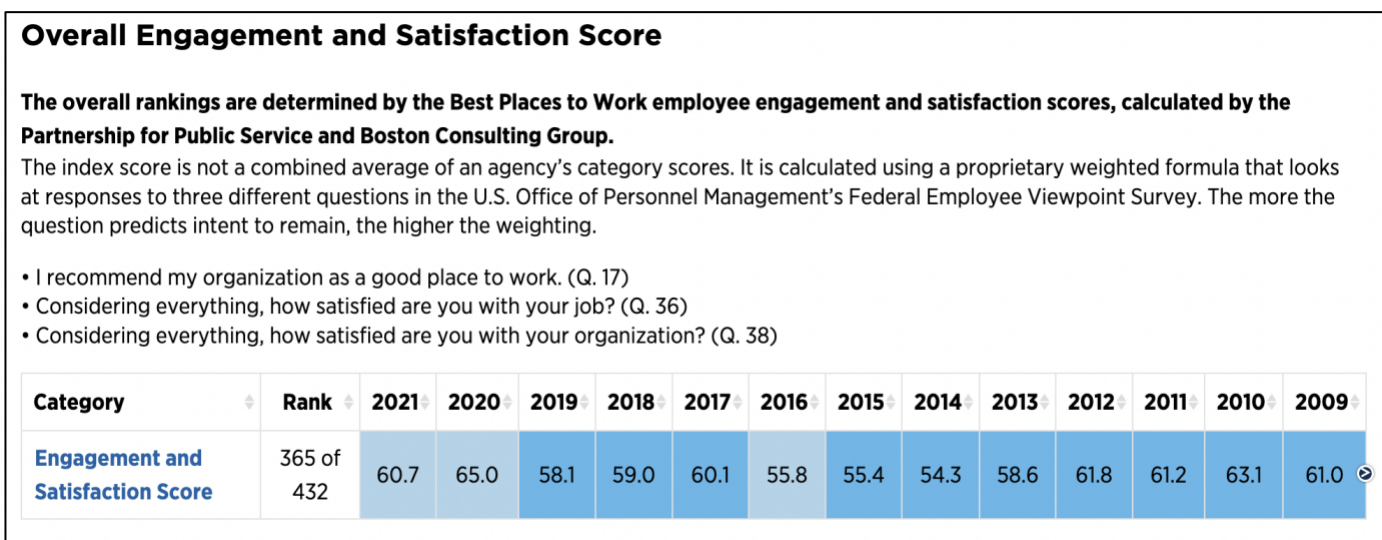


Figure 1. Best Places To Work | <https://bestplacetowork.org/rankings/detail/?c=IN05>

Pressure to process permits and prioritize economic considerations has meant that agency staff are increasingly desk bound with few resources to do the vital site assessments, law enforcement, and habitat restoration work. This problem is especially acute for programs like BLM's grazing program. Public Employees for Environmental Responsibility (PEER) centralized BLM data, revealing that as of 2020 more than a quarter of grazing allotments, spanning more than 41 million acres, do not have up-to-date land health assessments. BLM land health assessments are vital information when it comes to minimizing ecological damage by livestock and holding grazing permittees accountable.

The decline in staff has occurred during a time when BLM has seen explosive growth in visitation to agency lands. In the last decade, BLM estimates the recreational visits have ballooned nearly 25%, from about 59 million in 2010 to over 73 million in 2020.

An instructive example of the on the ground impacts of growing visitation and shrinking staff is the Red Rock Conservation Area just outside of Las Vegas, Nevada. There, red rock formations in the sandstone draw visitors from the sprawling metropolis to off-road, mountain bike, and hike.

Staffing levels at the conservation area have remained flat as visitation has increased from 200,000 visitors per year in the 1980s to 3.5 million in 2020. The land in the conservation area itself has also more than doubled during that time. As crowds and lands have grown without commensurate increases in staffing, infrastructure and staff have struggled to match the challenges posed by increased visitation. Unauthorized mountain bike trails now tear through important historical and cultural sites. Graffiti mars canyon walls. Cultural sites face an accumulation of trash and increased looting.

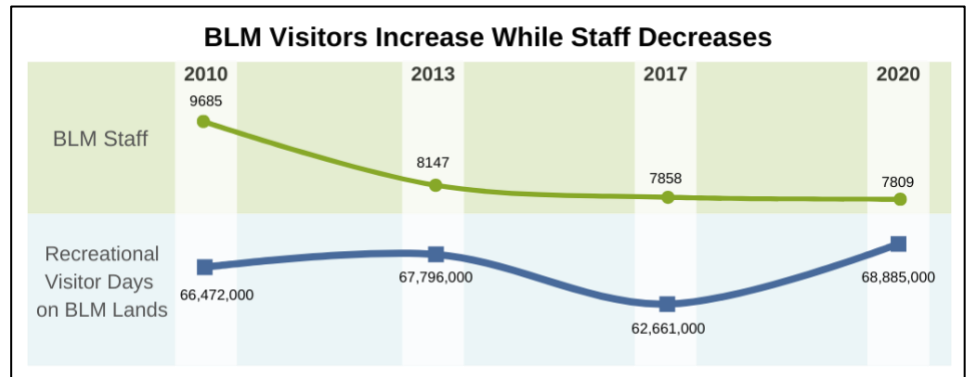


Figure 2. <https://www.blm.gov/about/data/public-land-statistics>

A. Add Staff to Address Law Enforcement Needs

BLM needs to significantly increase the number of ranger staff it employs. BLM employs only about 200 rangers, well below the 224 rangers on patrol in 2012. BLM rangers have a broad range of responsibilities essential to a well-functioning land management agency. Rangers are charged with law enforcement powers and undertake search and rescue operations and are charged with investigating or deterring a wide range of resource offenses, including wildland arson, hazardous materials dumping, and archaeological artifact theft.



BLM Photo

With an estimated 70 million recreational visits this year, each BLM law enforcement ranger is now tasked with safeguarding some 35,000 recreational visitors on average, annually, over an area approaching the size of Delaware. BLM law enforcement rangers patrol one-tenth of the country's land area with a force smaller than those of many mid-sized cities.

One effect of the chronic understaffing of BLM law enforcement functions appears to be fewer criminal cases relating to Interior resource protection brought and prosecuted in a generation. PEER has compiled U.S. Department of Justice figures held in TRAC at Syracuse University and found that between the years 2000 and 2021, at the Department of the Interior:

- Criminal referrals for prosecution dropped 70% (from 6,082 down to 1,812)
- Prosecutions filed off those case fell 67% (from 4,233 to 1,381)
- Convictions secured declined 74% (from 3,328 to 919)

BLM law enforcement also has increased border security responsibilities. BLM helps protect the public lands along the border and are regularly detailed to work with Border Patrol and other law enforcement agencies in the areas of illegal smuggling, resource protection, and identifying transnational threats. In addition to law enforcement rangers, BLM currently deploys 70 special

agents, used primarily as detective-level criminal investigators, which represents the same agent force level that BLM had 30 years prior in 1992.

B. Engage in Long-Term Planning

While individual sites suffer from understaffing and the absence of federal law enforcement capacity, the agency also faces challenges in terms of workforce planning and senior leadership vacancies. A [Government Accountability Office report from 2021](#) found that the agency does not have a long-term plan to effectively staff and manage its workforce. A near-term impact of this inadequate planning is an overreliance on detailing staff to fill key positions at headquarters and in state offices. This constant churn of senior employees disrupts continuity in the agency and delays planning processes as staff face “confusion and inefficiency” in addressing core agency functions like policy direction and guidance.

In order to face the growing demands on BLM and rebuild after years of understaffing and the turmoil of the Trump administration, the agency must address several key areas both internally and with the support of Congress. BLM should:

- Be staffed with at least 15,000 FTE employees. The Biden administration has proposed 10,952, but this is not enough for an agency with an increasingly complex mission to balance productive land use and conservation. BLM has the highest amount of land managed per staff. In order to meet growing user demand and conservation imperatives, BLM needs a workforce commensurate with the demands placed on it.
- Prioritize positions that work on land conservation and on the ground management by shifting resources away from fossil fuel leasing programs. BLM needs to rebuild its rangeland monitoring capacity to ensure that grazing isn’t damaging fragile ecosystems and to update permits through appropriate environmental planning processes. The agency also needs staff and law enforcement units that have the capacity to respond to permit violations and hold violators accountable.
- Develop and implement a long-term staffing plan that allows the agency to effectively manage its workforce and staff the positions needed to fulfill its multiple use mandates. An important aspect of this change is stopping the constant churn of employees that hurts continuity and creates chain of command challenges in agency decision-making.

Walter Loewen: Collateral Damage

PEER attorneys represented whistleblower Walter Loewen [challenging his dismissal from the BLM](#). The case highlights how the Biden administration should be protecting employees who stood up to the excesses of the Trump presidency. After reviewing an oil and gas project in Wyoming, Loewen raised concerns with its potential to increase mortality of raptors and other wildlife. In response, Loewen was removed from the Converse County Oil and Gas Project, disciplined, and ultimately fired, because of his concerns. To fire Loewen, the BLM relied on a Trump-era firing policy that opened the door to favoritism, retaliation and discrimination against federal employees and ignored an Executive Order [issued by President Biden on the federal workforce](#).

Loewen, a military veteran, had spent the past 16 years as a specialist in implementation and planning under the National Environmental Policy Act. He had done this work in several other agencies and worked for the last six years at BLM in Wyoming. He had received cash awards and other recognition for the quality of his work. Peter Jenkins, PEER’s Senior Counsel stated *“Moving forward, BLM will need conscientious employees like him to ensure environmental concerns are not swept under the rug as they so often were under the Trump Administration.”*

III. Improve Agency Politics and Culture

BLM's pivotal role in acting on the climate and biodiversity crises requires a reorienting of the agency's priorities and culture. For too long BLM has been reduced to a shop steward for extractive industries, earning the agency the derisive nickname: "Bureau of Livestock and Mining." Now, the agency is being asked to pivot towards a greater focus on climate and conservation. In order to do so, there must be a major overhaul of BLM culture led by strong leaders who value conservation.

Management priorities at BLM have a history of mirroring the short-term economic interests of local industries. In fossil fuel rich communities in Wyoming and New Mexico, the agency has skewed towards promoting extraction. In public lands ranching communities across the West, the agency has worked hand in glove with ranching interests and local politicians, primarily County Commissioners. This tight relationship with resource users is a natural outgrowth of the agency's resource use mandate and the natural resource dependent economies of the rural West.

BLM appears to be attempting to address the imperative conservation challenges by rethinking the oil and gas leasing program. After a pause on lease sales, courts forced the agency to set new sale dates. We have seen that there have been reductions in both parcel sizes and parcel numbers, and the agency has supplemented the sales with additional planning documents. However, BLM has work to do to truly untangle itself from decades of cozying up to industry and must make decisive changes to protect natural resources.

One of the important ways for the agency to shift its mission to one of conservation over exploitation is through the establishment and management of National Conservation Lands. National Conservation Lands include designated national monuments, wild and scenic river corridors, national conservation areas, national scenic and historic trails, and wilderness study areas. Currently, less than 15% of BLM Land is managed for these conservation purposes. The expansion of these land designations, through congressional action or agency management planning processes, is an important means to improving resource protection on BLM lands.

Bundy Family Battles: Icon of a Dysfunctional BLM



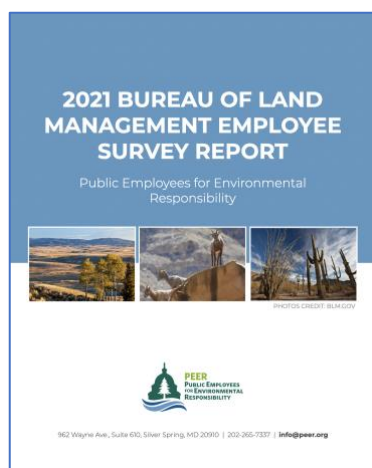
Photo | Gage Skidmore

A stark reminder of the inability and unwillingness of BLM and the federal government to hold public land despoilers accountable is the ongoing grazing of Bundy cattle on Gold Butte National Monument in southern Nevada. The Bundy family, who famously waged an armed resistance of their cattle in 2014 — after decades of unpaid grazing fees and ongoing trespass on legally protected public land — continues to operate with impunity.

The federal government's fecklessness in the face of unapologetic law breaking is unacceptable and invites others to disregard public lands law. Scholars note the direct line of civil disobedience from armed standoffs on BLM lands to the insurrection at the Capitol on January 6, with many of the same players participating. The lack of acknowledgment of the agency's legitimacy is also symptomatic of an agency that lacks a cultural commitment to upholding conservation mandates in the face of rancher resistance.

As the economy and cultural identity of the West continues to change, BLM must play catch-up when it comes to serving resource protection over exploitation. The good news is there is growing public support for action on climate and conservation. [Public opinion polling](#) of voters in eight interior West states show that climate change and conservation are critical and growing concerns in the region. Around three-quarters of Westerners recognize the importance of public lands for local economies and support the Biden administration's goal to protect 30% of land by 2030. [Most Westerners also believe](#) that climate change is happening and that Congress should be doing more to act on climate.

BLM staff have also expressed a desire to see more action on climate. More than two-thirds of BLM staffers responded that the agency should do "more than we currently are" to focus its resources on climate issues, in an internal agency survey released this March. Staffers had specific recommendations like reevaluating how carbon is accounted for as a resource and engaging in carbon sequestration efforts through tree and shrub planting programs.



[PEER BLM Employee Survey Report](#)

A 2021 [PEER survey](#) of current and former staffers highlight the challenges BLM faces in becoming a force for conservation. More than three-quarters of BLM staff do not believe BLM land health and resource protection is improving. Most of the employees surveyed reported that BLM: does not have the staffing or resources to accomplish its mission, is not meaningfully integrating climate change into resource planning, does not prioritize resource protection, and is not relying on the best available science in decision-making.

In many cases, the roots of BLM's failures can be traced to cultural issues within the agency, including a culture of anti-intellectualism and cronyism. "The agency leadership down to the field office level is cynical about science," one employee reported to PEER. "There is an internal culture that dismisses the collection of evidence in favor of enriching itself."

That self-enrichment happens as political appointees seize control of agency decision-making by pushing extraction and overruling experienced decision-makers in the field. The approval of oil and gas nominations at the headquarters level rather than field office, and new processes that require field staff to consult with political leadership for essential tasks like Federal Register notices and lease modifications, undermine the ability of staff to carry out core functions of the agency.

Centralized decision-making within BLM has hurt transparency within the agency and made it more politicized. With that politicization has come a retaliation against employees for not towing the line and raising concerns about resource destruction. Scientists in the agency report getting removed from projects when their findings don't meet political goals and facing pressure to change their work when it doesn't match the desired outcomes of leadership.

The necessary culture shift at BLM will require strong leadership from the BLM Director down to field office leadership. BLM employees have laid out to PEER a roadmap of reforms necessary to meet the conservation imperatives of the agency and undo the failed agency culture. Key recommendations include:

- Clear guidance from the Director that science will be valued in agency decisions and conservation will be a clear priority of the BLM.

- New conservation focused leadership positions that include a regional conservation director to oversee the management of the National Conservation Lands System, Conservation Areas, Wild and Scenic Rivers and designated Wilderness, and a climate director in each state office to lead regional and field offices.
- Conflict-of-interest provisions that prevent employees and their families from holding grazing permits, mineral leases, or land inholdings.

IV. Address Legal and Policy Shortcomings

While new resources and a long overdue culture shift are imperative for BLM to meet the conservation mandates of the Biden administration, the agency remains hamstrung by out-of-date environmental laws and anti-conservation agency guidance. The agency needs to move aggressively to rewrite policies that sideline environmental protection and undermine environmental planning laws.

In doing so, the agency must begin to consider the impacts of climate change on habitats and species and rapidly phase out federal coal, oil, and gas leasing. True progress will also require Congress to update environmental laws that in some cases are a century and a half old. Several key laws, policies, and programs must be reformed to improve conservation of BLM land.

A. Sunset the Fossil Fuel Leasing program



BLM Photo

The Biden administration came out of the gate with bold action on federal fossil fuel leasing as it ordered a pause on new lease sales while the program was reviewed. The administration's leasing pause signaled an important and drastic shift from the Trump administration's policies, but setbacks in court and a tepid report on the program that downplayed the climate impacts of fossil fuel leasing have seen the restart of federal leasing. A [June 2, 2022](#) ruling that BLM failed to address climate impacts on 4 million acres of leased lands opens the door for the agency to fully integrate the climate risks of federal fossil fuel leasing into the environmental planning process.

BLM must move aggressively to phase out fossil fuel leasing and development on federal lands. Lawsuits challenging BLM's failure to account for the climate havoc wrought by fossil fuel development show the path to reform. In the settlement of these lawsuits, federal courts have repeatedly found that the agency has a fundamental responsibility to assess the climate impacts of fossil fuel production. Any honest, scientific assessment of these cumulative impacts will show that continuing to lease and develop federal land for fossil fuel extraction is incompatible with a bearable climate future.

If the Biden administration does not have the intent to wind-down the fossil fuel leasing program, there are other sensible measures that can be taken to ensure accountability and protect taxpayers. The Biden administration has already made important progress when it comes to plugging orphaned and abandoned wells. For instance, the REGROW Act, which was part of the 2021 Infrastructure Bill, has provided BLM with \$4.6 billion to plug orphaned wells.

Several other reforms that were stalled by the tabling of Biden's Build Back Better legislation could be revived by the administration and implemented by BLM. Pragmatic steps the Biden administration's BLM could take include: updating oil and gas bonding standards to protect taxpayers from footing the bill to plug orphaned wells, increasing the minimum bids for leasing and charging higher rental rates, and ending the noncompetitive leasing process which is rampant with speculation and wastes agency resources.

While piecemeal reforms are better than nothing at all, it is clear that a viable climate future depends on the agency ending the fossil fuel leasing program. Here, BLM needs the support of Congress to pass laws amending the Mineral Leasing Act. Phasing out fossil fuel development on public lands would allow the agency to focus on undoing the damage of decades of mismanagement of the federal mineral estate.

Sunsetting the fossil fuel leasing program would also relieve a great burden from BLM staff. It would allow the organization to shift resources to recreation management on increasingly visited BLM lands. It would also reduce BLM's exposure to the mismanaged program, which was cited in a [GAO report of high-risk programs](#) vulnerable to waste, fraud, abuse, and mismanagement.

While the dangers of the federal fossil fuel leasing program are painfully clear, vigilance is also needed when it comes to the growing push to lease federal land for renewable energy production and mining of critical minerals. Trading pump jacks for solar panels in wild places is unacceptable. BLM cannot simply substitute one extractive industry for another without thorough planning and public input which allows the agency to balance the consequences of renewable energy development on habitat and other natural resources.

B. Grazing Reform



BLM Photo

BLM's grazing program suffers from poor oversight, inadequate enforcement of environmental laws, and blank check permitting processes that undermine public input and confidence. Records obtained by PEER show the overwhelming failure of BLM to manage and maintain oversight over grazing: More than half of all grazing allotments, covering over 81 million acres of public land, are either failing rangeland health standards due to livestock grazing or do not have up-to-date assessments. The agency has failed to track and share with the public the abysmal rangeland health statistics, [requiring PEER to obtain and process this data on behalf of the public](#). The agency has also failed to act on the data that it does have.

Grazing lands fail to meet rangeland standards when herds damage resources that humans and ecosystems rely on. Some ways that cattle harm ecosystems include increasing erosion that re-channels rivers and increases sedimentation, which contributes to flooding and poor water quality in arid environments where every ounce of clean fresh water is vital. Overgrazing by cows, sheep, and goats can also promote the spread of invasive species like cheatgrass that drive ever-worsening rangeland wildfires.

Several important steps must be taken for BLM to reign in this out-of-control program.

1. End the Regulatory Exceptions for Grazing Permits

A 2014 amendment of the Federal Land Policy and Management Act (FLPMA) allowed the reissuance of grazing permits without a full National Environmental Policy Act (NEPA) review. This carveout in Section 402(c)(2) of FLPMA was an attempt to let the agency clear its longstanding backlog of permits while continuing to issue new permits. Instead, this tool has been abused and become a systematic vehicle for approving lapsed leases and avoiding a full NEPA review in the permit renewal process.

This exception is incredibly detrimental to the ability of the agency to maintain rangeland health standards and hold permittees accountable for the impact of grazing on public lands. Without a full NEPA review, the impact of cattle grazing isn't considered in permit renewal. This allows the continued degradation of rangeland without proper monitoring and permit conditions and cuts out the public's ability to comment and raise concerns through the public processes of NEPA. While this tool was intended to give the agency the chance to catch up on its out-of-date program, it's now being used in the [majority of permit reissuances by the agency](#).

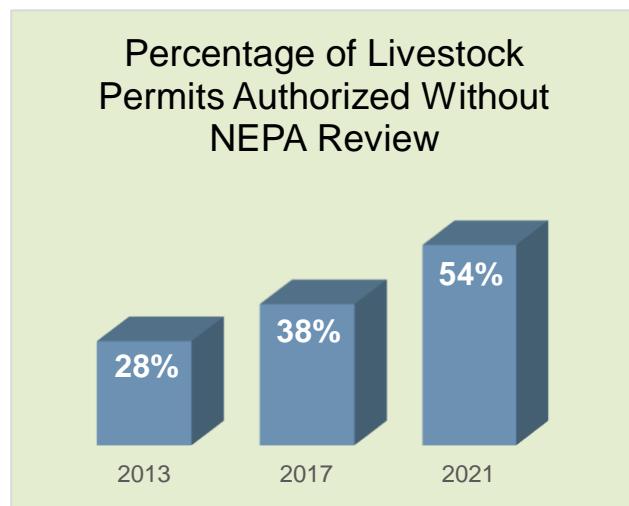


Figure 3. [Western Watersheds gathered BLM permit renewal data](#)

Agency leadership needs to send a clear message that dependence on this shortcut cannot continue. Grazers are not entitled to continue utilizing public resources with minimal oversight and accountability. The full NEPA permitting process must be followed to minimize the harms of the grazing program and ensure full public participation.

2. Consider Climate Impacts of Livestock Grazing

Climate change threatens irreparable ecological damage in arid environments throughout the Western U.S. Poorly managed grazing only serves to increase ecological disruption in these sensitive environments.

In the sagebrush ecosystem that covers vast swaths of the Intermountain West, grazing hastens the introduction of invasive species like cheatgrass. This invasive grass creates fine fuels that worsen range fires, prompting a cascade of ecological degradation in these high desert ecosystems. Livestock grazing also damages increasingly finite fresh water supplies. The incision of streams and pollution of water harm this precious resource for human and biological communities alike.

Considering the negative feedback loops livestock have on already imperiled ecosystems, the agency should do a programmatic Environmental Impact Statement that assesses the climate and biodiversity impacts of grazing. This high-level assessment could help the agency right-size the federal grazing program by eliminating leases in areas where grazing activities cause the most harm to fragile ecosystems. It could also shield field level employees from retribution in local communities by taking away the responsibility for grazing permit denials from local staff. [Appendix B, PEER letter](#)

3. Hold Grazing Permittees Accountable

The ongoing illegal grazing by the Bundys in southern Nevada is the most egregious case of livestock trespass on BLM land, but it is by no means the only example. The agency must stop tolerating this willful disobedience of federal law and act to hold permittees accountable. The embarrassment of the failed Bundy case cannot mean that grazers have carte blanche to do as they wish on public lands. Strong leadership and investments in rangeland monitors, combined with a commitment to enforcing environmental laws, must be a standard the agency sticks to. While violence must be avoided at all costs, other legal means, such as asset seizure and criminal charges, must be taken in order to send a clear message that public lands ranchers are not above the law.

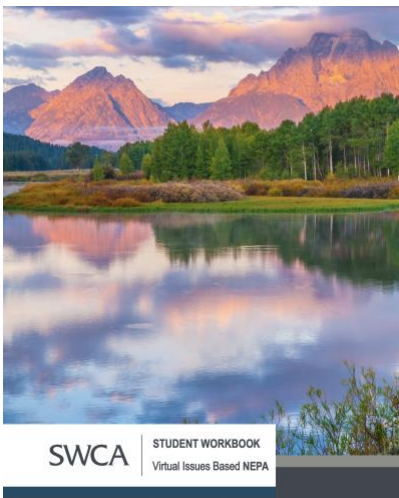
4. Livestock Permit Retirement

Grazing permits that are no longer in use, or in areas of ecological importance, like wilderness areas and Areas of Critical Environmental Concern (ACEC), should be targeted for retirement. Permit retirement supports the conservation of resources entrusted to BLM and should be pursued in any area with clear conflicts between resource protection and grazing. BLM and the Biden administration should also support the ability of private individuals and organizations to pay for permit retirement. Legislation proposed this year, the Voluntary Grazing Permit Retirement Act, set out a pathway for the permanent retirement of grazing permits on public land. The Biden administration should support this legislative effort at the same time it directs BLM to pursue the retirement of unused permits and permits in ecologically sensitive areas.

C. Update NEPA Implementation

To meet climate and conservation goals, BLM needs to strengthen NEPA use to integrate the best available science and be responsive to the environmental calamities of climate change and biodiversity collapse. Unfortunately, shortcuts and vestiges of the Trump administration's assault on environmental law have hampered the agency's application of this fundamental environmental law.

1. Training From the Trump Playbook



Student Workbook, NEPA Training

[Internal NEPA training materials](#) obtained by PEER show that as of March 2022, BLM is continuing to use the Trump Administration's paused NEPA rules and guidance. The materials show that despite rhetoric from agency and administration leaders, BLM staff members are still being trained to avoid dealing with climate in NEPA reviews for projects like pipeline expansions. This lack of consideration of cumulative impacts undermines the agency's duty to conserve resources for future generations. The agency must immediately abandon this failed and unlawful interpretation of NEPA and initiate new rulemaking that codifies the agency's duty to assess the cumulative impacts of land management decisions. This is essential to agency decision-making that reflects the challenges to natural resources and ecosystems from climate change.

2. No More Shortcuts

BLM cannot continue to rely on loopholes and shortcuts, like the Section 402(c)(2) grazing permit extension carveout (mentioned earlier in this report), Determinations of NEPA Adequacy (DNAs), and Categorical Exclusions (CX), to sidestep thorough and up-to-date environmental reviews. Under the former administration, BLM began using DNA's more often, specifically in oil and gas sales. This process short-circuits full NEPA planning by relying on past NEPA reviews as the basis to determine projects will not have significant environmental impacts. Applying past reviews, oftentimes from lands with different on-the-ground conditions, makes a mockery of the NEPA process. Relying on old planning materials also fails to recognize the rapid changes occurring in Western landscapes due to climate change and wildfire spread.

On this issue, there's been some recent signs of progress. In June, the agency completed full environmental assessments for oil and gas lease sales in Nevada. While the restart of the oil and gas leasing program poses a challenge when it comes to climate action and changing the direction of the agency, this small, but important, step towards greater transparency and adequate environmental planning is one signal that the agency is taking its conservation mandate and legal responsibilities more seriously.

Similarly, the use of the CX should be carefully and sparingly applied. A BLM staff member brought to our attention the fact that the native seed program, which allows thousands of pounds of native seeds to be harvested by private contractors in Western states is operating under a CX. This program has not been properly evaluated under NEPA. Changing conditions, like the current megadrought, may be impacting seed generation and total quantities produced. Yet the program continues to operate without planning documents, raising the question of whether it is sustainable.

NEPA planning is a core function of BLM. Treating the NEPA process as a hurdle to be avoided, rather than a core duty of the agency, is a disservice to the public and dereliction of duty by the agency. BLM must commit its planning staff to comprehensive NEPA planning and close loopholes that undermine public trust and disregard the best available science.

D. Protect Biodiversity Including Threatened and Endangered Species and Critical Habitat

Protecting biodiversity is key to addressing the Biden administration's environmental agenda. The disappearance of ecological diversity is recognized as a key motivation behind the Biden administration's 30 by 30 plan. It's also a cause that unites Americans across the political spectrum as broad user groups value the protection of habitat and endangered species.

Species protection requires the agency to prioritize environmental planning and protection actions to preserve at-risk species. The presence of threatened and endangered species requires Section 7 consultation under the Endangered Species Act. Under Section 7, agencies must develop conservation plans and avoid actions that harm species and their critical habitat.



Tiehm's Buckwheat. Photo | Patrick Donnelly, Center for Biological Diversity

Clearly, any attempts to delay or avoid this process come at the detriment of imperiled species. Agency leadership must reaffirm to state and field office leadership that species protection is an agency priority, not a planning process to be avoided.

Currently, BLM too often does the opposite. BLM staff members have tipped off PEER that field offices are prioritizing review of grazing permits that do not contain threatened or endangered species. Staff avoid the more onerous and time-consuming work that comes with consultation and with the thoughtful consideration of impacts and mitigation measures to protect wildlife. This convenient triage is wrong and a sign of the agency valuing expedience over conservation.

The data show a stunning example of how natural resources held in common by all Americans are divvied up by BLM. Currently in Oregon 86% of all forage on public lands is allocated for livestock. Deer and pronghorn are allocated 8% of the forage, elk are allocated 2%, wild horses are allocated 2%, bighorn sheep are allocated 1%, and all other wildlife are left with only 1% of forage resources. Clearly, this is an equation that spells doom for wildlife and must be balanced to ensure conservation of rangeland habitats.

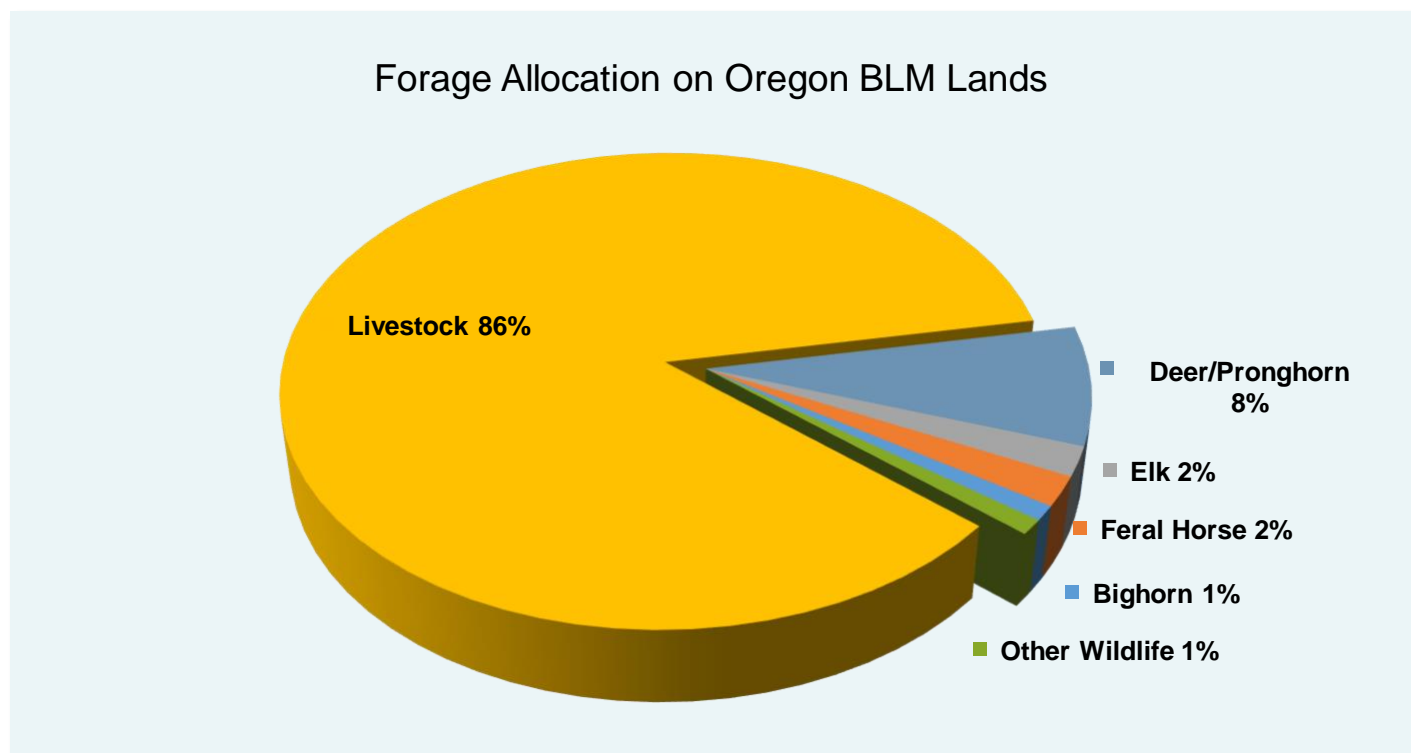


Figure 4. Forage Allocation on Public Lands | John Kauggman, Robert Beschta, et. al, Oregon State University, Livestock Use on Public Land in the Western USA Exacerbates Climate Change: Implications for Climate Change Mitigation and Adaptation, June 2022.

In order to protect habitat and balance the economic interests of grazers with species protection, the agency should also expand wilderness and protected habitat designations across BLM lands. BLM is chronically behind on land inventory reports. Currently, more than 15 million acres of BLM lands with wilderness characteristics have not been reassessed, delaying the agency's ability to recommend new wilderness designations to Congress. While future protections languish, current sources of degradation too often go unmonitored as BLM lacks the resources to adequately monitor and enforce environmental destruction.

Greater Sage-Grouse

Sage grouse, still legally hunted in many states, have reached record low numbers. This habitat of this iconic bird and indicator species of the sagebrush ecosystem of the Intermountain West is slowly being chipped away by fire, timber sales, oil and gas development, abusive livestock grazing, and drought. A 2021 USGS study found an 80% range wide decline in population since 1965 and a nearly 40% decline since 2002. Government scientists predict that 78% of leks have a better than 50 percent chance of disappearing in the next six decades.



Wyoming is home to a third of the remaining Greater Sage Grouse and has the largest sage grouse population of any state in the West. But that number has been declining in the Cowboy state since 2016. Even as sage grouse numbers plummet, BLM continues to waive habitat protections for oil and gas operations, according to records obtained by PEER.

In just three BLM Field offices in Wyoming, nearly 100 such waivers were issued in the past four years. These waivers (known as “timing stipulations”) allow mainly oil and gas activity in areas set aside to protect sage grouse and various migratory raptors. The records obtained under the Freedom of Information Act show that from January 2018 through November 2021 –

- The Rawlins Field Office granted 47 exemptions with no records showing any request was denied
- The Kemmerer Field Office granted 20 exemptions for oil and gas operations and pipelines, as well as telephone fiber optic cable with no indications of any denials and
- Rock Springs FO granted 31 exemptions, with 2 denials and 1 withdrawal

Seven BLM Wyoming Field offices have yet to provide any documents. PEER filed an appeal for the information in June 2022 and has yet to receive a response and may be forced to sue. The sage grouse appears to be the victim of death by a thousand regulatory cuts.

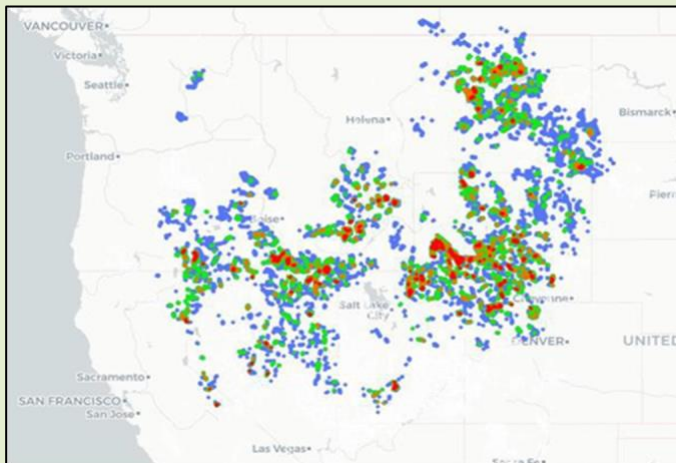


Figure 5. Greater Sage-Grouse Breeding Bird Densities (25% red, 50% - orange, 75% - green, 100% - blue). Chick survival rate is declining in Wyoming at an alarming rate (HCN, Wyoming Sage-Grouse numbers ‘alarming’, [Angus M. Thuermer Jr.](#) Jan. 11, 2022), and is expected to hit a low in 2022, heading back to 1990’s levels



Figure 6. Greater Sage-Grouse Breeding Bird Density showing allotments failing due to livestock circa 2020.

An important way to reduce monitoring burdens and environmental degradation is through voluntary livestock permit retirement. On BLM and Forest Service lands in the Western U.S., livestock substantially outnumber wild horses and burros, and livestock grazing occurs across large areas of federal lands where no wild horses and burros are permitted. This livestock grazing often causes significant impacts to native habitats and wildlife.

In recognition of this, reevaluating and reducing livestock grazing levels must be an important priority across federal lands to protect and restore natural ecosystems that support native wildlife. Totally eliminating livestock should not be off the table on land and habitat that cannot accommodate grazing by these animals. In Wild Horse and Burro Herd Management Areas and Territories, and any other federal public lands designated for wild horse and burro use, the agency should not only consider the impacts of wild horses but do a similar analysis of livestock impacts. The agency should consider removing livestock to avoid overgrazing and degradation of wildlife habitat, riparian areas, and water quality.

Habitat protection and species conservation is not only an administration priority, it is the law. Rather than shy away from strong protections for endangered species, the Biden administration should follow the science and letter of the law and leverage the Endangered Species Act to preserve a livable climate and functioning ecosystems.

Without binding legal protections, the future of imperiled species like sage grouse will remain subject to the agenda of future administrations. Under the Biden administration, BLM should be bold in advocating for biodiversity. This is an opportunity to prioritize conservation and use the science rather than shying away from the political challenges that come with listing and protecting threatened and endangered species and habitat.

V. The Path Ahead for BLM

As America's largest public land manager and major source of greenhouse gas emissions, the future of BLM is interwoven with the fate of endangered species and the global climate. Because of the urgency of this moment, and the incredible stakes of inaction, the agency must move rapidly to build a foundation of conservation and resource preservation.

This won't be an easy task. For decades, BLM's management has been skewed towards the fossil fuel, mining, timber, and livestock industries. Now, this culture must be undone while BLM's lands face new pressure from rapidly growing visitation.



BLM Photo

The changes that BLM needs start with leadership. That leadership needs to come from the Biden administration which must continue to push the agency to fulfill the vision of the "America the

Beautiful” plan to conserve 30% of land by 2030 and act boldly to wind down fossil fuel leasing on federal lands.

Leadership also must come from within the agency. BLM must build a workforce culture that values conservation and supports employees in doing their work, especially when that work puts them at odds with entrenched economic interests. That culture shift is critical to the agency recommitting to public engagement and the faithful execution of bedrock environmental laws.

As vital as leadership is, BLM needs a far larger workforce to carry out its mission. This expanded workforce is vital to respond to the growing popularity of recreation on BLM lands. More staff are also necessary to bring environmental resource planning up-to-date, investigate and bring enforcement actions against people committing crimes on federal lands, and to monitor and safeguard land that is too often left unmonitored by short-staffed field offices.

When it comes to public lands, BLM is often overshadowed by the splendor of National Parks and National Forests. But, when it comes to the future of habitat protection and climate action, BLM deserves the spotlight. It’s where the climate stakes remain highest and habitat faces the greatest multitude of development threats. Because the stakes are so great, the Biden administration’s conservation legacy must start with BLM.

These five steps are essential to revitalizing the agency and must serve as the foundation of the Biden administration’s conservation and climate agenda:

- BLM must increase staffing levels to 15,000 by 2025 and develop a long-term staffing strategy
- BLM must evaluate the climate impacts of each agency decision and eliminate planning shortcuts that cut-out public processes
- BLM must follow the best available science in all agency decision-making
- BLM must set performance indicators for management based on conservation and resource protection goals
- BLM must add state-level leadership positions dedicated to climate and land conservation.

APPENDIX A [PEER letter to DOI Office of Inspector General](#), requesting investigation into sage grouse exemptions, June 21, 2022

Appendix B [PEER letter to DOI Climate Task Force](#) regarding the agency’s failure to address the climate impacts of its commercial livestock program, July 25, 2022

APPENDIX c [Greater Sage-Grouse Fact Sheet](#)