



U.S. Department of the Interior
Director (630), Bureau of Land Management
1849 C St., N.W., Room 5646
Washington, DC 20240

Submitted via Federal eRulemaking Portal at regulations.gov in Docket ID No. BLM-2023-0001-0001

Re: Comments on BLM Proposed Regulations on Conservation and Landscape Health, Docket ID No. BLM-2023-0001-0001

Director Stone-Manning:

Archaeology Southwest is honored to submit the following comments on the Bureau of Land Management (“BLM”) Proposed Federal Land Policy and Management Act of 1976 (“FLPMA”) Regulations on Conservation and Landscape Health (“Proposed Rule,” from 88 Fed. Reg. 19583-19604, April 3, 2023). Archaeology Southwest endorses all elements of the Proposed Rule that advance the following **five essential principles for BLM decisions**:

- (a) Place conservation on par with other land and resource uses in BLM decision-making;
- (b) Enable conservation leases and otherwise recognize the market values of high-integrity cultural and natural resources;
- (c) Clarify and elevate the roles of areas of critical environmental concern (“ACECs”) by guiding BLM to conserve intact landscapes and manage ACECs for ecosystem resilience;
- (d) Clarify and elevate the concept of “land health” in planning and analyses of land use and resource management actions and alternatives (not just grazing lease assessments);
- (e) Empower Tribes to lead, inform, and participate directly in the conservation and stewardship of ACECs and other culturally important lands and waters.

Archaeology Southwest is the Tucson-based nonprofit organization dedicated to collaborative preservation of heritage places and landscapes in the U.S. Southwest and el Noroeste de México. Our mission centers on working with Tribes, Tribal communities, and other place-based and local communities as we learn about and preserve our region’s extraordinary cultural resources. Cultural resources are places, objects, and traditions created in the past and valued in the present. Fragile, generally irreplaceable, and too often abused or ignored, cultural resources are also vital links across human generations and among people and landscapes at multiple spatial and social scales.

Need, Purpose and Authority for the Proposed Rule

The regulatory reforms in the Proposed Rule are unmistakably needed to advance BLM’s mission “to sustain the health, diversity, and productivity of public lands for the use and enjoyment of present and future generations.” The Proposed Rule promises to boost the health and resilience of public lands in general, and specifically to address and counter the climate and extinction crises that are now rapidly unfolding across North America and around the world. Lands managed by the BLM are especially suited to boost ecosystem resiliency, as they make up the largest portion of public lands in America and often form contiguous tracts of intact wildlands or are situated to serve as bridges and gap-fillers to enable ecosystem connectivity and form natural corridors. Due to current management directives, BLM-managed lands are seldom maintained as carbon sinks or biodiversity bastions, and are instead made available for industrial uses that contribute to the climate and extinction crises.

America remains the world leader in both environmental conservation and greenhouse gas emissions, and the time is ripe for swift progress toward prioritization of long-term environmental health and species survival over short-term economic growth and profit. The irrevocable advancement of Indigenous Americans, and the prioritization of their values, interests, preferences, knowledge, and leadership in conservation and land management is, of course, long overdue.

BLM is authorized to promulgate this rule under FLPMA and its 43 USC § 1701(a) mandate to manage public lands to protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values.

Further Comments on Each of the Five Principles for BLM Decisions

(a) Conservation parity is a necessary corrective: Despite the above-noted FLPMA mandates, BLM administrative practice and organizational culture evolved through the latter 20th century to prioritize consumptive, non-sustainable uses of public lands. The Proposed Rule would guide a realignment of BLM operational customs with FLPMA and would institutionalize conservation as a necessary and appropriate use of BLM lands on par with logging, grazing, mining, and other extractive and profit-driven land and resource uses.

(b) Conservation leasing is a value-added, free market tool: Protection, rehabilitation, and restoration are legitimate and axiomatically sustainable uses of BLM-managed lands and resources. These uses hold the promise of boosting ecosystem health and resilience while also contributing at least as much to regional and national economies as extractive-consumptive uses do, especially in the long run. The adopted version of the Proposed Rule (“Final Rule”) should further require the use of bona fide evidence in determining optimal uses of public lands, thus limiting BLM discretion in picking economic winners and losers. Tribal, state, and local governments, as well as qualified nonprofit organizations, should be given consideration as conservation leaseholders. The Final Rule should delineate procedures for conservation leasing that identify criteria for and examples of conservation-focused categorical exclusions and otherwise limit burdens on conservation leasing for compliance with the National Environmental Policy Act (“NEPA”), the National Historic Preservation Act (“NHPA”), and related statutes.

The Final Rule should reconsider the arbitrary, 10-year limit on conservation leases. A decade is seldom sufficient to allow lands to heal from scarring and erosion, especially in the arid west. As is the case with most other leases of BLM-managed lands, conservation leases must have a reasonable opportunity to be extended.

(c) ACECs are rightful and useful tools for conservation: BLM needs, and the public deserves, that which the Proposed Rule would deliver: clear and consistent recognition of ACECs as natural and cultural resource gemstones that require special, conservation-focused BLM attention. BLM officials will benefit from guidance on the identification and maintenance of ACECs to advance and integrate each and all of the following BLM goals:

- Protect and demonstrate respect for places of historical and sacred significance, especially places having ongoing significance to and use by Indigenous Peoples.
- Preserve and restore landscape and habitat connectivity, especially through the conservation of links and corridors to facilitate plant and animal responses to climate change.
- Protect rare and unique habitats, especially surface waters and old-growth and mature forests in accordance with Executive Order 14072 (April 27, 2022).

- Boost watershed stability, ecosystem resilience, carbon sequestration, and mitigation banking.
- Improve and institutionalize coordination and cooperation with Tribes, especially through the co-management or co-stewardship of lands affected by Treaty Rights or adjacent to Tribal Trust Lands (also known as reservations).

The Final Rule should ensure that all lands under consideration and eligible for ACEC status are managed as ACECs until a final determination is made regarding ACEC designation. The Final Rule should include provisions, perhaps extending through 2040, for ACEC designations not contingent on resource management plan revisions. The Final Rule should require BLM to make decisions on new ACEC designations within 90 days of BLM receipt of a complete proposal.

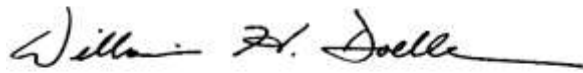
(d) Land health is an integral, high-priority objective: Recent groundbreaking studies regarding bio-physical and socio-cultural-psychological dimensions of land health show that the health of the land is tied to the wellbeing of humans. Indigenous Knowledge and perspective has been instrumental in revealing the manifold benefits—to human and other-than-human communities—of close and continuing personal and societal connections to lands and waters in their natural states. On the flip side, the costs of disassociation from ecological realities are also apparent, most especially in Indigenous communities cut off from their Territories and from the senses of place, belonging, and security that these Territories once offered. In stark contrast to this important suite of knowledge and perspective, prior BLM practice has largely ignored the unmistakably pertinent concept of land health and has confined assessments of land health to grazing leases. Inattention to land health on the part of BLM and other public trustees is tragically evident across social and once-natural landscapes.

The Final Rule should require BLM decision makers to make use of the best available Indigenous and Western knowledge to assess, plan for, and mobilize land health. Such assessments and plans should be integrated with attention to and compliance with the Federal Government’s recent Environmental Justice directives and initiatives, including the Executive order of April 21, 2023.

(e) Promotion of Tribes’ leadership in managing public lands: As noted throughout these comments, Indigenous Peoples’ values, interests, preferences, and knowledge—all systematically excluded from most previous consideration in the management of public lands—are now required and desired complements to non-Indigenous ways of learning and managing. The Final Rule should carefully and consistently optimize opportunities for Tribes’ duly designated officials to play roles in BLM operations and decisions that are commensurate with the Tribes’ values, interests, preferences, and knowledge.

A final note on terms of reference: There is no such thing as “BLM land”; there are, of course, millions of acres of public lands managed by BLM for the benefit of the American people. The Final Rule and comparable authorities should refrain from use of “BLM land” and similar terms.

Archaeology Southwest supports and will continue to contribute directly to BLM and other efforts—Tribal, Federal, state, and community-based—to prioritize the health and resilience of ecosystems through the protection, rehabilitation, and restoration of public lands, most especially in and through alignment with the cultural resources, sacred sites, treaty rights, and other reserved rights of Indian Tribes.



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