

BLM Wild Lands Designation Attempts To Bypass Congress

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At a time when America is seeking to reduce its dependence on foreign sources of petroleum and minerals, the Obama administration is throwing up impediments to developing domestic resources. In late December, Secretary of the Interior Ken Salazar issued "Secretarial Order 3310" which establishes the new designation of "Wild Lands" separate from Wilderness Areas (which must be designated by Congress) and Wilderness Study Areas, a precursor to Wilderness designation.

The Order will require local Bureau of Land Management field offices to inventory all land under their jurisdiction for "wilderness characteristics." "Field Offices will determine when it is appropriate to conduct a wilderness inventory... BLM must conduct an inventory before authorizing a proposed project that may impair those apparent wilderness characteristics."

This means that there will be bureaucratic delays when projects such as mineral or petroleum exploration, grazing, or logging are proposed on BLM land. There appears to be no time limit imposed on the field offices to conduct the inventories. The designation will also affect rights-of-way across BLM land.

The definition of "wilderness characteristics" is rather fuzzy.

First, the area must contain at least 5,000 acres of contiguous roadless BLM land, except that it may be smaller if it is adjacent to other federal lands "which have been formally determined to have wilderness or potential wilderness values or ... such lands include designated Wilderness, BLM Wilderness Study Areas, U.S. Fish & Wildlife Service areas Proposed for Wilderness Designation, U.S. Forest Service Wilderness Study Areas or areas of Recommended Wilderness, and National Park Service areas Recommended or Proposed for Designation."

Secondly, the land must contain "naturalness," meaning "It must appear to have been affected primarily by the forces of nature, and any work of human beings must be substantially unnoticeable." That is except for a whole bunch of exceptions.

Significant "human impacts" can occur just outside the area to be designated.

"Wild lands" must contain either "opportunities for solitude..." which seems inconsistent with the sentence above, or "a primitive and unconfined type of recreation." The field offices are instructed: "Do not disqualify an area based on a finding that outstanding opportunities exist in only a portion of the area."

(For more detail, see BLM [Inventory instructions](#) to field offices).

From a [related BLM document](#) we have these additional instructions:

“Wild Lands must contain management actions to achieve protection and could consider land use plan decisions including, but not limited to, those that:

1. Recommend withdrawal from mineral entry.
2. Close to leasing or allow leasing only with No Surface Occupancy/No Exceptions.
3. Designate rights-of-way exclusion areas.
4. Close to construction of new temporary or permanent roads.
5. Close OHV (off highway vehicle) use or limit OHV use to designated routes.
6. Close to mineral material sales.
7. Exclude certain commercial permits (e.g., commercial or personal-use wood-cutting permits).
8. Designate as Visual Resource Management Class I or II.
9. Close to new structures unrelated to preserving the wilderness characteristics.
10. Retain public lands in Federal ownership.”

This new “Wild Lands” designation will inhibit our ability to explore for and produce vital natural resources at a time when we are becoming more dependent of foreign sources. One of the first targets is the National Petroleum Reserve in Alaska (NPR-A) which is near the Arctic National Wildlife Reserve. NPR-A was established in 1923 and administered by the Defense Department until 1976 when it was transferred to Interior. NPR-A was estimated to contain 900 million barrels of crude oil and 53 trillion cubic feet of natural gas by the U.S. Geological Survey in 2010.

These regulations are very similar to the process for designating Wilderness Areas. But Wilderness Area designation requires an act of Congress. It seems that “Wild Lands” are nothing less than the administration’s attempt to bypass Congress and rule by executive decree, the same policy the administration is following by allowing the EPA to regulate greenhouse gases. Wyoming Governor Matthew Mead, in a letter to Interior Secretary Ken Salazar said, “A Wild Lands designation will further drag out (if not permanently halt) the permitting process while local economies suffer. The BLM currently does not have the appropriate resources or track record for approval of plans and projects; and this will only make the problem greater and delays longer.”

Putting more land off limits locks up our domestic energy and mineral supplies, kills jobs, and eliminates potential government royalties and taxes that could help decrease the deficit.