



November 10, 2025

Secretary Doug Burgum  
U.S. Department of Interior  
1849 C St. NW  
Washington, DC 20240

*Submitted via regulations.gov*

**Re: Rescission of Conservation and Landscape Health Rule, RIN 1004-AF03**

Dear Secretary Burgum:

On behalf of the human-powered outdoor recreation community, we write to provide comment on the Bureau of Land Management's proposal to rescind the Conservation and Landscape Health Rule (the "Public Lands Rule," or "PLR"). In brief, the Public Lands Rule makes a number of common-sense, much needed adjustments to BLM policy that provide significant benefit for outdoor recreation, outdoor recreationists, and the outdoor recreation economy. While we believe it is possible to make adjustments to the rule to better support quality outdoor recreation outcomes, a complete rescission of the rule will harm recreation values on public lands. We ask that BLM take a more tailored approach to the Public Lands Rule and ensure that adjustments to agency regulations and policies support outdoor recreation and the recreation economy.

Outdoor Alliance is a coalition of nine member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.



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## Background

Outdoor recreation is the most common way in which Americans experience their public lands, and in recent decades, outdoor recreation has grown considerably in popularity, diversity, and economic importance, with a record of 175.8 million Americans venturing outdoors in 2024.<sup>1</sup> Nationally, outdoor recreation contributed \$1.2 trillion to America's economy, supported nearly 5 million jobs, and accounted for 2.3% of U.S. Gross Domestic Product in 2023.<sup>2</sup> Research shows that outdoor recreation provides a significant return on investment, with recreation contributing nearly 14 times more to the GDP than what it receives from federal spending,<sup>3</sup> and these benefits are particularly pronounced in rural communities.

The Bureau of Land Management is responsible for the stewardship of some of the country's most important outdoor recreation resources, and for that reason, we are singularly interested in policies that support sound management of these landscapes. The 245 million acres of public land under BLM's management contain more than 23,125 climbing routes and bouldering problems; 25,287 miles of trail (with 10,422 miles accessible for mountain biking); and 2,379 miles of whitewater paddling, according to Outdoor Alliance's GIS database. Of these resources, approximately 63 percent of the climbing, 70 percent of the trail miles, 75 percent of the mountain biking, and 47 percent of the whitewater paddling miles are managed outside of the National Conservation Lands system, making sound multiple-use management of particular importance.

Fortunately, that importance is reflected in outdoor recreation's place, under the Federal Land Policy and Management Act, as a "principal or major use" of BLM land, alongside domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, and timber production.<sup>4</sup> In distinction from other principal uses, however, sustainable outdoor recreation is predominately non-consumptive and uniquely compatible with—and dependent

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<sup>1</sup> 2024 Outdoor Trends Report Executive Summary, Outdoor Industry Association (2024).

<sup>2</sup> U.S. Bureau of Economic Analysis, BEA 24-53, Outdoor Recreation Satellite Account, U.S. and States, 2023 (2024).

<sup>3</sup> Recreation Funding in America: Current Results and Future Insights, Outdoor Recreation Roundtable (2024).

<sup>4</sup> 43 U.S.C. 1702(l).



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on—conservation. Activities like camping, hiking, paddling, climbing, mountain biking, skiing, and more are defined by the opportunity to interact with the unique features of well-protected and managed natural landscapes. For this reason, we strongly support the Public Lands Rule's affirmation of conservation as a use of BLM land, the recognition of the connection between recreation and conservation in the Rule's preamble, and the affirmation of the compatibility of recreation with conservation management—a critically needed shift from prior agency practice.

Because of our community's strong interest in the effective management of BLM multiple-use land, we participated extensively in the development of the Rule. In June 2023, along with The Conservation Alliance and Outdoor Industry Association, we filed comments on the BLM's proposed rule.<sup>5</sup> Our comments emphasized the critical connection between recreation and conservation and the need to incorporate recreation more thoroughly into the Rule; the need to ensure that conservation management is well-tailored to avoid unnecessarily curtailing recreation access; and the importance of opportunities for public engagement in the Rule's application.

We are pleased with BLM's incorporation of our community's feedback into the final Rule, which makes critical improvements relative to both the draft rule and prior agency practice. We are particularly grateful for the following language in the final Rule's preamble:

Many commenters emphasized that outdoor recreation is dependent on healthy public lands and waters that provide desirable recreation experiences, which in turn support regional economic growth and help Americans connect with their public lands. They further noted that climate change is having a particular impact on outdoor recreation through drought and catastrophic wildfire, highlighting the need for resilient public lands that can continue to provide recreation opportunities in a changing future. These commenters requested the rule explicitly recognize the tie between landscape health and outdoor recreation and acknowledge that sustainable recreation is compatible with conservation use. In response to comments, the final rule includes a new objective to: "Provide for healthy lands and waters that support sustainable outdoor recreation experiences for current

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<sup>5</sup> Our prior comments are included as Appendix.



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and future generations.” The BLM views sustainable recreation as being compatible with conservation management, including specifically with restoration and mitigation leasing, protection of intact landscapes, management for land health, designation of ACECs, and other principles and management actions provided for in the rule. Furthermore, the BLM anticipates that outdoor recreation would benefit from these conservation measures and would be considered a reason to protect and restore certain landscapes. The additional objective at § 6101.2(g) aims to reflect this intent.<sup>6</sup>

Finally, we note the strong alignment between the Public Lands Rule and President Trump’s direction to land management agencies in Executive Order 14313, “Establishing the President’s Make America Beautiful Again Commission.” EO 14313 directs agencies to “ensure that their policies”:

- (a) promote responsible stewardship of natural resources while driving economic growth;
- (b) expand access to public lands and waters for recreation, hunting, and fishing;
- (c) encourage responsible, voluntary conservation efforts;
- (d) cut bureaucratic delays that hinder effective environmental management; and
- (e) recover America’s fish and wildlife populations through proactive, voluntary, on-the-ground collaborative conservation efforts.<sup>7</sup>

The Public Lands Rule fundamentally works to protect economic growth by helping to make sustained yield truly sustainable, and it directly supports the outdoor recreation economy by helping ensure the sound management of the public lands and waters that are the literal infrastructure of the recreation economy. It expands access to recreation, hunting, and angling by giving—for the first time—clear direction that sustainable recreation is compatible with all forms of conservation management, and it also helps facilitate projects mitigating development impacts to recreation values through mitigation projects that directly support recreation access. It encourages responsible, voluntary conservation efforts by developing information to help target restoration activities effectively and by creating

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<sup>6</sup> 89 Fed. Reg. 40,331 (May 9, 2024).

<sup>7</sup> Exec. Order No. 14313, 90 Fed. Reg. 30,197 (July 9, 2025).



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restoration and mitigation leases that help outside entities—from project developers to NGOs—to engage much more efficiently in restoration and stewardship activities that benefit public lands and public lands users. The Public Lands Rule “cut[s] bureaucratic delays that hinder effective environmental management,” by standardizing the process of assessing watershed conditions and landscape health and doing so at a scale appropriate to supporting management decisions. Finally, the rule works to support recovery of fish and wildlife through voluntary efforts in nearly every provision, in particular by directing flexible protection for intact landscapes, effective prioritization of restoration efforts, and mechanisms like restoration and mitigation leases that create a more effective process for bringing voluntary conservation efforts to bear on public lands.

Given this strong alignment with the administration’s conservation objectives, we strongly encourage BLM to reconsider the decision to rescind the Public Lands Rule. We would welcome the opportunity to work with the administration to make adjustments where necessary. Our detailed comments follow.

## Designation of ACECs

Section 1610.7-2<sup>8</sup> of the final rule governs the designation of Areas of Critical Environmental Concern. ACECs are the primary tool under FLPMA for the designation of areas where special management attention is required to protect “important historic, cultural or scenic values; fish or wildlife resources; or natural systems or processes or to protect life and safety from natural hazards.”<sup>9</sup> As directed by FLPMA, land managers are instructed to identify, evaluate, and give priority to potential ACECs during planning.<sup>10</sup> The criteria for ACEC designation are: 1) relevance (meaning the area contains identified values); 2) importance; and 3) the need for special management attention.<sup>11</sup> Land managers are directed to “administer ACECs in a manner that conserves, protects, and enhances the relevant and important values and only allow casual use or uses that will ensure the protection of the relevant and important values.”<sup>12</sup>

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<sup>8</sup> 43 C.F.R § 1610.7-2.

<sup>9</sup> 43 C.F.R § 1610.7-2(a).

<sup>10</sup> 43 C.F.R. § 1610.7-2(b).

<sup>11</sup> 43 C.F.R. § 1610.7-2(d).

<sup>12</sup> 43 C.F.R. § 1610.7-2(j)(3).



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In our comments on the proposed rule, we requested special attention to the section on designating ACECs. While we strongly support protection of conservation values, ACECs in practice have generally prohibited mountain bike access, placement of fixed anchors, and surface-disturbing activities like trail construction.<sup>13</sup> While undoubtedly there are settings where these restrictions are necessary and are appropriate, we have been concerned to ensure that restrictions on these activities are applied only where necessary, not as a default management setting.

Importantly, in the final rule's preamble, BLM states that, "The BLM views sustainable recreation as being compatible with conservation management, including specifically with restoration and mitigation leasing, protection of intact landscapes, management for land health, designation of ACECs, and other principles and management actions provided for in the rule."<sup>14</sup> The Rule also includes an objective to, "Provide for healthy lands and waters that support sustainable outdoor recreation experiences for current and future generations."<sup>15</sup> In part because of the importance of these affirmations for protecting recreational access to public lands—as well as the importance of protecting conservation values for the benefit of the recreation experience—we strongly support the retention of the Public Lands Rule's updates to ACEC designation and related recreation language. We would welcome the opportunity to work with BLM in support of guidance that ensures the consistent application of these principles to ACEC designation.

## Ecosystem Resilience

Section § 6101.5 of the Public Lands Rule directs land managers to ensure multiple-use and sustained yield by managing for ecosystem resilience, including by conserving renewable resources at a level that sustains or improves their future availability. Subpart 6102 delineates conservation as a use to achieve ecosystem resilience, by managing to protect landscape intactness, restoration actions, restoration and mitigation leasing, management actions for ecosystem resilience, and mitigation.

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<sup>13</sup> See Appendix at 4-5.

<sup>14</sup> 89 Fed. Reg. 40,308, 40,331 (May 9, 2024).

<sup>15</sup> 43 C.F.R. 6101.2(g).



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Broadly speaking, it is important to underscore the connection between conservation and recreation. The human-powered outdoor recreation experience is defined by the opportunity to interact with healthy, aesthetically compelling landscapes. Declines in ecosystem function, loss of wildlife, and poorly managed development harm outdoor recreation and the outdoor recreation economy, and the affirmation of conservation as a use is an important safeguard for the viability of our community's pursuits.

## *Watershed condition assessments and managing to protect intact landscapes*

Section 6102.2 of the Rule directs land managers to maintain an inventory of landscape intactness using watershed condition assessments. Using watershed condition assessments and additional available high-quality information, land managers are instructed to identify and delineate intact landscapes during planning and use that information to evaluate their protection, while also considering potentially competing factors like community economic goals.<sup>16</sup>

Watershed condition assessments are, in themselves, an important monitoring tool for protecting the outdoor recreation experience, particularly for water-based recreational activities like paddling. Impaired water quality harms the recreation experience and by extension the economic benefits of water-based recreation activities. In addition to protecting water quality, well-functioning watersheds are critically important for ensuring that many river segments maintain healthy hydrographs; as watershed conditions are affected by development activities or otherwise deteriorate, hydrographs can become "spikier" or "flashier" following rain events, meaning that rivers experience a brief period of abnormally high water followed by a quick drop in flows rather than a slower and longer release of water. This can drastically reduce the period of time when river segments are at appropriate water levels for paddling.

Protecting intact landscapes is also essential for maintaining the adventurous backcountry recreation opportunities that in many ways define BLM's niche relative to other land management agencies. We strongly support the effort to identify and maintain intact landscapes, and we view the direction to consider community goals

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<sup>16</sup> 43 C.F.R. § 6102.2(b)–(c).



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as an important safeguard that helps protect the opportunity for appropriate development of recreation infrastructure where needed.

## *Restoration*

Section 6102.3 of the Rule directs land managers to prioritize restoration in order to meet the agency's multiple-use sustained-yield mandate, and § 6102.3.1 directs land managers to identify restoration outcomes in management plans and, at least every five years, identify priority landscapes for restoration and develop or amend restoration plans consistent with the objectives in the management plan.<sup>17</sup> This direction is important for the improvement of degraded lands and waters and will help to protect outdoor recreation opportunities and attendant economic values.

## *Restoration and mitigation leasing*

Section 6102.4 authorizes leases for two purposes: 1) active or passive restoration of land and resources, and 2) mitigation to offset impacts from other authorized activities. We see significant potential in this section to facilitate necessary restoration work and to allow for recreation-specific mitigation for impacts to recreation values from development activities. We are also confident that the Rule's direction is sufficient to avoid unintended negative consequences for recreation access.

The rule states that, "No land use authorization is required under the regulations in this part for casual use of the public lands covered by a restoration or mitigation lease."<sup>18</sup> The rule's preamble also underscores that leases may not be issued for areas with incompatible existing authorizations;<sup>19</sup> meaning that leases may not be issued for areas with commercial guiding activity or other commercial recreation use where that activity could be considered incompatible with restoration activities. The rule also states that "[a]n approved lease does not convey exclusive rights to use the public lands to the leaseholder,"<sup>20</sup> and "[a] restoration or mitigation lease will not preclude access to or across leased areas for... recreational use."<sup>21</sup>

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<sup>17</sup> 43 C.F.R. §§ 6102.3, 6102.3.1(a)–(c).

<sup>18</sup> 43 C.F.R. § 6102.4(a)(5).

<sup>19</sup> See 89 Fed. Reg. 40,308, 40,310 (May 9, 2024).

<sup>20</sup> 43 C.F.R. § 6102.4(f).

<sup>21</sup> 43 C.F.R. § 6102.4(g).



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The rule appears to contemplate the potential for mitigation leases to support offsets for recreation losses through the development of recreation resources (like trail systems) or the potential for restoration leases to include recreation infrastructure project components. We would greatly welcome the opportunity to work with BLM to implement projects of this type and strongly believe that BLM must maintain mechanisms to facilitate mitigation for development impacts to recreation values, particularly given the importance of this work for helping public lands communities diversify local economies.

### *Management for ecosystem resilience.*

Section 6102.5 directs land managers to identify watersheds, landscapes, and ecosystems that require protection and restoration and prioritize their conservation, including by avoiding authorizations that could permanently impair ecosystem resilience.<sup>22</sup> This section also requires making available watershed condition assessments. As noted above, we strongly support management direction to support the values that are essential for maintaining and improving the outdoor recreation experience.

### *Mitigation*

Section 6102.5.1 requires application of the mitigation hierarchy (avoidance, minimization, compensation) for management actions. We understand this direction to include managing for impacts to outdoor recreation values and outdoor recreation infrastructure, and we would welcome the opportunity to work with BLM in its application.

## **Managing for Land Health to Achieve Ecosystem Resilience**

Subpart 6103 of the Public Lands Rule directs the development of land health standards, management for land health, and inventory, assessment, and monitoring:

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<sup>22</sup> 43 C.F.R. § 6102.5(a)–(b).



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- Section 6103.1 commits BLM to developing national land health standards that facilitate progress towards land health, including standards that incorporate watershed quality and function, water quality, and habitat. Land managers must manage in accordance with the fundamentals of land health and associated standards.
- Section 6103.1.1 directs land managers to use watershed condition assessments, land health evaluations, and causal factor analysis to support decision-making. Land managers must manage all program areas to facilitate progress towards meeting land health standards.
- Section 6103.1.2 directs land managers to rely on watershed condition assessments and other information to complete land health evaluations and updated them at least every 10 years. When land managers find that lands are not meeting or progressing towards standards, they are required to identify the cause and make efforts to address those causal factors.
- Section 6103.2 describes inventory, assessment, and monitoring. Watershed condition assessments must be completed at least once every ten years based on a compilation and synthesis of high-quality information and monitoring. BLM will maintain a publicly available inventory of infrastructure and natural resources on public lands.

In total, these sections provide for the rational management of multiple-use public lands without being overly prescriptive in the determination of any individual decision. In contradictory terms, the proposed recission asserts both that “the 2024 Rule constrains agency flexibility necessary to manage under [the principles of FLPMA],” and that the Rule, “vests too much discretion in individual authorizing officers.”<sup>23</sup> We regard the provisions of the Rule as requiring appropriate landscape-scale assessments and process to inform management decisions and provide appropriate sideboards to guide, though not eliminate, the discretion of individual authorizing officers.

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Outdoor recreation is a “principal or major use” of public lands as articulated by FLPMA, and BLM has a responsibility to manage those public lands to support their recreation values. Outdoor recreation is also, arguably, the most economically

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<sup>23</sup> 90 Fed. Reg. 43,990, 43,991 (Sept. 11, 2025).



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important use of public lands, supporting the \$1.2 trillion outdoor recreation economy. The policies put in place by the Public Lands Rule—including affirming conservation as a use under FLPMA—are necessary and overdue steps towards the harmonious integration of multiple-use values on public lands, and these policies are clearly aligned with President Trump's conservation objectives as articulated in EO 14313. We strongly encourage BLM to revisit the decision to rescind the Public Lands Rule, and we would sincerely welcome the opportunity to work with BLM towards the effective implementation of these policies.

Best regards,



Louis Geltman  
Vice President for Policy and Government Relations  
Outdoor Alliance

cc: Adam Cramer, Chief Executive Officer, Outdoor Alliance  
Heather Thorne, Executive Director, Access Fund  
Beth Spilman, Executive Director, American Canoe Association  
Clinton Begley, Executive Director, American Whitewater  
Kent McNeill, CEO, International Mountain Bicycling Association  
David Page, Executive Director, Winter Wildlands Alliance  
Tom Vogl, Chief Executive Officer, The Mountaineers  
Ben Gabriel, Executive Director, American Alpine Club  
Madeline Bachner Lane, Chief Executive Officer, Colorado Mountain Club  
Chad Nelsen, Chief Executive Officer, Surfrider Foundation





## Appendix

July 5, 2023

U.S. Department of the Interior Director (630)  
Bureau of Land Management  
1849 C St. NW, Room 5646  
Washington, DC 20240  
Attention: 1004-AE92

**Re: Comments to Proposed Rule, Bureau of Land Management, 43 CFR Parts 1600 and 6100 re Conservation and Landscape Health (RIN 1004-AE92)**

Dear Director Stone-Manning:

Outdoor Alliance, The Conservation Alliance, and Outdoor Industry Association welcome this opportunity to comment on the Bureau of Land Management's proposed Conservation and Landscape Health Rule and appreciate much needed updates to regulations that implement the intent of the Federal Land Policy and Management Act of 1976. Our organizations strongly support BLM's efforts through the proposed rule to ensure the health of our country's public lands, which are the essential settings for the outdoor recreation activities that support our organizations' constituencies. In particular, we support the BLM's intention to take necessary steps to address impacts from climate change such as unprecedented drought, increasingly intense fires, a loss of wildlife, and an influx of invasive species, all which uniquely affect outdoor recreation experiences and related economies. However, it is important that BLM integrate the role of outdoor recreation into the proposed rule when developing standards for protecting and restoring our public lands and waters.

Outdoor recreation is a "principal or major use" under FLPMA, alongside domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, and timber production.<sup>1</sup> In distinction from other principal uses, however, sustainable outdoor recreation is predominately non-

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<sup>1</sup> 43 U.S.C. 1702(l).



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consumptive and uniquely compatible with conservation. Indeed, activities like camping, hiking, paddling, climbing, mountain biking, skiing, and more are driven by—and dependent upon—the opportunity to interact with the unique features of well-protected and managed natural landscapes.

Our organizations support sustainable recreational use of public lands and waters, and ensuring sustainability of use often depends upon thoughtful management. At times, recreational use may extend beyond what is sustainable, affecting both the landscape and the quality of the recreation experience itself, and we support management actions to restore recreational activities to a state that ensures they can be enjoyed for generations to come.

At the same time, our organizations are concerned with ensuring the accessibility of sustainable recreation activities and do not want to see public access to public lands and waters constrained beyond—or in the absence of—conservation necessity.<sup>2</sup> We firmly believe that desire comports with the intention of the proposed rule; however, in our comments below, a common theme is the need to ensure that management prescriptions that potentially constrain recreational use are closely tailored to conservation necessities and not applied in an imprecise or overbroad fashion. For example, Areas of Critical Environmental Concern typically do not allow access for mountain biking, and while we support restrictions on access when necessary to address a specific environmental concern in a particular area, we do not support that restriction being applied as a default setting or as a result of institutional inertia. We believe this position aligns with the rule's intention, but ask for particular clarifications below to ensure this understanding is shared with BLM local staff who will be tasked with implementing the rule. That shared understanding is particularly urgent given BLM's capacity constraints, which may create pressure to move expeditiously or paint with a broad brush.

A second theme of our comments is to elucidate the opportunities we see through the proposed rule to directly benefit outdoor recreation, for example through

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<sup>2</sup> We recognize, as well, that access constraints like limited-entry permit systems are necessary in some instances to protect the quality of the recreation experience from the effects of overcrowding, but believe those decisions, absent particular impacts to the resource, are beyond the scope of this rulemaking.

required mitigation activities and conservation leasing. Again, we see the rule's intent as embracing these opportunities, but believe it could be strengthened through a clearer articulation.

Finally, we are concerned to ensure that meaningful opportunities for public engagement are enshrined in the final rule. The outdoor recreation community is often the best source of information regarding recreational use—where people go, why they go there, when they go, and in pursuit of what values—and that information is essential for informed decision-making by the agency. Opportunities for engagement by all relevant stakeholders are essential for reducing conflict and increasing confidence in agency decisions.

As an outdoor recreation community passionate about the lands and waters where we pursue our avocations, we strongly support BLM's efforts to manage multiple-use lands more sustainably. By integrating recreation more thoroughly and clearly into the rule, BLM will be able to protect more places, including those of particular importance for recreational use; alleviate unnecessary tension between recreation and conservation; and build public support for strong conservation action. Outdoor recreation is the most common way that Americans experience their public lands, and positive outdoor recreation outcomes are the most tangible way that many people will experience the benefits of BLM's proposed rule. By ensuring that recreation access and sustainable opportunities to enjoy public lands and waters are clearly integrated into the rulemaking, BLM will deliver positive results that Americans see and feel in a direct and personal way.

Our specific comments, organized by section of the proposed rule, follow. Most importantly, we specifically request that BLM:

- Ensure management prescriptions for ACECs do not unduly infringe on recreational activities (p.4).
- Avoid the term "casual use" to encompass recreation in favor of more precise language, and account for facilitated access uses that may be commercial in nature (p.6).
- Ensure that conservation use to achieve ecosystem resilience incorporates opportunities related to outdoor recreation (p.7).

- Amend restoration prioritization to include consideration of recreation values (p.8).
- Incorporate recreation into restoration planning (p.9).
- Ensure public engagement opportunities, and support outdoor recreation and outdoor recreation improvements through conservation leasing (p.9).
- Articulate clearly the requirement of mitigation for impacts to recreation resources and recreation values (p.13).

## **§ 1610.7-2 Designation of areas of critical environmental concern**

As noted in its prefatory statement, the rule aims to clarify and expand upon existing ACEC regulations. The outdoor recreation community supports the identification of Areas of Critical Environmental Concern and the application of special management prescriptions to protect identified needs and values. While outdoor recreation is not among the identified values stated in the draft rule, many if not all of the identified values are significant from the perspective of outdoor recreation, and some—scenery, in particular—implicitly recognize the presence of people on the landscape and the importance of conservation for the recreation experience.

Despite the importance of the protections of ACECs, the outdoor recreation community's experience with their application has been mixed. For example, ACECs generally apply a non-mechanized-use prescription, prohibiting the use of mountain bikes, and the use of fixed climbing anchors (an essential safety tool for climbers) is similarly generally prohibited. In addition, resource management plan stipulations for ACECs often prevent any surface disturbance, even for foot trails where that foot trail restriction may have nothing to do with the purpose for the ACEC—and in some cases such a foot trail may enhance or support the purpose for the ACEC (such as to condense dispersed foot traffic).

These types of restrictions on sustainable outdoor recreation activities should be applied rarely and limited to addressing site-specific concerns that reflect the purpose of the ACEC and not as a matter of default management practice. In general, our community supports access restrictions where they are:

1. Based on sound science;



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2. Supported by public process;
3. Closely tailored to the purpose and need for a restriction (spatially, temporally, and with regard to uses); and
4. Equitably applied across user groups.

Sustainable outdoor recreation is compatible with a high degree of resource protection, and sustainable outdoor recreation is directly contemplated by the listed values to be protected by ACECs. To ensure that ACEC designation does not interfere with recreational use beyond what is necessary and appropriate, § 1610.7-2 should include a requirement that management prescriptions, particularly where applied to contemplated, compatible, and “primary” uses like outdoor recreation, be closely tailored to that which is necessary to protect resources identified through “relevance” and “importance” criteria.

One way to accomplish this would be to *amend* § 1610.7-2(h) as follows:

(h) The approved plan shall list all designated ACECs, identify their relevant and important resources, values, systems, processes, or hazards, and include the special management attention, including mitigating measures, identified for each designated ACEC. *Special management attention shall be tailored to minimize restrictions on recreational activity and subject to public input during the planning process.*

## **Subpart 6101—General Information**

### *§§ 6101.1 Purpose; 6101.2 Objectives.*

Our organizations strongly concur with BLM’s assertion that “management of public lands on the basis of multiple use and sustained yield relies on healthy landscapes and resilient ecosystems.” Outdoor recreation, a “principal or major” use under FLPMA, is wholly reliant on the conservation of our public lands and waters to support recreational experiences. Too often, despite FLPMA’s instruction to promote “harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment,” resource extraction, grazing, and other activities have led to the



impairment of environmental values and the recreational experiences they sustainably support.

*§ 6101.4 Definitions.*

*Casual use.* Our organizations are concerned by the proposed rule's reliance on the term "casual use" to encompass recreational activity on conservation leases contemplated by this proposed rule. While it may be desirable to employ a term broader than "recreational use," we would like to see definitions explicitly consider recreational use and access in order to facilitate precise management.

Additionally, we are concerned that the term "casual use" as currently drafted excludes commercial use, presumably including outfitters and guides and other providers of facilitated access to public lands and waters. In addition to the economic importance of facilitated access for businesses, employees, and local communities, the availability of facilitated access experiences is often crucial for introducing new participants to the outdoors. These experiences allow new participants to build comfort, develop skills, and learn Leave No Trace-style best practices in a safe and welcoming setting. While these activities will not be appropriate in all settings, we ask BLM to ensure that decisions to limit these activities are taken purposefully and not based on default definitions.

*High quality information.* We commend and support the recognition of Indigenous knowledge as a source of high quality information.

*Intact Landscapes.* Connected and intact landscapes and watersheds also provide high quality recreational opportunities. For example, undeveloped rivers and streams provide for extended and continuous paddling opportunities. These opportunities give the public unparalleled engagement with vibrant and functioning ecosystems. These sorts of experiences are what ignite a conservation ethic in those enjoying public lands for recreational purposes.

*§ 6101.5 Principles for ecosystem resilience.*

Our organizations strongly support the principles for ecosystem resilience as described in the proposed rule. As noted above, outdoor recreation experiences

derive a tremendous amount of their value, meaning, and quality from the setting where they occur and the opportunity to interact with and experience healthy landscapes and waters. We strongly support the goal of ensuring that public lands and waters are managed to ensure their ability to provide sustainable benefits in perpetuity.

### **Subpart 6102—Conservation Use to Achieve Ecosystem Resilience**

The outdoor recreation community broadly supports the goals and actions set out in subpart 6102 aimed at advancing restoration activities on BLM lands. We see significant potential to incorporate recreation into contemplated restoration work.

Incorporating recreation more fully into this section would have multiple benefits. First, incorporating recreation into the prioritization and conceptualization of restoration projects will help enhance the sustainability of recreation use at a time of rapidly growing recreation demand. Proactively looking for opportunities to incorporate sustainable recreation infrastructure into restoration projects will help ensure that growing recreation demand is met sustainably and does not work at cross purposes to restoration goals. Second, by conscientiously and actively looking for opportunities to include recreation project components where appropriate, the agency will be able to achieve efficiencies in project design, environmental analysis, implementation, and monitoring. Given BLM capacity constraints, looking for opportunities to implement complementary projects simultaneously should be a priority. Third, advancing opportunities for sustainable outdoor recreation is an important economic consideration for public lands communities, and ensuring that recreation goals are considered and supported as appropriate will help to offset real or perceived concerns regarding economic losses from changed or reduced extractive development. Finally, outdoor recreation is the way in which most Americans experience their public lands and waters, and incorporating recreation opportunities into restoration projects will help more people see and experience the benefits of restoration activities on public lands, increasing community support for agency action.



### *§ 6102.1 Protection of intact landscapes.*

Our organizations support the goal of prioritizing protection for intact landscapes. We particularly commend the direction in § 6102.1(a)(2) to manage lands strategically for “compatible uses,” which we understand to include sustainable recreation opportunities. We appreciate the direction in the proposed rule to coordinate across BLM jurisdictions and programs, which can often be a hurdle to contiguous landscape and watershed protections. To better ensure that coordination takes place and ensure the protection of intact landscapes, we request that BLM maintain an inventory of intact landscapes and watersheds.

### *§ 6102.2 Management of Intact Landscapes.*

The proposed rule cites the use of watershed condition classification to be used to help BLM officers identify intact lands and waters for protection from activities that could degrade their functionality. BLM should develop classification guidelines to holistically evaluate watershed health, identify restoration opportunities and recovery potential, prioritize recreation as well as conservation and restoration, and measure progress towards achieving resilience and land health across lands and waters.

### *§ 6102.3-1 Restoration prioritization.*

Our organizations strongly support the direction in § 6102.3 to prioritize restoration. § 6102.3-1 is an important opportunity to look for projects with potential synergy between recreation and conservation goals, improve the sustainability of recreation, and support the recreation experience by advancing conservation in settings where recreation occurs. To achieve this, BLM should add an additional consideration to § 6102.3-1(a) between existing parts (3) and (4):

*(4) The potential to advance recreation goals and sustainable and equitable outdoor recreation access as project components;*

*§ 6102.3-2 Restoration planning.*

Our organizations strongly support the requirement to include restoration plans in resource management plans. In particular, we support the requirement in § 6102.3-2(a)(3) to include “[c]oordination and implementation of actions across BLM programs and with partners to develop landscape restoration objectives,” and the requirement in § 6102.3-2(b)(3) to “coordinate and implement actions across BLM programs and with partners to develop holistic restoration actions.” As noted, we see significant potential for cross-program coordination with recreation activities, as well as with partner organizations. BLM should follow up on this requirement in subsequent guidance to help ensure consistent consideration of recreation objectives and partnership opportunities. Additionally, we strongly support amending the language of § 6102.3-2(b)(3) to read:

(3) Coordinate and implement actions across BLM programs and with partners to develop holistic restoration actions, *including, where appropriate, opportunities for sustainable recreation.*

*§ 6102.4 Conservation leasing.*

The outdoor recreation community is enthusiastic about the potential of conservation leases for conservation benefits and to facilitate mitigation for impacts to recreation on public lands.

Under the proposed rule, § 6102.4(a)(1), conservation leases may be authorized for two activities: “[c]onservation use that involves restoration or land enhancement,” and “[c]onservation use that involves mitigation.” As noted above, we see significant potential for projects that involve both restoration and recreation infrastructure components. While the proposed rule appears to contemplate recreation-related improvements in the context of mitigation, the rule would benefit from increased clarity in this regard. Additionally, outside of the context of mitigation, we still see potential for dual-purpose projects to be advanced through conservation leasing. This could be accomplished by including recreation improvements (in addition to recreation infrastructure alterations directly related to improving landscape conditions) in the definition for “land enhancement” in § 6101.4, or by amending § 6102.4(a)(1) to read:

(i) Conservation use that involves restoration or land enhancement, *including recreation infrastructure improvements*; and

Additionally, we believe BLM must clarify the intention that conservation leases not conflict with public access. We appreciate the stipulation in § 6102.4(a)(5) that “[n]o land use authorization is required under the regulations in this part for casual use of the public lands covered by a conservation lease.” As noted previously, we are concerned by the reliance on the term “casual use” to cover recreational activity. In particular, areas subject to conservation leases should be available for facilitated access, including outfitting and guiding, as appropriate. Additionally, we believe that this section should go further in articulating that holders of conservation leases do not have authority to enact restrictions on public access to leases. Where restrictions may be necessary to facilitate work and landscape recovery, these closures must come directly from BLM, be supported by public process, and be limited spatially and temporally to the purpose and need of the conservation lease. Conservation lease holders should be required in lease applications to describe any access restrictions they foresee requesting from the agency.

Finally, it is essential that decisions to issue conservation leases be subject to public notice and comment. The public must have an opportunity to review proposed actions on public lands and comment on their appropriateness. While much of this work is likely to be subject to public process through NEPA, it is conceivable that some of this work would proceed under categorical exclusions, and it is essential that the rule enshrine the obligation for public participation in leasing decisions.

BLM also requests public comment on certain aspects of the conservation lease proposal. Our answers are interposed below:

*Is the term “conservation lease” the best term for this tool?*

Given the rule’s broad definition of conservation, the importance of active restoration efforts, and the potential for recreation access and improvements in leased areas, a broader term may be desirable.

*What is the appropriate default duration for conservation leases?*

While we do not express an opinion on the appropriate default term, leases should be constrained temporally to reflect the purposes of the lease and its contemplated activities.

*What is the appropriate valuation process for the rent of the conservation lease?*

The BLM asks for comment regarding the calculation/determination of rent for conservation leases which are regulated by 43 C.F.R. 2920.6 and 2920.8. Under those regulations, the BLM must charge a rent of at least fair market value. The BLM asks specifically, "Would existing methods for land valuation provide valid results? Would lands with valuable alternative land uses be prohibitively expensive for conservation use? Should the BLM incorporate a public benefit component into the rent calculation to account for the benefits of ecosystem services?"

The BLM should incorporate a "public benefit" component into the rent calculation of a conservation lease. Proper valuation of recreational use activities as a public benefit would appropriately "offset" the rent of a CL. Other agencies, such as the USDA, have considered this issue within the context of preservation or restoration of lands. Soil conservation/restoration projects, farmland protection easements, and wetland easements have acknowledged a "social value" as a dimension that must be considered in relation to partial interests in land. Similarly, BLM should consider a "public benefit" component when considering conservation lease rents as a factor in determining the fair market value of the property. Public recreational use of the conservation lease, whether through trail use (hiking, biking, bird watching, for example), land feature use (such as river running or rock climbing), or scenic value should be considered as valuable use activities. Understanding that these nonmarket or social uses may be more difficult to value as compared to the value of something such as grazing, the BLM could consider a wide range of values associated with specific recreational activities to more accurately portray the recreational value of the lease. When the public can enjoy recreational activities on a conservation lease property, the public recreational value can offset the underlying cost of that conservation lease.

*Should the rule constrain which lands are available for conservation leasing? For example, should conservation leases be issued only in areas identified as eligible for conservation leasing in an RMP or areas the BLM has identified (either in an RMP or otherwise) as priority areas for ecosystem restoration or wildlife habitat?*

Yes. Given the importance of public process around conservation leasing, it is important that, in addition to specific public notice and comment opportunities for specific leases, BLM consider the appropriateness of conservation leasing during the RMP development process or through RMP amendments.

*Should the rule clarify what actions conservation leases may allow?*

The rule should state that actions on the landscape performed by the conservation lessee must be in accordance with lease terms and limited to actions advancing the purpose and need for the conservation lease and opportunities for sustainable recreation activity within the lease area.

*Should conservation leases be limited to protecting or restoring specific resources, such as wildlife habitat, public water supply watersheds, or cultural resources?*

Conservation leases should also be permissible for protecting and enhancing recreation and supporting values, particularly where they are intended to function as mitigation for damage to recreation values or resources.

#### *§ 6102.5 Management actions for ecosystem resilience.*

The outdoor recreation community strongly supports the steps outlined in § 6102.5 to promote ecosystem resilience. We particularly support the direction to respect and incorporate Indigenous knowledge into management actions. Additionally, we appreciate the direction to collect high-quality available relevant data. The outdoor recreation community is often, if not always, the best source of information regarding recreational use of public lands. Outdoor Alliance maintains the most comprehensive geospatial dataset related to recreational resources on public lands, and our organizations and broader community are eager to partner with BLM to support the use of high-quality data in agency decision-making.



### *§ 6102.5-1 Mitigation.*

The outdoor recreation community supports BLM's intention to adhere to the mitigation hierarchy and require mitigation for resource impacts. We understand it to be BLM's intention to apply compensatory mitigation requirements to unavoidable impacts to recreation resources—including undeveloped landscapes open to recreation—but believe the rule could be improved by making that understanding more explicit, both in the rule and in subsequent guidance. To that end, we support amending § 6102.5-1(b) to state:

(b) Authorized officers shall, to the maximum extent possible, require mitigation to address adverse impacts to important, scarce, or sensitive resources, *including values associated with recreation opportunities.*

Where compensatory mitigation is required for impacts to recreation resources, we also believe it essential that the details of that mitigation be subject to public process. High-quality outdoor recreation opportunities are each fundamentally unique; a given resource, once lost, is impossible to fully re-create, and the public has an important role in weighing what might provide an acceptable offset for a given loss. Additionally, local communities and other stakeholders are particularly situated to articulate community desires and needs related to recreation improvements. BLM should clarify that mitigation project details must be included with particularity in decision documents.

### **Subpart 6103—Tools for Achieving Ecosystem Resilience**

#### *§ 6103.1 Fundamentals of land health; § 6103.1-1 Land health standards and guidelines.*

Our organizations strongly support the requirement that land use plan components support maintenance of or improvement towards land health standards. In particular, we greatly appreciate and support the emphasis on water quality and water quantity and flow considerations. Water quality and the timing and extent of runoff are of critical importance for water-based recreation. BLM manages some of the most outstanding paddling opportunities in the country and the world,



including roughly 8 percent of the nation's streams and rivers and 81 designated Wild and Scenic rivers totaling nearly 2,700 miles. Ensuring the protection of these resources is of paramount importance to our community.

BLM should require the Wild and Scenic eligible river determinations be current and complete, identifying recreational values where applicable. The rule should clarify BLM's long-standing authority under section 202 of FLPMA and Section 5(d)(1) of the Wild and Scenic Rivers Act to establish new eligible Wild and Scenic rivers through land management planning, provide protective management for streams found eligible, and clarify the limited scope of conducting suitability determinations.

#### *§ 6103.2 Inventory, assessment, and monitoring*

Our organizations strongly support requirements to inventory, assess, and monitor the condition of public lands and waters. As noted above, Outdoor Alliance maintains a robust data set of recreation resources on public lands, and our organizations are motivated to assist in providing information to support informed decision-making.

\* \* \*

Our organizations are premised on the principle that outdoor recreation and conservation can be complementary. Recreationists come to know and appreciate the outdoors and, through that experience, grow in understanding of the natural world and become advocates for its protection and stewardship. We greatly appreciate and strongly support BLM's efforts to more sustainably manage our public lands and waters. We believe that by more holistically integrating recreation into the proposed rule, BLM can improve the lives of Americans and deliver sustainable and durable results for the environment on which we all depend. We look forward to working with you towards the rule's finalization and implementation.



TOGETHER WE ARE A FORCE™



Best regards,

A handwritten signature in black ink that appears to read "Louis Geltman".

Louis Geltman  
Policy Director  
Outdoor Alliance

A handwritten signature in black ink that appears to read "Shoren Brown".

Shoren Brown  
Vice President, Public Affairs  
The Conservation Alliance

A handwritten signature in black ink that appears to read "Rich Harper".

Rich Harper  
Director of Government Affairs  
Outdoor Industry Association



## Our Organizations

Outdoor Alliance is a coalition of ten member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our nation's public lands, waters, and snowscapes.

The Conservation Alliance is an organization of like-minded businesses whose collective contributions support grassroots environmental organizations and their efforts to protect wild places where outdoor enthusiasts recreate. Alliance funds have played a key role in protecting rivers, trails, wildlands and climbing areas. Membership in the Alliance is open to all companies who care about protecting our most threatened wild places for habitat and outdoor recreation. Since its inception in 1989, The Conservation Alliance has contributed more than \$21 million, helped to protect more than 51 million acres of wildlands; protect 3,107 miles of rivers; stop or remove 34 dams; designate five marine reserves; and purchase 14 climbing areas. For complete information on The Conservation Alliance, see [www.conservationalliance.com](http://www.conservationalliance.com).

Outdoor Industry Association (OIA) is the national trade association for the outdoor industry and is the title sponsor of Outdoor Retailer, the largest outdoor products tradeshow in North America. OIA serves over 1,300 manufacturers, suppliers, and retailers through a focus on international trade and public lands and recreation policy, sustainable business innovation and outdoor participation.