



# NRAE News Brief

Final BLM Rule | April 26, 2024

**From:** Ryan Williams <rwilliams@le.utah.gov>  
**Sent:** Friday, April 26, 2024 12:00 PM  
**To:** Interim Natural Resources, Agriculture, & Environment Committee  
**Subject:** NRAE News Brief: Final BLM Rule

Members of the Committee,

This email discusses a recently issued Bureau of Land Management (BLM) rule regarding management of BLM public lands, which account for [approximately 42%](#) of the state. This email covers the major components of the rule but is not intended as an exhaustive review. Committee staff can provide more information or research at your request.

As you may remember, committee staff reviewed BLM's proposed rule language for the "Conservation and Landscape Health" rule in [a primer to the committee](#) last November. This past week, BLM [released final rule language](#). The final rule has been revised following public comment and becomes effective 30 days after publication in the Federal Register. BLM has not yet indicated a publication date.

The final rule establishes:

- **Conservation is a land use on par with other land uses** under the multiple-use and sustained-yield mandate of the Federal Land Policy and Management Act of 1976 (FLPMA). Previously, BLM could consider conservation in land management decisions, but conservation was not equal to land uses like recreation, grazing, timber harvesting, energy and mineral extraction, and watershed development.
- **BLM will prioritize the "intactness" of certain public lands.** "Intactness" is defined to mean the absence or reduction of "human influences, which can include invasive species and unnatural wildfire, [that] alter or impair the structure, function, or composition of a landscape." BLM has stated that it will look to preserve the intactness of landscapes valued for important habitat and old growth forests, among other natural features.
- **BLM will issue "mitigation leases" and "restoration leases" for federal public lands.** The proposed rule provided for "conservation leases" on public lands. The final rule splits the proposed "conservation lease" into two discrete categories for mitigation and restoration. BLM states that the leases are intended for "restoring degraded landscapes or mitigating impacts resulting from other land use authorizations." Leases may only be issued to "qualified entities," which include individuals, businesses, non-governmental organizations, Tribal governments, conservation districts, or State fish and wildlife agencies. Restoration and mitigation leases may not be held by a foreign person as that term is defined in [31 C.F.R. § 802.221](#). BLM states that these leases will be subject to valid existing rights, including existing grazing.
- **In a change from current practice, the final rule authorizes BLM to implement temporary management for potential Areas of Critical Environmental Concern (ACECs)** identified outside of an ongoing planning process until the potential ACEC can be evaluated for designation through a land use planning process. Historically, BLM



could not treat lands as ACECs until the land had been designated through a formal land use planning process. BLM has clarified in the final rule that any temporary management of potential ACECs is subject to all applicable laws, including the National Environmental Policy Act (NEPA).

The Legislature responded to the proposed rule by passing [HB 496](#) during the 2024 General Session, which directs the Public Lands Policy Coordinating Office (PLPCO) to oppose "federal prioritization of conservation as a use equal to other productive uses of public lands" and prohibits conservation leases (and other similar leases) on state public lands.

If you have any questions about the BLM rule or would like additional information or research, please contact Ryan Williams, who has taken the lead on this issue, or any other NRAE Interim Committee Staff.

Thank you,

NRAE Interim Committee Staff

Ryan Williams, Patricia Owen, Julie Humberstone, Charley Hart, and Victoria Garcia