

## **The CAPE Awards: Celebrating 2009's Greatest Achievements in Protection for BLM Lands**

2009 brought a new sheriff to town, and we've been encouraged – and at times, outright delighted – by the promise to return truly balanced management to our public lands. The dedication of BLM officials, activists, and a wide range of partners has brought about noteworthy accomplishments this year. Some are significant first steps and some finalize meaningful protections for our western landscapes.

The Comparative Analysis of Particular Excellence (CAPE) rating system, inspired by the superhero-like character of the Action Center team (able to leap tall stacks of RMPs in a single bound), ranges from one CAPE on the low end (worth a pat on the back) to five CAPEs on the high end (HUGE PROGRESS!!! WAY TO GO!!!).

### **1. New Guidance for the National Landscape Conservation System Reaffirms Protective Management (5 CAPEs)**

**Recipient: BLM NLCS Office, Washington DC**



We are excited to present our first-ever 5-CAPE award to BLM for issuing guidance to protect the many values of the Conservation System. BLM issued two Instruction Memoranda (IMs) this year on planning in National Landscape Conservation System (NLCS) units which reinforce the priority of protective management for these gems of the National System of Public Lands.

IM 2009-215 commits the agency to managing lands designated through acts of Congress or presidential proclamations to protect the values that led to their designations. Importantly, the IM explicitly states that if the management direction in the proclamation or legislation conflicts with BLM's broader "multiple-use mandate," the designating language takes priority.

IM 2009-226 requires BLM to implement protective interim management for newly-designated Conservation System units while the resource management plans are developed. According to this IM, damaging activities must be suspended, BLM must inventory the areas for the values upon which their designations are based, and timelines are established for completing planning efforts.

*This guidance will help preserve the integrity of the NLCS, and ensure BLM is working to fulfill the NLCS mission to "conserve, protect and restore nationally significant landscapes recognized for their outstanding cultural, ecological and scientific values."*

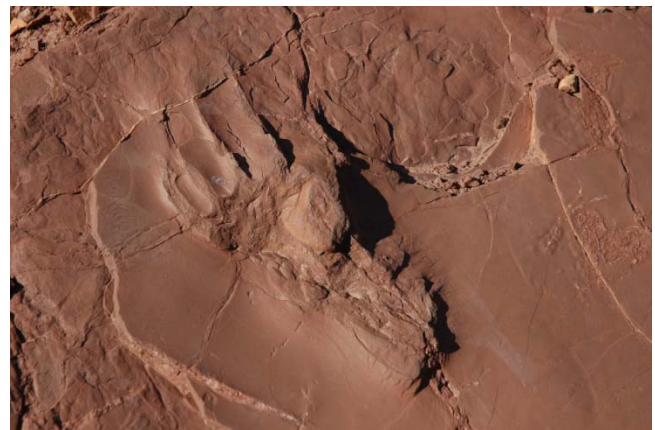


Photo: Prehistoric Trackways National Monument, courtesy BLM

**2. Final Review of 77 Oil and Gas Lease Parcels Offered in BLM-Utah's December 2008 Lease Sale: Recommendations for Balanced Oil and Gas Management (4 CAPEs)**

**Recipient: Review Team; Mark Stiles, Team Leader**



Following a court decision issuing a temporary restraining order preventing sale of 77 parcels, Secretary of the Interior Ken Salazar recognized that the issues raised by the court, along with other concerns that had been raised about the lease sale, merited a special review. He directed that the leases be withdrawn and requested that Deputy Secretary Hayes form a departmental team that would evaluate the sale and make recommendations. A Review Team was formed comprised of 11 senior BLM and National Park Service personnel, and was led by Mark Stiles, a BLM veteran and currently supervisor of the Public Lands Center in Southwest Colorado. The Review Team's final report made recommendations for reevaluating the Utah decisions and giving greater consideration to protecting lands with wilderness qualities, cultural resources, and wildlife habitat.

The team also made recommendations for improving the BLM's oil and gas program overall. The report calls for BLM to play a more active role in configuring leases, performing on-the-ground reviews, and planning ahead while taking "breathers" between lease sales. The report noted that, "If BLM were to play a greater role in identifying which parcels to offer, there would likely be several benefits in addition to ensuring opportunity for necessary field review." These benefits would include: lease configurations that would facilitate orderly development and avoidance of drainage situations; more efficient and thorough parcel reviews; improved interdisciplinary and interoffice coordination; improved ability to anticipate, avoid, and prepare to respond to lease protests; fewer problems associated with speculative or "pioneer" leases; more uniformity of stipulations; and better coordination with state and other federal agencies.

BLM offices in Colorado, New Mexico and Wyoming have also recently withdrawn leases from sales where they would impact sensitive resources. These include leases in the following: Adobe Town citizen-proposed wilderness in Wyoming; near Chaco Canyon National Monument and in Doña Ana County impacting lands proposed for legislative protection in New Mexico; and affecting the McInnis Canyons National Conservation Area in Colorado. Although these actions were taken after protests were filed, the withdrawal of these leases is an acknowledgment of the importance of the other values of our public lands and a step in the right direction that should be supported by clear guidance from Secretary Salazar and Director Abbey.

*Secretary Salazar recently reaffirmed his commitment to improving BLM's oil and gas program. We hope to see the report's recommendations implemented quickly and comprehensively to ensure the BLM acts as the steward of our public lands and returns balance to management of our magnificent National System of Public Lands.*

### 3. BLM Takes Critical Steps Towards Environmentally Responsible Solar Energy Development (4 CAPEs)

Recipient: BLM National Renewable Energy Team & Solar Energy PEIS Team



Showing extraordinary leadership in carrying out the Obama Administration and Interior Secretary Salazar’s vision for environmentally responsible renewable energy development, this summer BLM identified areas best-suited for solar development on public lands in the southwest states (Arizona, California, Colorado, New Mexico, Utah and Nevada). These “Solar Energy Study Areas” (SESAs) are said to have been selected for high resource potential, limited conflict with other resources and uses, and proximity to existing transmission and other infrastructure. These criteria help identify areas where projects are most likely to move forward quickly and succeed. This approach to development addresses many of the shortcomings wrought by the previous administration’s mismanaged oil and gas program and will help avoid the controversy and environmental devastation oil and gas development has caused.

The process of identifying solar energy areas is not over, and the SESAs must be further refined to remove inappropriate areas and consider additional appropriate areas through ongoing engagement with conservation groups, the solar industry and other stakeholders in the development of the draft and final Programmatic Environmental Impact Statements (PEIS). Further, BLM should ensure that the benefits of this prioritization are truly realized by limiting future applications to the SESAs.

BLM also began a long-overdue, agency-wide discussion on responsible renewable energy development with its 2009 Renewable Energy Summit this September in Las Vegas. During the four day summit, agency personnel, members of the conservation community, industry representatives, and other stakeholders covered issues including nuts and bolts renewables technology, BLM permitting and NEPA processes, stakeholder outreach and mitigation for impacts, and much more. The summit offered important opportunities for education and coordination. We encourage the BLM to continue to host the event in 2010 and beyond.

*We applaud BLM’s efforts to encourage the rapid development of solar energy by guiding it to environmentally appropriate areas. We urge the agency to take a similar approach with other renewable energy development on our public lands—especially wind and geothermal energy. The Department of the Interior and the BLM are taking important steps to minimize environmental harm and guide development on public lands—through identifying the most appropriate areas and through education of developers and other stakeholders—and we look forward to continuing to work with them.*

### 4. Arizona BLM’s Restoration Design Energy Project: Turning Brownfields Green with Renewable Energy (4 CAPEs)

Recipient: BLM Arizona State Office



Capitalizing on the opportunity to build clean, renewable energy while revitalizing damaged lands, the Arizona State office of the BLM launched a new initiative this summer. The Restoration Design Energy

Project (Restoration Design), funded with stimulus money under the American Recovery and Reinvestment Act, aims to achieve the ultimate in guided renewable energy development – repowering already disturbed lands.



Photo: Solar panels, courtesy BLM

This fall, the Restoration Design Project reached out to the public, conservation groups, renewable energy developers, cities, and others to identify disturbed lands on public and private lands where, after site cleanup, renewable energy could be developed. Over 45 potential sites have already been identified, including landfills, abandoned mine lands, gravel pits, hazardous material sites, former airfields, trash dumps, and other isolated BLM lands in urban areas. These “brownfields” often already have existing electrical

and transmission capacity and are zoned for industrial uses — making them ideal sites for building renewable energy construction. The process will continue to be collaborative, as studies on environmental impacts will soon be published and will be open to public comments.

*Developing energy on brownfields is a resourceful way to utilize waste land by using our polluted past to get to our clean future. The project supports President Obama and Secretary Salazar’s dual goals of using public lands as part of our strategy for a new energy economy while protecting and restoring treasured landscapes. Prioritizing renewable energy development on disturbed lands helps keep our wilderness lands healthy and can improve community wellbeing by cleaning up brownfields, relieving local tax burdens, and encouraging clean development. We hope that BLM offices in other states will also take advantage of the potential for a win-win for renewable energy development and public lands protection.*

##### **5. Craters of the Moon National Monument Travel Plan Prioritizes Protection of Monument Resources (4 CAPEs)**

**Recipient: Craters of the Moon National Monument Staff**



Craters of the Moon National Monument, Idaho’s first National Monument, was designated to protect the unique lava field landscape. It was greatly expanded in 2000, and a new Monument Management Plan (MMP) was recently completed. The MMP commits the BLM to protective management of the area’s wilderness-quality lands and remarkable volcanic features. Nearly 70% of the lands within the Monument are designated Wilderness, Eligible Wilderness or Wilderness Study Areas.

The MMP also directed that development of a Travel Plan be the top implementation priority, and BLM completed the plan quickly and thoroughly. The Travel Management Plan reaffirms the MMP’s

commitment to protecting Monument objects and wilderness characteristics – prioritizing protection for the Monument’s resources in the context of landscape-level travel planning. The plan states: “It is not in the spirit of the MMP or enabling legislation to create new trails without an identified need for them.”

As part of the Travel Plan, BLM conducted a route density analysis to determine the effects of travel decisions on sage grouse habitat and other important resources. The plan aims to restore illegal and otherwise-closed roads while preventing the spread of invasive species by identifying a toolbox of least-impact strategies for restoration and administrative activities. It also authorizes seasonal route closures for big-game habitat.

*This Travel Plan is consistent with BLM’s new guidance requiring protective management of NLCS units that goes above and beyond management of other public lands. We hope these principles and prescriptions serve as a model for other monuments in their travel planning efforts.*

## **6. Nevada ACECs Withdrawn From Hardrock Mining (3 CAPEs)**

**Recipient: Las Vegas Field Office**



On November 2, 2009, BLM protected 944,343 acres of important and sensitive public lands in southern Nevada for 20 years from the adverse effects of hardrock mining. In 1998, BLM designated 24 separate ACECs in a resource management plan to protect important cultural resources, habitat for desert tortoise, southwestern willow flycatcher, Virgin River Chub, and other wildlife habitat and riparian values, including seven ACECs in the stunning Gold Butte Complex which has been proposed for permanent protection as a National Conservation Area and Wilderness, but the plan left the areas vulnerable to mining. These areas were temporarily segregated from mining by Congress in 2002 and BLM extended that action in 2007 for an additional 2 years. The most recent action extends protection for 20 years.

*We laud the BLM for prompting Congress and the Department of Interior to take these necessary actions over the years to protect these important conservation areas from mining and other threats. We hope to see BLM continue to push for places like the Gold Butte Complex to be afforded additional recognition and protection in the near future.*

## **7. Canyons of the Ancients Staff Explores the Meaning of its Proclamation (3 CAPEs)**

**Recipient: Canyons of the Ancients National Monument Staff**



The resource management plan for the Canyons of the Ancients National Monument includes an appendix entitled “A Monument Proclamation: History and Intent of the Proclamation.” This document provides BLM’s take on how the monument came to be and its place as a “landscape” in the National Landscape Conservation System (NLCS).

This history contains excerpts from speeches and publications that provide context for how and why the monument was created and what is meant by “landscape-level” management in the NLCS, including the following quote from Bruce Babbitt in 2000 on the future of the BLM: “In the twenty-first century . . . BLM can become the greatest modern American land management agency, the one that sets the standard for protecting landscapes, applying evolving knowledge and social standings, and bringing people together to live in harmony with the land.” Indeed. The NLCS can lead the way and particular units like Canyons of the Ancients are doing their part by articulating what it means to be a BLM-managed national monument in the NLCS.

*This is the first time we have seen a BLM NLCS unit embrace the meaning of the NLCS and enabling legislation or proclamation in this way. Kudos goes to Monument Manager LouAnn Jacobson and Planner Heather Musclow for this excellent piece. We hope to see the managers of other NLCS units highlight the history of their particular area in a similar manner in the future.*

## **8. Arizona Strip Monuments Set Criteria for Large Motorized Events (2 CAPEs)**

**Recipient: Arizona Strip District Office**



The proclamations creating the Grand Canyon-Parashant and Vermilion Cliffs National Monuments both describe the virtues of the areas’ remoteness: “Full of natural splendor and a sense of solitude, this area remains remote and unspoiled, qualities that are essential to the protection of the scientific and historic objects it contains.” The proclamations both honor the “outstanding biological objects that have been preserved by remoteness and limited travel corridors.” Due to growth of surrounding communities in the last few years, monument staff have faced increased pressure to allow large-scale motorized events through the monuments. Last year, BLM and NPS began an Environmental Assessment (EA) to set criteria for permitting these types of events in the monuments rather than permit-to-permit.



Photo: Vermilion Cliffs National Monument, courtesy BLM

*While access for motorized vehicles is certainly permitted on roads within the monuments, it should not be the dominant experience. This anticipatory approach to management of a serious risk to the integrity of the monuments is a good first step by the Arizona Strip District. In the coming year, we hope to see a robust EA that includes but is not limited to: strong criteria for holding an event, limitations on the numbers of events, enforcement for breaking terms, and remediation for damage caused.*

## 9. Exceptional Martinez Canyon Protected from Harmful Off-Road Use (2 CAPEs)

**Recipient: Tucson Field Office**



Martinez Canyon, located within the Gila River watershed in the Mineral Mountains of Arizona, is a unique area that contains perennial water, native fish, a riparian gallery of tree species, historic structures, and diverse vegetation. The Arizona Wilderness Coalition, along with local advocates and other groups, have been intimately involved in inventorying and documenting the Martinez Canyon area. They have shown the Canyon to be a rare Sonoran Desert oasis important for wildlife and human visitors that is deserving of special recognition and protection. Unfortunately, off-road vehicle use in the canyon has caused severe ongoing environmental damage. These vehicles destroy fragile riparian soils and trees, create illegal roads, and cause air, noise, and water pollution. ORVs release toxic fluids such as hydraulic brake fluid, steering fluid, anti-freeze, oil and gasoline, which pose hazards to wildlife and water quality.

The Tucson Field Office has temporarily closed Martinez Canyon to off-road vehicles while it develops the Middle Gila Canyons TMP. The proposed TMP showed a strong start and BLM should maintain the Martinez Canyon vehicle closure.

*The BLM Action Center congratulates the Tucson Field Office for taking the first step toward protecting Martinez Canyon by limiting ORV use. We urge the agency to take the next step by designating Martinez Canyon as an Area of Critical Environmental Concern (ACEC) as was proposed by conservation groups for the Tucson RMP revision.*

## 10. BLM Enforces the Paria River Closure in Grand Staircase-Escalante National Monument (1 CAPE)

**Recipient: Grand Staircase-Escalante National Monument Staff**



The Paria River-Sheep Creek area of the Grand Staircase-Escalante National Monument is revered for its wilderness qualities. Not only is the area within a Wilderness Study Area and primitive zone of the Monument, BLM has identified this segment of the Paria River as suitable for Wild and Scenic River designation. BLM closed the area to motorized use in the Monument management plan over nine years ago, but up to this year it had not enforced this closure due to unproven claims that the riverbed is a “county road” under R.S. 2477, an archaic statute dating back to 1866.

In April, the U.S. 10th Circuit Court of Appeals held that BLM does not have to determine the validity of R.S. 2477 rights-of-way before it can implement and enforce decisions in its management plans. This decision finally prompted BLM to enforce the closure of the Paria River area to motorized use.

*Despite protests by radical ORV groups, BLM has initiated the official closure and will be ticketing those who violate the law. We support Monument Manager Rene Berkhoudt and monument staff in implementing this closure – a much-needed action for this important landscape.*

## **Honorable Mention**

The actions described below are steps in the right direction, but there is still much work to be done! We hope to see these “honorable mentions” make the top ten list next year and earn some CAPEs.

### **Nine Mile Canyon (UT): BLM Nominates 63 Sites for the National Register of Historic Places Recipients: Don Banks, Deputy State Director for Natural Resources; Dr. Byron Loosle, Archaeologist**

Referred to as “the longest outdoor art gallery in the world,” Nine Mile Canyon hosts countless treasures of Native American history. The area contains dwellings, relics, and rock art of immense value and significance to the Native American cultures of the area, including more than 10,000 prehistoric rock carvings and paintings of bighorn sheep, owls, a two-headed snake, spear-wielding hunters and warriors engaged in hand-to-hand combat.

On February 7, 2008, the Colorado Plateau Archaeological Alliance submitted a nomination for the Nine Mile Canyon Archaeological District to be designated on the National Register of Historic Places. The district follows the contours of the canyon bottom and side slopes covering over 47,000 acres and more than 800 archaeological sites, including 50 kilometers of Nine Mile Canyon Creek – from the confluence with the Green River almost to the mouth of Big Sulphur Canyon – and 10 kilometers of Dry Canyon and Cottonwood Canyon.

However, this irreplaceable trove is already being damaged by the effects of oil and gas development in the area. Recently, the BLM Utah State Office nominated 63 sites along Nine Mile Canyon for the National Register, which have now been officially listed. While this is a laudable first step, we hope to see BLM taking steps to protect the larger nominated districts and hundreds of other sites.

### **Grand Junction (CO): Second Comment Period Provided for Consideration of Quiet Recreation and Travel Management Recipient: Grand Junction Field Office**

The Grand Junction Field Office’s Resource Management Plan revision will include a comprehensive travel management plan. Prior to producing a Draft RMP, the field office provided a separate comment period for submission of data regarding desired trails, route conditions and trail experiences; the comment period was scheduled to accommodate additional groundtruthing, as well. The wilderness-quality lands, hunting opportunities, scenic beauty, and diverse wildlife and plant species in the Grand Junction Field Office host myriad opportunities for non-motorized enjoyment. The ecologically-based travel management recommendations submitted by a coalition of conservation organizations are aimed at ensuring a full range of native species will persist and support the quality of recreation experiences on these public lands, and included maps and scientific data. We hope to see these important considerations incorporated in the Draft RMP, including protection for plants and wildlife and management for a range of quiet recreation opportunities.