



Bait & Switch

*The BLM's plan to take the "public" out of public lands.
Words & photos by Cat Urbigkit.*

It may not look like much while you're driving down a state highway in southwestern Wyoming, but inside that sagebrush sea of the Rock Springs Bureau of Land Management District are small communities, vast wildlands and wild animal populations, and working landscapes ranging from traditional grazing of migratory sheep and cattle outfits to a diverse industrial presence of trona, oil and gas, coal mining and renewable energy development that serve as the region's economic engine. It's a multiple-use landscape totaling 5.7 million acres. The BLM administers 3.6 million acres in five Wyoming counties with an additional two million acres of the land surface owned by others.

In mid-August 2023, the BLM opened a 90-day comment period on its draft resource management plan (RMP) and environmental impact statement (EIS) for the Rock Springs District.

Most producers were out spending long days of summer with their stock on their federal grazing allotments, so it took nearly a week before word began trickling out about just what the BLM had planned for the District. Private landowners and commu-

nities throughout the region knew that whatever was planned, BLM would impact their private landholdings as well and began sifting through the more than 1,350 pages for details. What they found was stunning.

BLM's First Choice

The BLM's proposal essentially calls for nonuse of public lands. It prescribes "nature" as its direction and shows that it is abandon-

ing integrated management approaches to "emphasize natural processes" and ban nearly any visible change to the environment over a broad landscape.

The proposal would restrict and limit most uses on millions of acres of public lands in favor of "supporting opportunities for solitude and primitive/unconfined recreation," "naturalness," "more quiet and solitude," "solitude and a pristine setting," "solitude and natural environments"—not just in wilderness areas but also across millions of acres of public lands, from the foothills of the Wind River Mountains south to the Colorado border.

The proposal would place 1.3 million acres into "areas of critical environmental concern" and substantially eliminate mineral development on more than two million acres. Dozens of restrictions would be imposed on nearly any other human use of the land. The BLM also proposes to:

- Increase traditional surface disturbance setbacks of 500 feet to protect certain resources to two miles, 10 miles, and as much as 20 miles in some cases.

- Ban "disruptive activities" seasonally within a two-mile radius of



Wyoming Gov. Mark Gordon and his wife, Jennie, operate the Merlin Ranch, a Black Angus cow/calf outfit near Buffalo, Wyo. Gov. Gordon called the BLM plan a "bait and switch" that blindsided the people who live and work in southwestern Wyoming. AT TOP: Some sheep and cattle ranches in this area have conducted seasonal grazing on public lands in the region for more than 125 years, moving back and forth from the desert lowlands to the adjacent high country.

raptor nests—not just active raptor nests, but also historic nesting sites and associated feeding grounds. The BLM defines disruptive activities as anything in which a person would be present for more than one hour in a 24-hour period; seasonal restrictions could apply for up to six months a year.

- Prohibit rights-of-way authorizations on more than two million acres. These new restrictions would apply to roads, but also to water distribution (ditches, pipelines, etc.), oil and gas transportation and distribution, electrical transmission lines, communication systems, trails, highways and livestock driveways that “pass over, upon, under or through” public land.

- Close 4,505 miles of routes to all use and remove another 10,000 miles from the transportation network. When the BLM was confronted about these road closures, staffers said it was mistakenly included and the agency intended to fix that aspect.

Livestock Use

The BLM plan is a blueprint for how to eliminate livestock grazing without specifically prohibiting livestock. While grazing availability would continue throughout most of the acreage, instead of managing grazing to meet the principle of sustained yield (while meeting rangeland health standards on this shared range), the BLM’s priority would shift to managing vegetative resources for wildlife. The BLM proposes to:

- Establish that water developments for livestock would be permissible “only if wildlife habitat and resource conditions would be improved or maintained.”

- Ban lethal predator control and establish a range of restrictive measures for range improvements, water developments, and salt and mineral placement, as well as changes and season or duration of use and mandatory lower utilization rates. Any changes that result in improved vegetative production would be allocated to wildlife or other resource values “before considering it for livestock” across the 1.3 million acres set aside under special designations, and grazing would be prohibited for months of the year due to the presence of wildlife across the district.

The BLM’s livestock grazing management actions would restrict operators by providing for “decreased flexibility in managing livestock” and “additional management complexity.” The agency recognizes that ranchers won’t view its management scheme favorably because it would “be perceived as increasing their operating costs



Wyoming state Rep. Albert Sommers runs a commercial herd of Angus/Hereford-cross mother cows and high elevation Hereford bulls. Sommers calls the BLM plan “a community killer” for small towns.



A standing-room-only crowd at a public meeting listens as BLM Rock Springs field manager Kimberlee Foster describes the draft Rock Springs Resource Management Plan.



Ranchers undertake efforts to conserve greater sage grouse on both private and public lands within the district, but the BLM’s plan rides roughshod over its neighbors, jeopardizing continued cooperation.

and requiring them to alter their management practices. These stakeholders would see this alternative as harmful to their abilities to maintain their livelihoods and the customs and culture of ranching, and they also would be concerned that this alternative would impact the long-term viability of maintaining livestock grazing as an important part of the traditions and

economies of local communities.”

The Ideology

Deep inside the 1,350-page proposal is an alarming but explicit statement that reveals the Biden administration’s ideology: “Any use of the natural resources within the planning area is likely to adversely impact long-term productivity of these natural resources.”

That claim is in direct contradiction to the BLM's mission. The Federal Land Policy and Management Act requires that the agency manage public lands in a manner that not only protects natural resources, but "which recognizes the nation's need for domestic sources of minerals, food, timber, and fiber from the public lands" while providing for "outdoor recreation and human occupancy and use," and that management be on "the basis of multiple use and sustained yield."

The Rock Springs plan doesn't include a reference to the congressional definition of sustained yield as "the achievement and

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—WYOMING GOV. MARK GORDON

work through "bulldozing over state executive orders, stakeholder engagement, and interagency agreements."

The BLM plan was blasted from all directions from critics throughout Wyoming, the nation's least populated state. Gordon called the BLM plan a "ham-fisted draft" and demanded that the BLM withdraw it and come back with a new plan.

BLM responded by extending the deadline for public comment on its existing plan by an additional 60 days (just half the time requested by a committee of the Wyoming Legislature).



Lou Arambel sorts lambs for fall shipping from the Red Desert of Wyoming. His family's commercial sheep and cattle operations are dependent on federal grazing allotments as well as interspersed private lands on this 125-year-old ranch. **BELOW:** Shared lands in the district provide important habitat for a variety of species such as pronghorn antelope and sandhill cranes.

maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use." The BLM's position that any use of natural resources is likely to be harmful disregards the congressional directive of sustained yield.

The Backlash

The BLM has spent more than a decade and \$9 million in preparing its plan for the Rock Springs District. The concerns of public and local officials have been ignored, or as Wyoming Gov. Mark Gordon puts it, "Either falling on deaf ears or disingenuously being thrown by the wayside," as those who had been involved in earlier phases of the planning process were "completely blind-



sided"—even though these are the people "who care the most about the place."

Gov. Gordon accused the BLM of a "bait and switch" with the cooperating agencies that had been involved, calling the BLM approach a "heavy handed, poorly considered, improperly supported, tone-deaf" approach that eliminates all the previous hard

BLM director Tracy Stone-Manning said: "A lot of work happens between a draft plan and a final plan, and that work is best performed by people who roll up their sleeves and work together. We are committed to doing that work to finalize the final plan."

Gov. Gordon quickly appointed a task force of Wyoming stakeholder groups to develop recommendations for a new alternative for the BLM to consider as it prepares its final RMP and EIS.

Industry groups, private landowners, public-land lease holders, the public and elected officials flooded the BLM with comment letters, attaching thousands of pages of documents and sources to be inserted into the administrative record.

Private landowners wrote that the BLM's



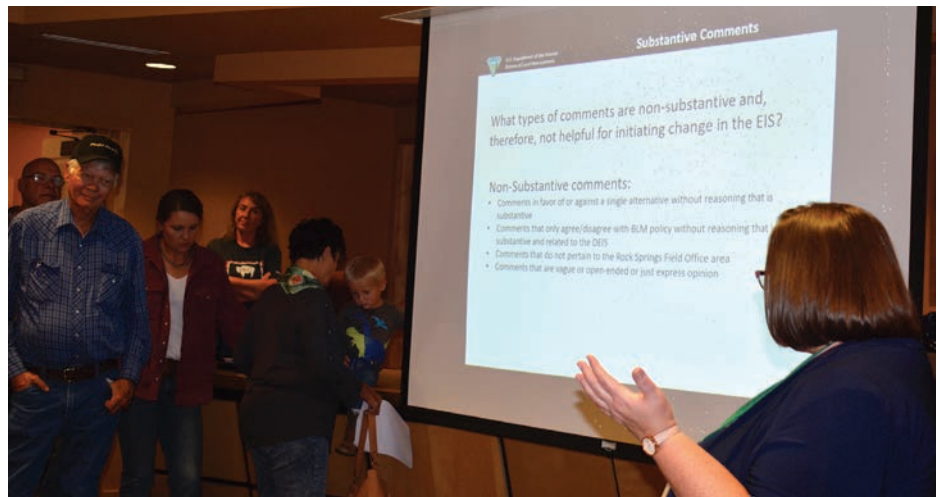
Winter feeding in the BLM's Rock Springs District encompasses lands from the Wind River Mountains south to Wyoming's border with Colorado. Much of the private land is not fenced, allowing the landscape to be managed as one intact unit. BELOW: Cattleman Joel Bousman listens as BLM Rock Springs field manager Kimberlee Foster explains what types of comments are not helpful for initiating change in the planning process.

management actions would significantly impair their rights to use and own lands that are interspersed with public lands. They also pointed out how the BLM proposal would impair access to their lands and their ability to exercise their legal rights, resulting in an unconstitutional and uncompensated taking.

Comment letters noted the BLM's projected drop in economic output of the Rock Springs District from nearly \$30 billion (2016-2031) to \$12.6 billion, from \$5.4 billion in total labor earnings to \$2.3 billion, and from \$2.3 billion in state and local revenues from mineral production to \$0.8 billion. The annual average of 6,157 supported jobs would drop to 2,707.

The federal government controls the majority of land in the region: 70 percent of Sweetwater County, 73 percent of Lincoln County, and 80 percent of Sublette County. It is no wonder that residents of these counties were so alarmed by the BLM's proposal.

"What this is is a community killer," says Speaker of the Wyoming House Albert Som-



mers of Pinedale, an area cattleman. "If that is what the federal government wants to do in Wyoming, then they'll go down this path."

State Rep. Chip Neiman says: "In my mind, this is an all-out, full-on, no-holds-barred, unabashed attempt to turn Wyoming into a nature preserve because we can't stop what you do on that public land. It will not

stop. You need to be good stewards of your land. Being a good steward means that you care about what happens to the person next to you." ■

Cat Urbigkit is a sheep and cattle producer in Sublette County, Wyo.

Administrative State Takeover

The Rock Springs RMP is just one of many proposals put forth by the Biden administration that would change the very essence of our public lands. While southwestern Wyoming awaits the next version of the Rock Springs plan, consider that this is just one drop in the wave of proposals coming from the current administration, including:

- Placing conservation leasing on equal footing with grazing and mineral leases;
- Restoring wide-ranging bison popula-

tions on public lands to be managed as "one single connected population";

- Granting the Interior Department broad powers to release populations of federally protected species into areas those species never previously existed (thus, transplanting alien species);

- Implementing a new ecosystem resilience policy to work across "federal and nonfederal lands to protect intact landscapes" to ensure that they remain

free of anything that could impair or disrupt this resilience (such as any activity by humans); and

- Proposing that the BLM grant itself unlimited authority to temporarily restrict or close areas of public lands for "implementation of management responsibilities" or "to avoid conflicts among public land users." These "temporary" restrictions or closures would remain in effect "until the situation it is addressing has ended or abated."

The Biden administration is truly an example of the administrative state gone crazy.—*Cat Urbigkit*