

Overview of Other Laws to Reference in Commenting

For both scope and timeframe of analysis, other laws require public participation and evaluation of impacts to natural resources, cultural resources, and subsistence. These can be emphasized in different phases of commenting to advocate for more opportunities for public participation, evaluation of impacts, or consideration of different alternatives.

Below are some high-level notes on laws applicable to public participation and analysis of impacts in addition to NEPA. These summaries are not intended to be comprehensive, but rather to highlight some key points for commenting, including proactively submitting comments to the BLM. You can also seek further discussion/support for application and clarification, as needed.

- National Landscape Conservation System Act (42 U.S.C. 7202) – Formalized the system “in order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.” Each unit may be subject to additional legal requirements, such as the Wilderness Act or Wild and Scenic Rivers Act. For many units, they will be governed by individual monument proclamations or enabling acts designating national conservation areas that can have specific requirements related to Tribal co-stewardship, roads, grazing or other specific uses, including issues to be addressed in management plans. Examples:
 - Dominguez-Escalante National Conservation Area - [Legislation](#).
 - Avi Kwa Ame National Monument - [Proclamation](#).
 - For Monuments/NCAs that have not yet had completed plans, these foundational documents will govern approval of any proposed actions by evaluating in relation to objects or other values/resources to prioritize – as detailed in BLM’s [Monument/NCA Manual](#), or may be further explained in interim management guidance, for example for [Berryessa Snow Mountain National Monument](#).
- Federal Land Policy and Management Act (FLPMA) – The BLM’s Organic Act sets out the BLM’s mandate to manage the public lands for multiple use and sustained yield, including:
 - Requires public participation in land use planning and decision making.
 - Defines multiple use to include not only energy and timber but also scenic values, fish and wildlife; and specifically notes it includes not all of the uses in all of the places all of the times; and that this approach to management will not necessarily be for the greatest economic return.

- Directs the BLM to maintain a current inventory of the resources of the public lands and maintain land use plans based on those inventories.
- Prioritizes the designation and protection of areas of critical environmental concern (ACEC) for historic, cultural, scenic values, fish and wildlife resources or other natural systems or hazards.
- Specifies that all future actions must be consistent with the governing land use plan.
- Requires avoiding permanent impairment and undue or unnecessary degradation.
- BLM Public Lands Rule (43 CFR Part 6100) – Regulations issued under FLPMA to codify, clarify and emphasize aspects that had not been incorporated into regulations previously including:
 - Clarifying conservation (preservation and restoration) is key to achieving the resilience of public lands needed to achieve multiple use and sustained yield.
 - Includes ecosystem resilience, habitat connectivity, recreation, old-growth forests, improved use of Indigenous Knowledge in decision-making, addressing environmental justice.
 - Applying land health standards across all uses of public land.
 - Identifying priority landscapes for restoration and intact landscapes to be protected.
 - Formalizing mitigation and restoration leases as tools on public lands.
 - Defining unnecessary or undue degradation in context of requiring the BLM to avoid UUD in relation to approving all uses on public lands.
 - Requiring the BLM to avoid permanent impairment of ecosystem resilience and requiring an authorized officer to justify decisions that may impair ecosystem resilience.
 - Incorporating Indigenous Knowledge into definition of high-quality information.
 - Emphasizing seeking opportunities for Tribal co-stewardship, including in management of ACECs, intact landscapes, restoration and mitigation leases.
- BLM Land Use Planning Regulations (43 CFR Subpart 1610) – Also discussed in BLM Land Use Planning Handbook (1601-1). Sets out specific requirements for:
 - Involving the public and cooperating agencies in scoping, draft, protest stages before finalizing RMPs.
 - Preparation of an EIS for new RMPs or plan revisions; can be an EA for plan amendments.

- Seek consistency with state/local/Tribal plans, programs, policies.
 - Governor’s consistency reviews of plans.
 - Designation and management of ACECs.
- National Historic Preservation Act (NHPA)– Established to protect historic and cultural resources, and administered in part through [Advisory Council on Historic Preservation](#). Requires inventory for resources that might be suitable for listing on National Register of Historic Places, consultation and consideration of mitigation of impacts to historic and cultural resources, including archaeological resources, prior to action being taken. Specifically requires consultation with Tribes and provides for protection of Traditional Cultural Properties. Also provides for creation of Programmatic Agreements with broader set of parties that can govern action needed prior to approving permits or rights-of-way or other actions in broader areas.
 - Endangered Species Act (ESA) – Enacted to prevent extinction and promote recovery of threatened and endangered fish, wildlife and plant species. Requires consultation and consideration of protection of listed species prior to any actions that could result in jeopardy of the species or harm their critical habitat, and generally prohibits “take” of those species. Handy summary [here](#). Agencies like the BLM are also supposed to take action to prevent actions that could make listing more likely of species they have identified as “special status species,” as detailed in the BLM’s [Special Status Special Manual](#).