

The National Landscape Conservation System— The Next Ten Years

Remarks by Bruce Babbitt

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I am pleased to join you at this gathering to assess the future of the National Landscape Conservation System. The 10th anniversary of the Executive Order creating the System is a good time to look back, to reflect upon lessons learned, and to look forward to the next ten years.

By any measure the Conservation System is off to an impressive start. The System is now the administrative home for some 27 million acres of protected areas including National Monuments, National Conservation Areas, Wilderness Areas, National Trails and Wild and Scenic Rivers within the Bureau of Land Management. The BLM now has a conservation mandate that places it alongside the National Park System, the Wildlife Refuge System and our National Forests as a steward of our public lands.

Ten years is not a long time, and many of you here today participated in the events leading up to creation of the System. I began thinking seriously about the conservation future of the Bureau of Land Management over Easter weekend of 1993. Congress was debating the California Desert Protection Act, a major land protection bill that included a provision to take a million acres of the Mojave Desert away from the BLM and transfer jurisdiction to the National Park Service.

Preparing to testify in favor of the legislation, I decided to have a firsthand look at the area. For several days, we travelled through desert valleys interspersed with sand dunes, lava flows, extinct volcanoes, and imposing mountains, camping under star lit skies, awakening to landscapes coming alive with spring flowers.

Our guide Ed Hastey, then director of California BLM, was not at all reticent about voicing his opinions. The Mojave Desert was BLM country. And it ought to stay that way. We know the land, he said, give us a clear conservation mandate and BLM can manage this desert as well or better than anyone else.

Initially I wasn't impressed. It really didn't seem to matter which agency was in charge, and visitors would hardly care one way or the other. But I gradually awakened to a larger issue. How, Hasteley persisted, can you expect the BLM, with the largest land base of all, to get serious about conservation if you continually transfer our "crown jewels" to other agencies like the Park Service and the Fish and Wildlife Service.

Hasteley had his history correct. Throughout the twentieth century Presidents—and the Congress—had created parks and refuges and forest reserves and national monuments by carving them out of BLM land and transferring the land to other agencies. In the process no one gave much thought to exactly what the BLM should be other than a passive, seldom seen, landlord. And for the BLM, conservation came to resemble a zero sum game always won by others.

Returning to Washington I asked the legislative sponsors to consider designating the Mohave desert as a National Monument to be administered by the BLM. However, the legislative train had left the station: there was no time to change direction. The California Desert Protection Act barely

became law, edging through the Senate on a cloture motion without a single vote to spare.

Three years later in 1996 another opportunity opened up as we began work on a presidential proclamation to create the Grand Staircase-Escalante National Monument in southern Utah. We drafted the Proclamation to establish the Monument under BLM jurisdiction, and this time we had only to convince an audience of one. President Clinton accepted my recommendation and the first BLM monument— nearly two million acres of spectacular plateau landscapes—came into existence.

The Grand Staircase proclamation was, to put it mildly, not well received in southern Utah. I soon joined the President hanging in effigy from lampposts in the streets of Escalante. In the ensuing controversy, and in congressional hearings, we heard all the familiar arguments against land protection, made for generations against conservation minded Presidents from Benjamin Harrison through both Roosevelts to the present time.

Only one of these complaints really resonated with me—the monument process had indeed been closely held, without sufficient advance disclosure

and consultation with members of Congress, the Governor or the public.

While many of our predecessors had created monuments in much the same manner, it seemed to me that the time was now at hand to change that practice. The West had now come of age, with a growing constituency for conservation and for preserving our heritage of unimpeded wide open spaces.

As the Grand Staircase controversy lingered on—with legislators calling for repeal of the Antiquities Act—our administration dropped further consideration of more monuments. Two years went by. Then, after the 1998 midterm elections, we became a lame duck administration, with political capital to use or lose forever. I decided to float a trial balloon— without informing or consulting the White House.

In January of 1999 we spent a day on Otay Mountain, overlooking the Tijuana River on the Mexican border, working with the Border Patrol on access issues. Otay Mountain was a surprise, a rugged mountain close in to San Diego, home to rare cypress groves and other endemic species.

At the end of the day, I met with the press to review our work with the Border Patrol then floated the proposal—Otay Mountain is an exceptional resource, and I am considering recommending it to the President for a National Monument.

The San Diego press picked up and promptly endorsed the idea. Sensing a gathering tide of public support, the local Congressman, a Republican, rushed forward with his own proposal, to preempt a Monument declaration with legislation to make Otay Mountain a Congressionally legislated wilderness area. With Republican support, the Otay Mountain Wilderness Area was signed into law in December 1999.

The events at Otay Mountain taught us something new—that by laying out a monument proposal and inviting public discussion, we might possibly draw Congress into action, providing new opportunities for conservation legislation. The Antiquities Act could be used to encourage legislators to act, with the President retaining the option to proceed under the Antiquities Act if Congress chooses not to act.

Encouraged by the favorable public response at Otay Mountain, it was time to move from California back into the inland west. Arizona seemed the optimum space—my home state and political base, no Democrats in marginal congressional districts. And we had a proposal with iconic appeal in the form of an area of more than a million acres adjoining Grand Canyon National Park.

We made a field trip, floated a proposal, and scheduled several public hearings, giving opposition groups plenty of air time. I testified before a hostile Congressional committee. The Arizona congressional delegation showed no interest in a legislative alternative. But we did hear from the public in the form of a poll showing that 76% of Arizonans favored a Monument. President Clinton accepted the recommendation and created the Grand Canyon Parashant National Monument, nearly doubling the protected boundaries of the Grand Canyon.

Thereafter, we moved more rapidly, by publicly announcing new proposals, following up with field trips, and then having public hearings in the region. We drew proposals from diverse sources— in many areas we discovered that local groups had long since advocated protection, in some

cases going clear back to the New Deal and before. In other areas BLM officials, usually at the ground level, were a helpful source of information. And in other cases it was simply a case of examining the yellow squares (for BLM lands) on maps and correlating them with facts on the ground from our own experience.

We soon found the Otay Mountain process being repeated: on many occasions, after floating a proposal, members of Congress stepped forward to propose legislation in lieu of a monument proclamation—a process that resulted in Congressional creation of the San Jacinto National Monument in California, the Las Cienegas National Conservation Area in Arizona, McInnis Canyons National Conservation Area and the Northwestern Hawaii Coral Reef Ecosystem Reserve.

The most instructive example of this process occurred in Oregon. In the summer of 2000 we decided to take a close look at Steens Mountain in the eastern part of that state. Steens Mountain is a large fault block mountain range, rising above the surrounding deserts to more than ten thousand feet elevation, capped with a fir forest and running streams.

I invited Governor Kitzhaber to join us for a field trip with local conservationists, all of whom had interesting ideas about the future of the mountain. I once again expressed interest in a Monument recommendation to President Clinton.

Shortly thereafter, the Oregon Congressional delegation, Democrats and Republicans, asked for a “time out” to consider a legislative approach. Armed with the possibility of an Antiquities Act proclamation, and with a presidential veto available to shape the legislation, we began a detailed back and forth negotiation.

What emerged was an interesting document. We began by drawing a 900,000 acre circle around the mountain, withdrawing the area from mineral and geothermal development. We then zoomed inward, drawing a line round the mountain itself, about a half million acres, as a designated conservation area. And within those boundaries, we created a 170,000 acre wilderness area, with 100,000 acres retired permanently from livestock grazing, and finally designating three streams—Wildhorse Creek, Little Wildhorse Creek, and Kiger Creek— as Wild and Scenic Rivers and creating reserves for the endangered Redband trout, protected under the

Endangered Species Act. The legislation then passed the Congress without controversy.

Steens Mountain is an example of how I believe the Antiquities Act can be effectively used in the future. Once a determination is made that an area merits protection, the Antiquities Act can be used to trigger a process of involvement in which all interests— both national and local— can be heard and worked into permanent legislation that makes sense for that place. Call it the “Oregon option.”

In 2000, the final year of our administration, we paused to assess the results. We had created some twenty executive order monuments. Congress had continued to add wilderness, wild and scenic rivers, conservation areas and national trails to BLM lands. The logical next step was to draw all these conservation lands together in an administrative structure, which we named the National Landscape Conservation System.

An executive order creating an administrative structure, however, was hardly sufficient. The only sure path to a permanent commitment with

stable funding and administration is Congressional blessing in the form of legislation.

The future of the Conservation System was secured in March of last year, when President Obama signed the National Landscape Conservation System Act as part of the 2009 lands bill. The legislation was championed in congress by Senator Bingaman, Secretary— then Senator—Salazar, Congressman Grijalva, and others.

Many individuals and organizations led the fight for National Landscape Conservation System Act, notably the Wilderness Society and its President, Bill Meadows, and the National Trust for Historic Preservation and its President, Dick Moe. Molly McUSIC was present from the beginning, aggressively and imaginatively leading the campaign to create monuments as counsel to the Secretary.

The National Landscape Conservation System is not a static achievement, to be frozen in time as of the date of creation. Just last year, the Congress, in the Omnibus Public Lands Management Act of 2009, made significant additions to the conservation lands of the System including:

- The 200,000 acre Dominguez-Escalante National Conservation Area in Colorado;
- A new national monument and conservation area in New Mexico.

The Congress also made some critical additions to existing monuments including:

- An expansion of Santa Rosa San Jacinto National Monument in California;
- And new wilderness for the Cascade-Siskiyou monument in Oregon.

Finally, and perhaps most remarkably, the bill also included 129,289 acres of wilderness, 19 miles of wild and scenic rivers, and two national conservation areas in Washington County in Southern Utah not all that far from Grand Staircase-Escalante where we ran into so much trouble.

Over 1.2 million acres in all were added to the System in this one bill, and there is every reason to believe—and expect—that Presidents and the Congress will continue to expand the system, just as the national park system and the refuge system have been continuously expanded to meet the needs of our nation.

Looking back and reflecting on the history of the BLM's conservation lands, I believe we can make useful recommendations about how President Obama and future presidents can best exercise their powers under the Antiquities Act.

First, signal your willingness to use the Act by making a specific public proposal to be followed by consultation and public process. The west has come of age with a vibrant and growing support for our public land heritage, and transparency brings support and credibility—and good ideas—to the process.

Second, make it clear that the Antiquities Act can be used in the manner it was at Steens Mountain—what I called the Oregon option. That is, encourage members of Congress to come forward with legislative proposals in lieu of a Proclamation. Legislative process creates an interactive process with the state and local interests balanced by the President's veto power, available to assert the national interest and assure adequate conservation standards in legislation. At the end of the day, however, the final act of conservation may fall to the President. That authority has been a

cornerstone of conservation since Teddy Roosevelt first used the Act in 1906. And nearly every President—including George W. Bush—has followed T.R.’s example.

Third, invite an ongoing regional and national discussion of possible new conservation lands to be added to the National Landscape Conservation System. In most of the areas in which we ultimately brought Monument designation to fruition, we encountered a history of local efforts advocating protection, often extending clear back to the efforts of early conservationists during the New Deal and even before. The recent letter from Governor Richardson to President Obama urging use of the Antiquities Act to preserve Otero Mesa in southern New Mexico is a good example of growing local initiative for expansion of the System.

The local support groups now forming under the leadership of the Conservation Lands Foundation around existing monuments and other conservation units have an important role to play in developing support for Congressional funding, reviewing management plans, and organizing volunteer programs—and for developing proposals for additional lands that deserve to be added to BLM’s conservation lands.

In the course of expanding the System, there will inevitably be a continuing and lively debate about the requisites for a new conservation unit. Many and varied considerations went into the creation of existing conservation lands— cultural history, protection of biodiversity and endemic species, wildlife management, scenic values, open space, the values and needs of nearby communities. Each proposal for a conservation designation will turn on unique, site specific facts. There should be, in my judgment, one common, irreducible standard—an overarching and explicit commitment to conservation and resource protection as the dominant use, transcending and shaping all other aspects of management.

And finally a word to the Bureau of Land Management: the conservation mission that has been given to you is not something to be taken for granted. There were—and are—skeptics who believe there is really no place for a dedicated conservation mission to be located within a multiple use land management agency and that local interests will always tilt decisions toward resource exploitation.

We who have worked to create and breathe life into a vision for BLM's conservation lands believe otherwise. It will be up to this administration to secure the BLM's commitment to conservation in smart management decisions and policy. BLM conservation lands are a unique national resource, quite distinct from lands administered by the National Park Service and other land management agencies. These lands are closely related to the surrounding communities; hunting and fishing and traditional uses are allowed; there are no developed visitor facilities; services are available only in nearby towns. These conservation lands will remain as undeveloped open space, a place for unbounded recreation and individual adventure. They will be conserved and used within a continuum of regional history and tradition and open space.

We know—whatever the case in the past—there is now popular support for this conservation vision and that western communities are ready to support your efforts. And I believe that the BLM is evolving with the west, with a new generation of professionals eager and ready to lead in making this vision a reality.

Ed Hastey first convinced me of that on a spring day out there in the Mojave Desert, and I believe that the National Landscape Conservation System will fulfill our expectations.

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