

Bureau of Land Management Conservation Lands and BLM's Future

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This essay addresses the past and future of the federal Bureau of Land Management (BLM). Although the least known of the four principal US federal land management agencies, it looks after the largest amount of land, about 250 million acres. Almost all are in the West and in Alaska, as shown on the following map.¹ A growing proportion are stewarded primarily to preserve and allow the general public to enjoy their scenery, wildlife, and historic and other cultural values (hence the “Conservation Lands” of the title).²

Part One provides a capsule history of how this all came about, focusing first on the events leading up to BLM's establishment in 1946, and then on the events leading up to the present. In Part Two, I assess current trends and what they suggest about the future of these BLM National Conservation Lands.

PART I. HOW DID WE GET HERE?

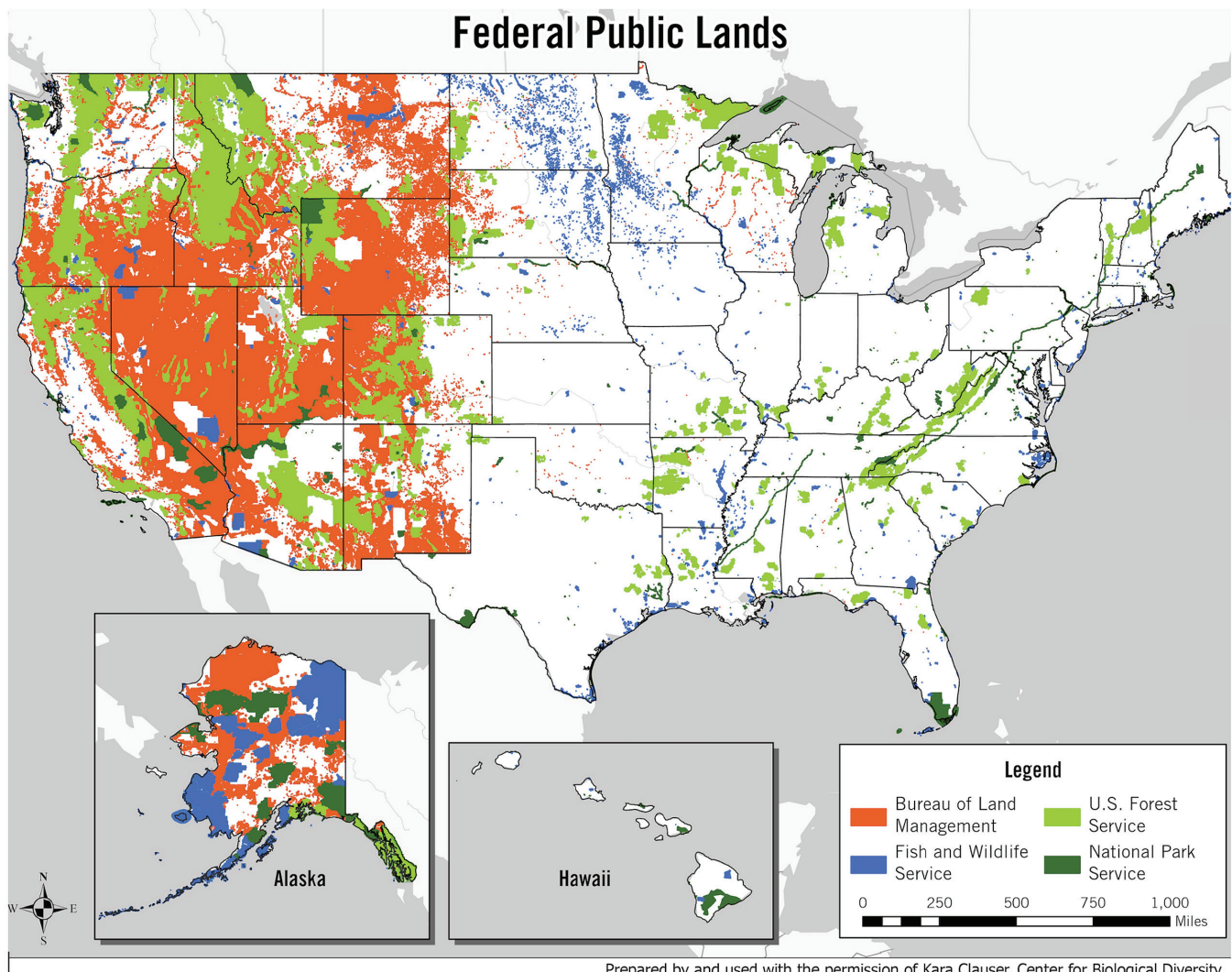
The US Congress created BLM's principal predecessor, the General Land Office (GLO), in 1812. From then until the early 1930s, GLO's primary focus was to transfer title to hundreds of millions of acres of public lands under a wide array of acts of Congress.³ Recipients included states (including grants made when Congress admitted them to the Union), military veterans (in compensation for their service), squatters and other settlers (mostly through so-called pre-emption and homestead laws), mineral developers, railroads and other infrastructure developers, and miscellaneous others.⁴

In a major policy shift that began in earnest around 1890, the Congress and the Executive removed large amounts of land from GLO control in order to hold them permanently in federal ownership. This was done primarily to protect (and in many cases restore) the upper reaches of forested watersheds to safeguard water supplies for downstream use, as well as to preserve forests, wildlife, scenery, and historic and other cultural values. Even then, “conservation” was the label commonly used to describe this assemblage of objectives that prohibited or strongly discouraged intensive industrial uses of the lands.⁵

Between 1890 and the creation of the BLM in 1946, well over 200 million acres of public land that had

been in GLO's portfolio were put under conservation management. During this era, three federal agencies—the US Forest Service, the National Park Service, and the US Fish & Wildlife Service—were established and given responsibility to manage the reserved lands. This left GLO, as before, almost wholly focused on transactions aimed at divesting the US of ownership of the lands in its portfolio. Congress sometimes did the reserving itself, in legislation applicable to particular areas of land. The most prominent examples were national parks, a designation Congress decided only it would make. But Congress also vested the president with broad authority to make such reservations by executive order.⁶ Examples here included most of the national forests and several dozen national monuments presidents established under the Antiquities Act.⁷

Glimmers of change regarding GLO's future began to emerge in the 1920s. By that point, most of the approximately 150 million acres outside of Alaska that remained under GLO's control were a vast commons used primarily for grazing domestic livestock. Because Congress had not authorized GLO to regulate or otherwise manage this activity, it had neither governmental sanction nor supervision. While livestock operators could seek ownership of the lands under a variety of laws, they mostly chose not to do



so. Eventually Dust Bowl conditions, the result of widespread drought and overgrazing, plunged their industry into depression and led to calls for the federal government to find a solution.

In 1929, President Herbert Hoover floated the idea of transferring these lands to the states under certain conditions. A 20-person committee known as the “Garfield Committee” after its chair, a former Interior Secretary, was convened to advance the idea. Composed mostly of western Republicans, the committee’s unanimous conclusion was that, because some GLO lands contained valuable resources like “wilderness,” “wildlife,” “archaeological and ethnological remains,” and “unusual wonders of nature,” the US should reserve in national ownership lands deemed “important for,” among other things, “national forests, national parks, national monuments, and migratory-bird refuges.” Only after that, the committee concluded, should the remaining GLO lands be offered to the states, and only

if the states were willing to accept a trust responsibility to rehabilitate them.⁸

Most of the western states, led by Utah’s Governor George Dern, resisted the idea of taking over GLO lands, and Congress never seriously considered legislation to carry out the committee’s recommendations. Then, before he left office in early 1933, Hoover used his Antiquities Act authority to protect large tracts of GLO lands at the Grand Canyon and in the saguaro cactus forests in Arizona, Death Valley in California, Great Sand Dunes and Black Canyon of the Gunnison in Colorado, White Sands in New Mexico, and Arches in Utah, putting them all under National Park Service management.⁹

The following year, Congress enacted the Taylor Grazing Act. Crafted largely by representatives from the western states and commanding strong bipartisan support, it required the US to rehabilitate the public lands outside

the national forests that were being grazed by domestic livestock by regulating and stabilizing the livestock industry that depended on them. Congress assigned this task to the Interior Department. Not long after that, President Franklin D. Roosevelt withdrew all the GLO-managed lands outside of Alaska from divestiture except for very limited purposes, thus keeping them in US ownership.¹⁰ Then, in 1939, Interior Secretary Harold L. Ickes established a Grazing Service to administer the Taylor Grazing Act.

Although GLO lands in this era have sometimes been described as “lands no one wanted,” that was hardly the case. Hunters, anglers, conservationists, and others prizing their scenery, wildlife, and other natural values wanted many of these lands safeguarded. While most livestock operators using GLO lands were not interested in gaining ownership of them, they did want continued control and free use of them.¹¹ Congress did not go that far in the Taylor Grazing Act, for it expressly refrained from giving livestock operators any right to graze GLO lands.¹² But the graziers’ principal champion in the Congress, Nevada Senator Pat McCarran, sought to ensure that operator-dominated “advisory committees” would largely dictate how the understaffed Grazing Service would administer these lands. At the same time, McCarran joined numerous other westerners in successfully resisting occasional attempts to transfer ownership to the operators or to the states.¹³

Shortly after World War II ended, and with the acquiescence of Congress, the Interior Department combined the Grazing Service with GLO to create the Bureau of Land Management. Some dubbed it the “Bureau of Livestock and Mining” because those activities occupied most of its attention at the time.¹⁴

The next major events in BLM’s evolution came in the 1960s and 1970s, as advocates for stronger protection of all public lands were growing ever more influential. In 1964, Congress enacted the Wilderness Act. It established a whole new system of highly protected public lands that would generally be kept free from roads and industrial development. The act initially designated about 9 million acres of national forest land as wilderness, while making clear that in such areas “the grazing of livestock, where [previously] established ... shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.”¹⁵ This reflected both the substantial political influence of the livestock operators and a judgment that grazing could be managed to

be consistent with the act’s conservation objectives. Congress made itself the gatekeeper of the wilderness system, ensuring that no parcels of public lands could gain such a designation without Congress’ express approval.¹⁶

That same year, Congress created a Public Land Law Review Commission (PLLRC) to examine and make recommendations for improving the laws and policies regarding public lands, particularly those pertinent to BLM. PLLRC was composed mostly of members of Congress from the West. In 1970, after extensive study and public consultation, it issued a landmark report, *One Third of the Nation’s Land*, that called for a major overhaul of the public land laws, especially those governing the BLM.

While PLLRC was preparing its report, Interior Secretary Stewart Udall and his BLM Director Charles Stoddard used various authorities Congress had given them to create several protected areas on BLM-managed lands. And in 1970, Congress established the nation’s first national conservation area (NCA) in the King Range on California’s north coast and kept BLM in charge of it.¹⁷

Given the deep congressional involvement in crafting the PLLRC report, it was not surprising that Congress wrote nearly all its recommendations into law in the Federal Land Policy and Management Act of 1976 (FLPMA, pronounced “flip-ma”). This landmark public land law repealed hundreds of public land laws that had accumulated since the nation’s founding. It replaced them by giving the BLM a thoroughly modern set of management instructions and policies. FLPMA was strongly supported by members of Congress from both parties in the most directly affected region, the West.¹⁸

FLPMA confirmed that the lands now under BLM’s supervision would, with very limited exceptions, be held permanently in US ownership and managed for “multiple uses” while safeguarding the “sustained yield” of its renewable resources.¹⁹ These quoted terms had first appeared in the eponymous “Multiple Use/Sustained Yield Act” Congress enacted in 1960 and applied to national forest lands managed by the US Forest Service.²⁰ But FLPMA’s definition of “multiple use” was considerably more conservation-oriented than how Congress had defined it for the Forest Service in 1960. For example, FLPMA called on BLM to protect the “quality of the environment,” and to take into account “the long-term needs of future generations for resources” like “natural scenic, scientific and historical

values.” None of those quoted words appeared in the 1960 version. Their inclusion reflected the growing power of conservation advocates.

FLPMA also resoundingly broke Congress’s silence on whether BLM-managed lands were eligible for inclusion in the National Wilderness Preservation System. It required BLM to conduct a comprehensive inventory of all the lands under its control to identify those that had “wilderness characteristics,” and for the most part to protect their wilderness character until Congress decided whether to put them in the system.²¹ FLPMA also established the California Desert Conservation Area, where BLM managed more than 10 million acres, to be managed with particularly close attention to its natural values.²² Finally, Congress in FLPMA provided that once it designated any BLM land as wilderness, the provisions of the Wilderness Act applicable to national forest wilderness would apply, which would allow existing livestock grazing to continue unless Congress provided otherwise.²³

The transformation in BLM’s mission wrought by all these events was nicely captured in the change in the BLM logo.

Given the evolving societal values reflected in these laws, it is not surprising that BLM’s portfolio of lands managed primarily for conservation has grown by leaps and bounds in the last few decades. Here Bruce Babbitt played a key role. While serving as Arizona governor from 1978 to

1987, he had helped craft several large exchanges of state, BLM, and private land, a primary objective of which was to put more lands with conservation value in BLM’s portfolio. One such exchange involving both the state and a private company brought the San Pedro River corridor, a world-class birding site, under BLM’s stewardship, and in 1988 Congress made it the nation’s first National Riparian Conservation Area, keeping BLM in charge.²⁴ Then, as interior secretary from 1993–2001, Babbitt was instrumental in BLM retaining management of the nearly 2-million-acre Grand Staircase-Escalante National Monument that President Bill Clinton established in 1996, as well as several other national monuments Clinton established before he left office in 2001.²⁵ Babbitt also launched BLM’s National Landscape Conservation System by secretarial order in 1999. Underscoring that BLM was responsible for some of the “essential, defining landscapes of the American West,” he predicted that BLM would soon “be better known as the Bureau of Landscapes and Monuments.”²⁶

BLM now manages 31 national monuments covering more than 11 million acres.²⁷ The FLPMA-mandated review of BLM lands with wilderness characteristics has, to date, led Congress to put some 263 BLM-managed areas covering nearly 9 million acres into the National Wilderness System. BLM also manages some 487 wilderness study areas (WSAs) covering nearly 13 million more acres essentially as wilderness, in accordance with FLPMA’s instruction to do so “until Congress has determined otherwise.”²⁸ Congress has also put 81 areas



covering more than 1.2 million acres of BLM lands into the National Wild & Scenic River System it established in 1968, and 19 areas covering nearly 6,000 miles into the National Trails System it established the same year.²⁹ Finally, Congress has established and put under BLM management nearly two dozen national conservation and similar areas extending over 4 million acres.³⁰

Practically all these initiatives enjoyed strong bipartisan and grassroots support, elements that Secretary Babbitt consistently emphasized in championing the idea that BLM should manage a system of conservation lands. Accordingly, more than 80 place-based “friends” organizations have been established to assist BLM in visitor services and on-the-ground management of many of these areas, while advocating for their continued protection.³¹

In 2009, Congress gave BLM’s system of National Conservation Lands statutory underpinning “[i]n 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.”³² Today the National Conservation Lands include more than 900 units covering some 38 million acres across 11 western states and Alaska, comprising about 15% of BLM’s total portfolio of surface lands.³³ All things considered, as I have noted elsewhere, “[t]he BLM’s evolution into an agency that gives much attention to recreation, wildlife, ecological protection, and cultural resources is one of the most important developments in public land policy in the last half century.”³⁴

The rather dizzying array of labels used in public lands policymaking can be confusing. A prominent example is that the word “system” has evolved two different meanings. Sometimes it refers to the lands managed by a particular agency—thus, national park system lands are all managed by the National Park Service. But “system” is also used to describe categories of land defined by the purposes for which they are managed, regardless of which agency is in charge—the National Wilderness System, for example, contains lands managed by all four land management agencies. Adding to the confusion, BLM’s system of National Conservation Lands has elements of both meanings, for it contains lands managed only by BLM, and “lands administered by” BLM for the conservation-oriented purposes Congress specified in 2009.³⁵

PART II: THE FUTURE OF BLM AND THE NATIONAL CONSERVATION LANDS

As we come to the close of the first quarter of the 21st

century, several different trends can be discerned that bear on the future of BLM and its National Conservation Lands. After describing what seem to me to be the most important of these, I will offer some concluding thoughts on what might lie ahead.

Public Demand for Expanding the National Conservation Lands Seems Unlikely to Slacken

More and more people are visiting public lands to recreate and find inspiration in their open spaces and other characteristics. BLM lands are certainly no exception. Opinion polls have consistently shown strong bipartisan support across the intermountain western states, where practically all BLM lands outside of Alaska are found, for maintaining and expanding protections of public lands through actions like national monument designations.³⁶

Generally speaking, it is fair to say that compared to the other three agencies, especially the Park and Fish & Wildlife Services, BLM manages more lands where preservation or conservation are not the primary management focus. Yet a good many of those lands have qualities making them worthy of consideration for inclusion in the system of National Conservation Lands.

Other considerations point in the same direction. Rising concerns about safeguarding wildlife and its habitat—such as addressing the ongoing serious decline in sage grouse populations—counsel BLM to manage more of the lands under its care primarily for conservation.³⁷ Also, BLM has identified many millions of acres of mature and old-growth forests on land it manages, most of which are outside the system of National Conservation Lands, but could be eligible for it.³⁸

Another important factor supporting expansion of the National Conservation Lands is that Native Americans, who in modern times have gained much more influence on public land policymaking than ever before, have strong connections to many of BLM’s lands, and generally would like to see them better conserved, especially if Native Americans are given a formal role in their stewardship.³⁹

Efforts to Reconfigure Ownership Patterns, Which Can Facilitate Growth of the National Conservation Lands, Are Likely to Continue

Compared to the Forest, Park, and Fish & Wildlife Services, BLM’s land base is considerably more fragmented with inholdings and other ownership patterns that make little sense. Some of this is the vestige of 19th-century grants to railroads made in a checkerboard pattern, and some is the product of scattered land grants Congress

made to new states intended to generate revenue for public schools (so-called “school trust lands”). The good news is that efforts to reconfigure BLM landholdings along more sensible lines have met with considerable success in recent decades. Most of this has been done through land exchanges, allowing BLM to acquire scattered inholdings that could otherwise pose an obstacle to conservation management in exchange for conveyances of BLM land with industrial or other development potential, including those in the path of urban development.

Eliminating inholdings and making other adjustments in BLM’s land portfolio can greatly facilitate conservation-oriented management. It is, therefore, not surprising that these reconfigurations are often closely linked to conservation designations. By facilitating development of lands formerly held by BLM, they can attract support across the political spectrum. Following President Clinton’s establishment of the Grand Staircase-Escalante National Monument in 1996, for example, Congress approved land exchanges in Utah in 1998, 2000, and 2009 that, all together, eliminated nearly 600,000 acres of scattered state inholdings in federal conservation areas in exchange for conveying nearly 300,000 acres of BLM-managed land to the state. Bruce Babbitt championed many exchanges, both as interior secretary and, as noted earlier, when he was governor of Arizona. Nevada Senators Harry Reid and Richard Bryan were instrumental in persuading Congress to enact several pieces of legislation involving sales and exchanges of BLM lands that had the effect of promoting more conservation on federal lands while transferring other lands, especially in the Las Vegas metropolitan area, out of federal ownership.⁴⁰

The Changing Climate is a Large Wild Card

By exacerbating droughts, wildfires, floods, insect infestations, and other disruptions, the increasingly unstable climate makes new, complicating demands on public land managers, including those responsible for BLM’s National Conservation Lands. Efforts to meet these demands in a sensible way are ongoing; much remains to be learned.

Climate instability also makes new demands on public land users. Grazing domesticated livestock has long been the most widespread economic use of BLM lands in the lower 48 states. While, as noted earlier, the general practice has been to allow livestock grazing to continue on lands put into BLM’s National Conservation Lands,

climate instability can threaten its continued economic viability. One reason is simply reduction in forage owing to more frequent and severe droughts. Another is because alfalfa, which is widely used to provide supplemental feeding for livestock using public lands, becomes ever costlier as a result of competition from urban and other higher-value water uses. Questions can also be raised about the extent to which livestock grazing is consistent with protecting open spaces and natural values.⁴¹

Serving conservation values while still making a profit from domestic livestock grazing is becoming especially challenging in hotter, more arid and increasingly more drought-ridden regions where BLM lands predominate. Shrinking profit margins there make increasing numbers of permittees amenable to voluntary buyouts and retirements. Reducing the amount of grazing may be also increasingly attractive because as many as half of BLM’s grazing permit holders can today fairly be characterized as amenity ranchers, pursuing a lifestyle more than a profit.⁴² All these considerations can be seen as tending to promote more conservation on more BLM lands.⁴³

A changing climate brings other forces into play that may have major effects on use of BLM-managed lands. Climate and related economic concerns are major drivers of a transition away from fossil fuels. Many BLM lands have ample sun and wind and other characteristics that make them candidates for renewable energy siting. BLM lands are also playing an important role in upgrading in the nation’s electrical grid, which often involves construction of new transmission lines. Finally, they are also targets for developing certain minerals like lithium and copper that are important to that transition.

Still, it is easy to exaggerate the effect of all such energy transition activities on BLM lands considered as a whole. For example, the updated Western Solar Plan BLM released in late 2024 suggested that fewer than 1 million of the 32 million acres of BLM-managed lands in the 11 western states the plan identified as potentially appropriate for major solar generation projects would actually be used for that purpose by 2045.⁴⁴ And this was before the second Donald Trump Administration (Trump II Administration) showed its antagonism for renewable energy.

At this point, no confident predictions can be made about how all this will play out on National Conservation Lands, but it almost certainly will have some impact, especially on proposals to add new lands to the system.

Events in the Last Decade Have Created More Uncertainty About the Future of National Conservation Lands

In 2017, President Donald J. Trump severely downsized (from about 3.5 million acres to about 1.2 million acres) two large National Conservation Lands areas—Bears Ears and Grand Staircase-Escalante National Monuments—which Presidents Clinton and Barack Obama had established.⁴⁵ But he did not act on other recommendations to shrink the National Conservation Lands. Moreover, in 2019 he signed into law a major piece of public lands legislation that, among other things, added about a million acres to the National Conservation Lands—ironically, not far from the national monuments he had earlier downsized. And in 2020 he signed into law the Great American Outdoors Act, an even more significant piece of legislation aimed at conserving public lands.⁴⁶ Furthermore, while Trump took numerous steps in his first term to promote industrial development on BLM lands, overall, he did not fundamentally alter the long-term trajectory regarding National Conservation Lands.⁴⁷

His successor Joe Biden promptly restored the two Utah national monuments. He also reversed many of the actions to promote industrial development on BLM land that Trump had championed. As a capstone, in 2024 his Administration put in place what came to be known as the Public Lands Rule⁴⁸ that underscored, and established several mechanisms to implement, FLPMA's emphasis on conservation, including authorizing leases of BLM lands specifically for such purposes.⁴⁹

The rule attracted some opposition, especially from livestock and mining interests. Their primary argument—that the rule violates FLPMA's multiple use mandate—rings hollow against Congress's command in FLPMA that the BLM take “into account the long-term needs of future generations for renewable and nonrenewable resources” including “recreation ... watershed, wildlife and fish, and natural scenic, scientific and historical values ... without permanent impairment of the productivity of the land and the quality of the environment,” and “not necessarily” choose “the combination of uses that will give the greatest economic return or the greatest unit output.”⁵⁰ Despite the rule's firm grounding in federal law, in April 2025 the Trump Administration initiated a process to rescind it.

Efforts to Transfer Control of BLM Lands to Mining Interests

The Trump II Administration has promoted many policies that would have negative consequences for the future of the National Conservation Lands. These generally follow the recommendations of Project 2025, which is the latest

in a long series of blueprints for incoming administrations prepared by the conservative Heritage Foundation.⁵¹ Some of these, like ramping up oil and gas leasing on public lands wherever possible, echoed measures undertaken in the first Trump Administration (Trump I), which did result in an uptick in the amount of public lands subject to petroleum leases.⁵²

Trump II has proceeded even more aggressively to promote fossil fuel and other industrial developments on public lands.⁵³ This could have a large impact in areas with significant conservation value, such as his directive to sharply expand petroleum development on the 23-million-acre National Petroleum Reserve that BLM manages in northwestern Alaska. The current interior secretary, Doug Burgum, has long had deep ties with the petroleum industry, and Trump himself made an unabashedly frank and successful appeal to the industry to favor it if it provided a billion dollars in campaign contributions in 2024.⁵⁴

Under current law, the US generally can only issue leases for such development, with title remaining in the United States. But such leases give the lessee a large degree of control over the lands for what could be many decades.⁵⁵ Trump II has also sought to promote development of so-called “hardrock” minerals like nickel and lithium, demand for which is growing rapidly. These minerals are governed by the antiquated Mining Law of 1872, which generally speaking imposes even fewer restrictions on miners than is possible under mineral leases.⁵⁶

Mining activity often results in permanent impairment of an area's suitability for future management for conservation purposes. All this means that BLM lands made available for mineral development may be effectively rendered ineligible for future inclusion in the National Conservation Lands.

Conveying BLM Lands Outright to States or Private Interests

Other than as described above, so far the second Trump Administration has been largely silent on the idea of divesting ownership of significant amounts of BLM public lands to states or the private sector, even though its close ally Senator Mike Lee of Utah, current chair of the Senate Energy and Natural Resources Committee, has long advocated for it.⁵⁷ A measure to transfer more than a million acres of BLM-managed land to western states came close to being included in the budget reconciliation bill that Congress enacted in July 2025, but was dropped largely because of an outpouring of opposition that included numerous western Republicans.⁵⁸ Project 2025 was silent on the subject of significant privatization, a

notable omission considering the Heritage Foundation had long warmly embraced the idea.⁵⁹

From one perspective, Trump II and Project 2025's timidity on this subject is understandable. The last time a major proposal along this line was made—when President Ronald Reagan proposed to sell some 35 million acres of “surplus” federal lands (mostly managed by BLM) to help bring the federal budget into balance in the early 1980s—the idea ran into such fierce opposition it was quickly dropped.⁶⁰ Interior Secretary Burgum has, however, repeatedly spoken of the public lands as a major fiscal asset, claiming that if the Interior Department were a stand-alone company it would have the “largest balance sheet in the world.”⁶¹

Because opinion polls consistently show that by large margins the American people strong support holding and protecting more lands in public ownership, longtime advocates for privatization inside the second Trump Administration, most notably Russell Vought, director of the Office of Management and Budget and co-author of Project 2025,⁶² may have concluded it can only be achieved by a different route—namely, by undermining public confidence in public land management by deliberate, dramatic shrinking of staff and funding of federal land management agencies like BLM. The idea is that over time, a hollowing out of federal management capability, and the resulting disruption and deterioration of public assets, will erode public confidence in federal management, fueling the case for transferring public lands out of national ownership.⁶³

Congress's long-time failure to adequately fund BLM's conservation and recreation programs makes the agency particularly vulnerable to this strategy. Five years ago, I characterized Trump I's public land policies as aiming at a “complete upending of many decades of bipartisan policymaking,” and warned of the risk of a hollowing out strategy. I predicted that a second Trump term as president “could well mark a paradigm shift in the politics of public lands,” with such a profound impact on public land management that “[e]ven if its successors sought to reverse course,” the task of “rebuilding agency capacity ... could take much more time, political energy, and money than Americans are willing to expend.” The result could be “a kind of death spiral as the public lands deteriorate and the agencies managing them downsize, decentralize, and hand off more responsibility to state and local government and private entities,” at long last realizing the dreams of “committed libertarians who want all or most of the public lands privatized.”⁶⁴

A Potpourri of Ideas Regarding BLM Lands Offered in the Past

Before closing, I will briefly explore whether ideas from earlier eras to significantly restructure public land management might have viability in today's landscape. For example, BLM could be abolished and its lands transferred to other agencies. Public land history, particularly between the late 1890s and late 1940s, contains numerous examples of rivalry among agencies and proposals for consolidating them. But such ideas had little political purchase then, for reasons that largely still apply.⁶⁵ A major obstacle is the difficulty of securing Congress's approval, which is usually required for any significant restructuring, especially involving Forest Service lands, which is in a different cabinet department (Agriculture) than is BLM (Interior) and is partly under the supervision of a different congressional committee.⁶⁶

It is not easy to demonstrate that consolidation could have significant benefits. Although livestock grazing is almost as common on western national forests as it is on BLM land, for example, overall the two agencies have quite distinctive geographic identities and reach. Forest Service lands are found in many more states, and are mostly located in the upper reaches of watersheds and in the rainforests of southeastern Alaska, whereas BLM lands tend to be found in more arid regions and at lower elevations, and are especially concentrated in the intermountain West and other parts of Alaska.

Still, the possibility that Congress could consolidate agencies or substantially reorganize the systems of lands they manage should not be discounted entirely. Sizeable tracts of public lands have been moved from one agency to another since the early part of the 20th century; most commonly, as noted earlier, from BLM's predecessor, GLO, to the National Park Service.⁶⁷ Moreover, while the four federal land management agencies have different histories and traditions, in the modern era distinctions in their management objectives have been substantially blurred, as have public perceptions of them.⁶⁸ These days, in other words, the typical user of public lands is seeking recreation and inspiration and learning and focuses more on the characteristics of the land and its management than on which agency is doing the managing. As agencies lose distinct identities in the public mind, consolidation or other modifications conceivably might become more attractive.⁶⁹

CONCLUSION

More than half-century of closely engaging with public land management has convinced me that a persuasive case cannot be made for consolidating

or significantly reorganizing the four federal land management agencies, on efficiency, cost savings, or indeed any other ground. It has also convinced me that competition among governmental agencies has considerable benefits not unlike those produced by competition in the private sector. Put a little differently, even as their responsibilities increasingly blur, the four principal federal land management agencies vie for public attention, support, and public funds in a way that helps make all of them better at serving the public while discharging the important responsibilities Congress has given them.

With two notable caveats—one regarding the effects of climate change and the second regarding Trump II’s efforts to hollow out the BLM—it seems to me BLM’s system of National Conservation Lands is likely to

continue to grow. Absent an unexpected sharp shift in public opinion, in other words, it seems to me unlikely that proposals for making big changes in BLM and its responsibilities will gain political traction. And that, I believe, is a good thing for the nation and for future generations.

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ENDNOTES

1. The map depicts Alaska on a much smaller scale than the lower 48 states. In fact, Alaska is considerably larger than the combined acreage of the next three largest states (Texas, California, and Montana). In “The Cloudy Future of Alaska’s Magnificent Public Lands” (American Bar Association Section of Environment, Energy, and Resources, 40 *Natural Resources & Environment* 3, forthcoming Winter 2026), I make a case that, because of their stupendous scale and breathtakingly gorgeous, largely intact natural features, protecting Alaska public lands ought to command much more national attention.
2. “National Landscape Conservation System” was the initial label given these lands by the Interior Department in the 1990s, and Congress used that term in cementing the system in federal law in 2009. See n. 32 *infra*. Increasingly, however, these lands are referred to simply as National Conservation Lands, the term used in this essay.
3. This gave rise to the expression “doing a land office business,” which eventually became a widely used shorthand for any high-volume business.
4. See John Leshy, *Our Common Ground* (New Haven, CT: Yale University Press, 2022), 49–122; 413.
5. The process of deciding to manage landscapes for conservation is, as Eleanor Mahoney and Brenda Barrett recently observed, “inherently political in that it involves competing interests, ideas, values, and strategies.” “Living Landscape Conservation is Coming of Age,” 40 *Parks Stewardship Forum* 3, 508 (2024).
6. See *Our Common Ground* at 62–72, 100–111, 170–199, 205–207, 227–232, 247–263. By far the most consequential laws vesting the executive with such authority were the Forest Reserve Act of 1891 and the Antiquities Act of 1906.
7. While this was happening, the US was also acquiring tens of millions of acres of land from willing-seller private owners, with the consent of the pertinent states, primarily for the purpose of establishing national forests, parks, and wildlife refuges. The most important laws authorizing such acquisitions were the Weeks Act of 1911 and various migratory bird conservation laws. See *Our Common Ground*, 306–314, 421–427. Most of these lands were located east of the Rocky Mountains and were never under GLO control.
8. *Our Common Ground*, at 373–376. Committee member and former Forest Service Chief William Greeley did not sign the report but did not file a dissent.
9. *Id.* at 376–381.
10. *Id.* at 397–408.
11. The status they sought was roughly comparable to that which hardrock miners had enjoyed on public lands since Congress enacted the federal Mining Law shortly after the Civil War.
12. “[T]he issuance of a [grazing] permit pursuant to [this Act] ... shall not create any right, title, interest, or estate in or to the [public] lands.” 43 USC § 315b.
13. *Id.* at 439–442.
14. *Id.* at 437–438.
15. 16 USC § 1133(d)(4).

16. Id. at 461–476. The Wilderness Act was silent on whether lands managed by BLM were eligible for inclusion, but Congress broke its silence twelve years later in FLPMA; see text accompanying n. 21 *infra*.
17. Id. at 490–494.
18. Id. at 492–498.
19. See 43 USC § 1732(a). FLPMA’s definition of “multiple use” is found at 43 USC § 1702(c).
20. 16 USC §§ 528–531; the definition of “multiple use” for Forest Service lands is found at § 531(a).
21. 43 USC § 1782. Congress did specify that until it determined otherwise, existing mining and grazing uses could continue in these “wilderness study areas” as before, subject to being restricted by the secretary of the interior to protect the environment or prevent “unnecessary or undue degradation of the lands or their resources.” 43 USC § 1782(c).
22. 43 USC § 1781; *Our Common Ground*, 495–498.
23. 43 USC § 1783(c).
24. Id. at 593–594. This and similar exchanges also put former BLM lands with commercial development potential into state and private ownership.
25. The Antiquities Act had long been applied to allow the president to decide, in establishing a national monument, which land management agency should manage it. Some of the early national monuments were managed by the Forest Service, some by the military, and some by the Park Service. In 1933 FDR consolidated management of all then-existing monuments in the Park Service. President Jimmy Carter gave the Fish & Wildlife Service its first national monuments to manage in 1978. *Our Common Ground*, 409, 523.
26. Bruce Babbitt, “The Heart of West: BLM’s National Landscape Conservation System,” in Michael P. Dombeck, Christopher A. Wood, and Jack E. Williams, *From Conquest to Conservation: Our Public Lands Legacy* (Washington, DC: Island Press, 2003), 100–102. See generally *Our Common Ground*, at 500–502, 594–595; John Leshy, “The Babbitt Legacy at the Department of the Interior: A Preliminary View,” 31 *Environmental Law* 199 (2001).
27. See <https://www.blm.gov/programs/national-conservation-lands/monuments-ncas>.
28. Congressional Research Service, <https://crsreports.congress.gov/product/pdf/R/R47322/3>.
29. The geographic areas included in these two systems are more linear than other National Conservation Lands, but that difference has no significant implications for the issues addressed in this essay.
30. While the landmark Alaska Lands National Interest Conservation Act (ANILCA) Congress enacted in 1980 focused mostly on lands managed by the other federal agencies, it did give BLM responsibility for two new protected areas near each other in the center of state north of Fairbanks—the 1.2-million-acre Steese National Conservation Area (NCA) and the 1-million-acre White Mountains National Recreation Area (NRA); 94 Stat. 2396–8; §§ 401–404. For reasons that are not clear, Congress included Steese NCA but not White Mountains NRA in BLM’s National Conservation Lands; see text accompanying note 33, *infra*. While ANILCA made some distinctions between the two areas in directing how they should be managed, its § 1312, 94 Stat. 2483, made clear that White Mountains NRA’s primary management objectives were “public recreation and conservation of the scenic, scientific, historic, fish and wildlife, or other values contributing to public enjoyment,” with other uses permitted only to the extent they do not “significantly impair” those values. This strong conservation mandate makes White Mountains NCA’s exclusion from BLM’s National Conservation Lands puzzling.
31. https://www.conservationlands.org/friends_grassroots_network.
32. 16 USC § 7202. This was just one component of an omnibus public land management act whose numerous titles also designated new wilderness areas, national conservation areas, and national monuments on public lands (Pub. L. No. 111-11, 123 Stat. 991-1456 (2009)). The National Conservation Lands provisions are in §§ 2001–03, 123 Stat. at 1094–96. *Our Common Ground*, 501–502, 580.
33. <https://www.blm.gov/programs/national-conservation-lands>.
34. *Our Common Ground*, 501–502. In yet another acknowledgment of BLM’s increasing alignment with the other three principal federal land management agencies, in 2017 Congress launched what became the Foundation for Public Lands, 131 Stat. 135, 463-68, which began operation in 2022; <https://americaslands.org/about/>. Like the National Park Foundation (established 1967), the National Fish & Wildlife Foundation (established 1984), and the National Forest Foundation (established 1992), it operates as a charitable partner to support sound stewardship of the BLM public lands.
35. See 16 USC § 7202(b); see also 16 USC § 7201(2).

36. See, e.g., the polls conducted annually starting in 2011 by the State of the Rockies Project of Colorado College found here, the latest being released in February 2025: <https://www.coloradocollege.edu/other/stateoftherockies/conservationinthewest/2025.html>.
37. A useful (though admittedly not comprehensive) summary of 21 areas around the West that are targets for ecological restoration and greater protection and are anchored by BLM-managed lands can be found in Appendix A of Thunderbird Strategies' *Realizing the Promise of Land and Water Restoration* (Washington, DC: Thunderbird Strategies, March 2025); <https://thunderbirdstrategies.com/restoration-report>.
38. <https://www.blm.gov/old-growth-forests>.
39. *Our Common Ground*, 567–574.
40. *Our Common Ground*, 591–595; John Leshy, Robert L. Fischman, and Sarah A. Krakoff, *Coggins & Wilkinson's Federal Public Land and Resources Law*, 8th ed. (Eagan, MN: West Academic, 2022), 450; Kai S. Anderson and Deborah Paulus-Jagric, "A New Land Initiative in Nevada," 17 *New York University Environmental Law Journal* 398, 411, 436 (2008); Richard Bryan, *My Life in Nevada Politics: The Memoirs of Senator Richard H. Bryan* (Reno: University of Nevada Press, 2024), ch. 36, 329–333.
41. See, e.g., Mark Brunson and Lynn Huntsinger, "Ranching as a Conservation Strategy: Can Old Ranchers Save the New West?," *Rangeland Ecology and Management*, 61(2): 137–147 (2008), <https://doi.org/10.2111/07-063.1>.
42. See, e.g., John Tanaka, L. Alan Torell, and Neil R. Rimbey, "Who Are Public Land Ranchers and Why Are They Out There?," *Western Economics Forum*, February 2005; https://www.researchgate.net/publication/23947853_Who_Are_Public_Land_Ranchers_and_Why_Are_They_Out_There. See also *Our Common Ground*, 598–599. The trend was captured by the 2021 purchase of two ranches in Montana that together held grazing permits on some 260,000 acres of national forest and BLM lands. The purchaser was media oligarch Rupert Murdoch and his wife, and the primary seller was Koch Brothers Enterprises. <https://landreport.com/2021-ranch-deal-of-the-year>.
43. *Our Common Ground*, pp. 598–599; see also Leshy, Fischman and Krakoff, *Coggins & Wilkinson's Federal Public Land and Resources Law*, 791–792, 837–851; John Leshy and Molly S. McUsic, "Where's the Beef? Facilitating Voluntary Retirement of Federal Lands from Livestock Grazing," 17 *New York University Environmental Law Journal* 368 (2008).
44. <https://www.doi.gov/pressreleases/interior-department-finalizes-framework-future-solar-development-public-lands>.
45. https://www.blm.gov/sites/default/files/docs/2024-08/Public-Land-Statistics-2023_508.pdf.
46. The 2019 and 2020 legislation markedly strengthened and extended the reach of the Land & Water Conservation Fund. First established in 1965, the fund devotes revenue derived mostly from petroleum development on the Outer Continental Shelf to acquiring more lands into public ownership for recreation and conservation at the federal, state, and local levels. The 2019 legislation made the fund permanent (previously it had to be periodically reauthorized by Congress) and the 2020 legislation made it a true revolving fund, effectively freeing up many billions of dollars of revenue previously designated for this purpose without the need for further appropriation from Congress. *Id.*, at 21–22; 134 Stat. 682–87 (2020); *Our Common Ground*, 584, 591–592. In his second term, Trump is proposing to have Congress reverse this by diverting significant dollars from the fund for other purposes; <https://www.eenews.net/articles/trump-move-to-redirect-conservation-dollars-sparks-anger/>.
47. John Leshy, "America's Public Lands: What History Suggests About Their Future," 34 *Colorado Natural Resources, Energy, and Environmental Law Review* 1, 21 (2023).
48. "Conservation and Landscape Health" was the title of the rule as published in the *Federal Register*, 43 CFR Part 6100 (2024); 89 *Federal Register* 40339 (May 9, 2024). To underscore how deeply FLPMA had embedded conservation in the BLM management mandate, BLM thereafter referred to it simply as the Public Lands Rule, and most media used that label.
49. The rule also sought to breathe new life into a mostly ignored command included in FLPMA to "give preference to ... areas of critical environmental concern" (usually referred to as ACECs). 43 USC §§ 1702(a), 1711(a); see Karin P. Sheldon and Pamela Baldwin, "Areas of Critical Environmental Concern: FLPMA's Unfulfilled Conservation Mandate," 28 *Colorado Natural Resources, Energy, and Environmental Law Review* 1–63 (2017). As of 2023, BLM had designated 1,167 ACECs covering some 21.3 million acres, including some 7.4 million in Alaska and nearly 6.5 million in California; https://www.blm.gov/sites/default/files/docs/2024-08/Public-Land-Statistics-2023_508.pdf. ACECs are not included in the 2009 statutory list of national conservation lands.
50. 43 USC § 1702(c) (FLPMA's definition of "multiple use").
51. https://en.wikipedia.org/wiki/Project_2025; https://static.project2025.org/2025_MandateForLeadership_CHAPTER-16.pdf. The leader of Project 2025, Russell Vought, became Director of the Office of Management and Budget in the second Trump Administration. See text accompanying note 62, *infra*.

52. See, e.g., Trump Drilling Dashboard, https://westernpriorities.org/resource_type/dashboard/. Petroleum development on public lands did increase modestly, but probably because the market for petroleum is world-wide, meaning that domestic US production is heavily influenced by factors such as Russia’s invasion of Ukraine and the West’s reaction to it. Although not involving BLM lands, Congress’s spring 2017 decision (strongly supported by the Trump I Administration) to authorize petroleum leasing in the coastal plain of the Arctic National Wildlife Refuge in northern Alaska was supposed to yield billions of dollars of revenue to help close the federal budget deficit, but the lease sale held shortly before the end of Trump I was a giant bust, as no major oil companies even showed up to bid. See Leshy, *supra* n. 47.
53. On July 4, 2025, Trump signed into law the One Big Beautiful Bill Act (OBBBA), Pub. L. 119-21, <https://uslaw.link/citation/us-law/public/119/21>. Among other things it requires BLM to (a) conduct quarterly sales of petroleum leases in nine western states on the tens of millions of acres of BLM land open to such leasing indefinitely (§ 50101(c)(1)), and five sales of at least 400,000 acres each in the National Petroleum Reserve-Alaska within the next 10 years (§ 50105); (b) revive the practice of non-competitive petroleum leasing that Congress had discouraged in 1987 and ended in 2022 (§ 50101(a)(2)); (c) reduce the royalty rate for petroleum lessees down to the statutory minimum Congress adopted back in 1920 (§§ 50101(a)(1), 50103); (d) offer coal leases on at least 4 million acres of BLM land and significantly reduce the royalty rate for all coal leases (§§ 50201-04); and (e) increase timber harvesting from BLM lands for each of the next nine years by at least 20 million board-feet over the previous year’s total (§ 50301(b)).
54. See, e.g., <https://thehill.com/policy/energy-environment/4961820-oil-bigwigs-open-wallets-for-trump-after-billion-dollar-request/>; https://morethanjustparks.substack.com/p/a-sham-oil-emergency-is-now-being?utm_campaign=email-half-post&r=2ytx6b&utm_source=substack&utm_medium=email.
55. The Mineral Leasing Act provides that such leases continue in effect past their primary term of ten years “so long ... as oil or gas is produced in paying quantities.” 30 USC § 226(d).
56. It allows miners to gain full fee title to mineral deposits almost for free, although for more than 30 years Congress has included a rider in the Interior Department’s funding legislation it enacts each year that prohibits spending any money for that purpose.
57. In a 2018 speech to the Sutherland Institute, Senator Lee likened US landholdings to the situation in feudal England, even though—unlike in the US—the aristocracy controlled those lands and mostly excluded common people from them; <https://sutherlandinstitute.org/public-lands-discussion-senator-mike-lee/>.
58. See, e.g., <https://www.nytimes.com/2025/06/28/climate/public-lands-sell-off-dropped-mike-lee.html>. FLPMA gives the interior secretary authority to sell public lands for expanding communities and economic development under certain conditions. 43 USC § 1713. Drew McConville and Doug Turner of the Center for American Progress have thoroughly examined the public-lands-for-housing issue in an April 2025 report: https://www.americanprogress.org/article/will-the-u-s-housing-crisis-be-exploited-for-a-massive-public-lands-sell-off?utm_source=1500+CWP+List+Daily+Clips+and+Updates&utm_campaign=593ae09d7f-EMAIL_CAMPAIGN_2025_04_13_05_12&utm_medium=email&utm_term=0_-593ae09d7f-77300637.
59. See, e.g., <https://www.heritage.org/environment/report/the-federal-governments-poor-management-americas-land-resources>; <https://www.heritage.org/budget-and-spending/report/saving-the-american-dream-the-heritage-plan-fix-the-debt-cut-spending>.
60. *Our Common Ground*, 575–585. In 2017, Representative Jason Chaffetz (R-UT) introduced a bill to transfer 3.3 million acres of public lands to states, but backlash from his constituents who feared it would limit public access for recreation led him to withdraw the measure within a few days; <https://www.washingtonpost.com/news/energy-environment/wp/2017/02/02/facing-backlash-utah-rep-jason-chaffetz-withdraws-bill-to-transfer-federal-land-to-the-states/>.
61. <https://www.eenews.net/articles/4-things-to-know-about-doug-burgums-balance-sheet-pitch/>; Bobby Magill, “Freedom Cities’ Push on Public Land Gains Viability Under Trump,” *Bloomberg Law Energy & Environment Report* (April 10, 2025). The Trust for Public Lands has recently published a report making the case for more, not fewer, public lands. Lisa W. Foderaro, *America Needs More Public Lands, Not Less* (San Francisco: Trust for Public Land, 2025); <https://www.tpl.org/america-needs-more-public-lands-not-less>.
62. See, e.g., McKay Coppins, “The Visionary of Trump 2.0,” *The Atlantic*, May 16, 2025, <https://www.theatlantic.com/politics/archive/2025/05/russell-vought-trump-doge/682821/>. This is not to suggest that the nation’s public lands are Vought’s exclusive or even primary target; in a 2023 address he called for all “bureaucrats” to be “traumatically affected;” that is, “we want them to not want to go to work because they are increasingly viewed as the villains.” William Wan and Hannah Natanson, “White House Officials Wanted to Put Federal Workers ‘in trauma.’ It’s working,” *Washington Post*, May 20, 2025.

63. Close observers of public land policy like New Mexico Senator Martin Heinrich, ranking member of the Senate Energy and Natural Resources Committee, see this as the strategy in play; <https://nmpoliticalreport.com/2025/03/06/heinrich-alleges-trump-administration-aims-to-move-public-lands-into-private-hands/>. The Trump II 2026 budget proposal would make drastic cuts in federal efforts to bring sound science to bear on public land and related management issues; <https://www.nytimes.com/2025/05/31/climate/ecosystems-mission-area-usgs-trump-budget.html?smid=nytcore-ios-share&referringSource=articleShare>.
64. John Leshy, “Still Made for You and Me?”, *The American Scholar* (September 14, 2020).
65. *Our Common Ground*, e.g., 186–207; 227–234; 260–264; 323–331; 348–355.
66. A very modest exception that proves the general rule came in a 1988 law that directed a Forest Service–BLM exchange of management jurisdiction over land in Nevada. BLM picked up 23,000 acres of former national forest land and lost about 662,000 acres to the Forest Service. See Pub. L. 100–550, 102 Stat. 2749 (1988).
67. See text accompanying notes 6–7, *supra*. Many of the lands in the early national parks Congress established had formerly been national forest lands. In 1933 President Roosevelt exercised reorganization authority Congress had given him to move several national monuments the Forest Service and the Defense Department were managing to the National Park Service; *Our Common Ground*, 409. As noted earlier, Nevada Senators Reid and Bryan helped engineer a number of adjustments of the land portfolios of BLM and other federal agencies in their state. See n. 40, *supra*.
68. *Our Common Ground*, 586–589. Mike Dombeck, who headed BLM and then the Forest Service in the Clinton Administration, illustrated this trend; previously, such cross-fertilization was quite rare. Dombeck also broke new ground at both agencies because he was a wildlife biologist; their previous leaders usually were closely tied to the livestock and forestry industries.
69. Congress could, of course, create new agencies to manage lands in particular systems, like the Wilderness and Wild & Scenic River Systems, But it has not done so for nearly a century, probably because no persuasive case can be made for such narrowly focused agencies, and because existing agencies and their supporters would strongly resist the idea, just as they did when Congress was deliberating over the Wilderness Act. *Our Common Ground*, 464.

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