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January 15, 2015

Neil Kornze  
Director  
Bureau of Land Management  
1849 C Street  
Washington, DC 20240

Re: Notice of Proposed Withdrawal – Sagebrush Focal Areas; and Notice of Intent to Prepare an Environmental Impact Statement

Dear Director Kornze:

On behalf of the 1 million members of the National Association of REALTORS®, please accept these comments on the Department of Interior’s Notice of Proposed Withdrawal – Sagebrush Focal Areas; and Notice of Intent to Prepare an Environmental Impact Statement, prepared by the Bureau of Land Management (BLM), as published in the Federal Register 9/24/15.

The notice describes the withdrawal of approximately 10 million acres of public and National Forest system lands in the states of Idaho (3.8 million acres), Montana (.98 million acres), Nevada (2.7 million acres), Oregon (1.9 million acres), Utah (.23 million acres) and Wyoming (.25 million acres). The purpose of these land withdrawals is to protect the Greater Sage-Grouse (GSG) and its habitat from adverse effects of mineral exploration and mining.

NAR supports the approach the Department of Interior (DOI) has taken to enable the non-listing of the GSG as an endangered species and applauds the Department for recognizing the extensive cooperative actions taken by the private sector, non-governmental organizations and state and local governments to preserve habitat and keep the species off the endangered list.

NAR has concerns about the significant withdrawal of public land to important economic activities, especially as it relates to the multi-use philosophy of the nation’s public lands. NAR is concerned about the economic impact of the land withdrawal on adjacent communities and procedural and administrative flaws as the DOI moves forward with this process.

**The Withdrawal Contradicts the Multi-Use Doctrine for Public Lands Management**

Since 1976, the prevailing doctrine for managing public lands has been the Multiple Use policy, defined in the Federal Land Policy and Management Act of 1976 (FLPMA) as “The management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people....providing a combination of balanced and diverse resource uses.”

The millions of acres of public lands managed by the Forest Service and BLM are concentrated in the Western third of the lower 48 states and Alaska.

While the statutory regimes differ -- the National Forests are administered under the National Forest Management Act, and the BLM lands under the Federal Land Policy and Management Act -- both statutes borrow from the Multiple Use Sustained Yield Act in their



emphasis on striking a balance in land use planning among the competing values of recreation, grazing, timber, watershed protection, wildlife and fish, and wilderness.

The statutory regimes that govern the BLM and the Forest Service are different but spring from the same basic principles articulated in the Multiple Use Sustained Yield Act, which emphasizes striking a balance in land use planning among the competing values of different uses including recreation, grazing, timber, watershed protection, wildlife habitats, and wilderness.

These lands, as many have observed, are not parks.

Thus, the withdrawal of 10 million acres of public lands directly contradicts the well-established multi-use doctrine of management of these public lands. By restricting mining and mineral exploration, the agencies are assuming that these activities are in conflict with habitat management activities.

NAR believes that the lands and resources managed by the agencies, can best be—and must be—sustainably managed under the multi-use mandate set forth in FLPMA. It is critical that a balance among competing uses such as recreation, resource extraction and wildlife management be determined. Banning a use such as mining is a failure of the agencies to understand how that use may impact the species and develop an approach that allow all of the uses to co-exist successfully.

### **Economic Impacts of the Withdrawal Will be Significant**

The withdrawal of 10 million acres of land from mining and other economic activity will have a negative economic impact and ripple through communities throughout the West. Thousands of communities rely on the resources of public lands for their economic development. From the mining perspective alone, federal lands account for as much as 86 percent of the land area in the Western states. The withdrawal of an additional 10 million acres for a single species will have a significant impact on the ability to develop minerals and other resource extraction activities on federal lands.

For example, in Idaho alone, mining and mineral processing, and the economic activity it creates added about \$1.5 billion to Idaho's Gross State Product last year. The industry paid \$750 million in wages to 12,600 workers and the economic activity it stimulated resulted in the payment of \$134 million in federal, state and local taxes (Source: Idaho Mining Association).

It is difficult to fully value the lost economic opportunity this ill-conceived withdrawal proposal will cause in the West; certainly hundreds of millions of dollars in future years, likely billions of dollars over a generation. We can never know what economic value will be permanently locked up as a result of this land withdrawal. This withdrawal will not only disrupt mining, but also ranching, grazing and recreational activities. This will result in lost jobs, decreased economic development, homebuilding and buying—further hastening the downward economic spiral of rural America.

### **The Withdrawal Process Has Serious Procedural and Administrative Flaws**

The withdrawal to date has been beset with serious procedural and administrative flaws that will have deleterious and unforeseen consequences on how the land and its resources are used and managed in the future. Some of these flaws include:

- The BLM has failed to provide state and local government meaningful involvement in the withdrawal process. For example, when local governments identified inconsistencies in the plan for the withdrawal, the BLM declined to address these observations in any meaningful way.
- The BLM has not provided the best available science for comment by the public. For example, invasive plants and wildfires are serious threats to the GSG species and habitat. However, the BLM did not adequately address these threats in the data provided to the public.
- The Environmental Impact Statement (EIS) required under the National Environmental Protection Act (NEPA) did not evaluate a full range of alternatives to the withdrawal. For example, the Draft EIS did not present a complete discussion of the plans already in place to protect GSG habitat and the effectiveness of those plans.

NAR requests that the BLM and the DOI halt this misguided withdrawal and work with other federal agencies and impacted Western states, using the best available science, to develop comprehensive land use plans that will actually protect the Greater

Sage-Grouse, while also protecting adjacent communities that depend on the public lands for economic survival. The agencies should craft a plan that meets the unique needs of each state while focusing on the primary threats to the species.

Thank you for your consideration of these comments, and we look forward to working with you on these critical issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Salomone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tom Salomone

2016 President, National Association of REALTORS®