

GREAT OUTDOORS ACT

Critics say federal order undermines new conservation law

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Dave Gold has hiked New Mexico trails for more than 40 years, descending into rugged canyons and trudging up to summits with breathtaking views.

Gold, 65, thinks open spaces should be expanded, especially after he's seen public access to some scenic hiking areas closed off over the years when easements were removed.

"You really can't have enough protected areas," the longtime Santa Fe resident said, adding once a place is developed, it generally can't be "undeveloped."

Gold was happy to learn about this year's landmark Great American Outdoors Act, which established funding for maintaining, enhancing and expanding areas for people to enjoy nature, including in New Mexico. Congress passed the bill with strong bipartisan support, and President Donald Trump signed it into law in August.

Gold also was not surprised, he said, to learn the Trump administration is now seeking to weaken key parts of the new conservation law.

The administration also has removed all of New Mexico's projects from its proposed list. U.S. Sen. Martin Heinrich, a New Mexico Democrat, said he thinks that was done to retaliate against him for criticizing the White House on various issues.

Heinrich plans to urge his colleagues in Congress to put New Mexico's projects back into the mix so the law can be implemented as intended, he said. He was reluctant to specify projects and their locations, however, saying the process has become so political that he worried the projects might again become targets for elimination.

Heinrich did say some would be within the Santa Fe National Forest and Jemez Valley. And he hoped to add a 200-acre parcel south of Albuquerque to the Valle de Oro National Wildlife Refuge.

The Great American Outdoors Act calls for about \$9.5 billion from energy development to be used over a five-year period to repair, maintain and upgrade national parks, forests, wildlife refuges, recreation areas and Native American schools.

Also, about \$900 million a year in royalties from offshore oil and natural gas will go into the Land and Water Conservation Fund to invest in conservation and recreation areas.

But Interior Secretary David Bernhardt [issued an order](#) earlier this month that gives state and local governments veto power when a federal agency uses the conservation fund to buy private land.

And the order removes funding for the Bureau of Land Management to buy tracts except in remote areas, funneling money instead to the National Park Service and U.S. Fish and Wildlife Service for land purchases.

Critics say the BLM is the main buyer of lands for conservation, and so sidelining the agency weakens the law.

This move by the interior secretary as the White House prepares to change administrations has irked environmentalists, outdoor groups and even some property rights advocates.

Some national industry groups, Republican political leaders and conservative think tanks applauded the order, arguing the federal government already owns too much land.

Heinrich, a strong advocate for the new law, said he was disappointed with Bernhardt's order and sees it as trying to gum up a bipartisan legislative effort.

"It's late administrative mischief," Heinrich said. "This is an administration who saw the Great American Outdoors Act as an election year press conference."

Land sales between the federal government and a private owner can take years, and this order could create a roadblock that prevents a seller from finally being paid, Heinrich said.

Requiring a local government to sign off on a federal land sale is excessively cumbersome and intended to halt the expansion of public areas, Heinrich said. "If you make this so onerous that you have to check every box at every level of government, what you end up doing is make it such that the stars never align."

If landowners face the prospect that a county commission might oppose the sale, perhaps for political reasons, they won't risk making a deal, he said.

In a statement, the Interior Department contends it is honoring its commitment "to be a good neighbor by giving states and communities a voice in federal land acquisitions."

The agency also said it is giving priority to investments that increase public access for recreation, enhance conservation and support recovery of endangered species.

A team of technical experts in facility management, construction and budgeting spent weeks conducting an intensive and detailed review of the proposed project lists, the agency said.

"The team narrowed the list down to projects that would have the greatest overall impact on reducing the agencies' maintenance backlogs while also benefiting the American people," the agency said.

But an activist group says the Interior Department scratched BLM projects off the list at the same time it issued the order to hamper efforts to create more protected areas.

"This is unacceptable," said Anna Peterson, executive director of Mountain Pact. "Important public lands where we recreate and enjoy the outdoors are managed by the Bureau of Land Management, and many of these lands are important to communities."

No one could say why Bernhardt would impose restrictions on how the conservation fund is used under the new law, when the incoming Biden administration is certain to reverse the edicts.

Bernhardt ordered the rules to be carried out in 45 to 60 days, which would happen before Biden takes over as president.

He also inserted a clause at the end of the order, saying implementation would continue even if the order is rescinded.

But Heinrich said there's no way to stop new rule-making under Biden.

He thinks Bernhardt might be playing to those who oppose the federal government expanding its land holdings.

One vocal opponent of the law was Sen. Mike Lee, R-Utah, who complained the federal government owns 70 percent of the land in his state and doesn't need any more.

The National Cattlemen's Beef Association applauded Bernhardt reining in what it called "the land grab law."

"States and local stakeholders know best what their communities need and should be directly involved in these decisions," the association said in a statement.

Heinrich argued it's a fallacy to say the federal government owns land.

"The lands belong to the people, and they're managed and held in trust by the federal government," Heinrich said.

Nick Streit, who owns Taos Fly Shop, said he supports the new law and opposes Bernhardt's attempt to undermine it.

The Valles Caldera National Preserve is a great example of a site that went from private to federal ownership, Streit said, adding that it would've been bad if anyone had been allowed to interfere with the sale.

In 2000, the federal government bought 95,000 acres from a rancher and created the preserve.

Streit said the preserve is a spectacular area for hiking, fishing and hunting. He called it a mini-Yellowstone National Park.

He disagreed with giving local leaders veto power over these kind of sales, saying it could allow politics to derail good projects.

"Which opens the door to all kinds of insider shenanigans," he said.

Gold said it's too bad the current administration is trying to thwart the effort to expand open spaces.

More open space is needed in the pandemic, so people can go outdoors, enjoy scenery, breathe fresh air and socially distance, Gold said.

It's also essential for mental health, he said, reflecting on how his countless hikes have invigorated him.

"I love being out in nature," he said. "My soul sings a happy song."

More Information

Interior Secretary David Bernhardt's order on how the Land Water and Conservation Fund will be used under the Great American Outdoors Act:

<https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3388-land-and-water-conservation-fund-508-compliance.pdf>