

# PUBLIC LANDS AND ENVIRONMENTAL CONCERNS

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The Federal Land Policy and Management Act of 1976 [FLPMA]<sup>1</sup> has changed the Bureau of Land Management's [BLM] basic posture toward the public lands and their resources. Prior to the enactment of FLPMA, actions involving BLM lands and resources generally were initiated by private parties. This was reflected in the management framework plans [MFP's] prepared by BLM for resource areas in each BLM district. The MFP's provided guidance for responding to requests for disposal of land or use of resources. This can be contrasted with the land use and resource management plans prepared by the Forest Service for units of the National Forest System, which prescribe actions that are generally initiated by the Forest Service.<sup>2</sup> Under FLPMA, however, the Secretary of the Interior has the authority to develop land and resource management plans<sup>3</sup> and to manage public lands and resources to accommodate multiple uses.<sup>4</sup>

In developing such plans the Secretary is further directed to account for environmental values that might be impacted.<sup>5</sup> Even before passage of FLPMA, the BLM was required to consider environmental values along with other factors in its decisionmaking.<sup>6</sup> The National

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1. 43 U.S.C. §§ 1701-1782 (1976).

2. For a description of the Forest Service planning process as it was prior to 1975 see G. ROBINSON, *THE FOREST SERVICE: A STUDY IN PUBLIC LAND MANAGEMENT* 39-47 (1975). National Forest System planning is now being revised to conform to section 6 of the National Forest Management Act of 1976, 16 U.S.C. § 1604 (1976). Proposed regulations were published on August 31, 1978. 43 Fed. Reg. 39,046 (1978).

3. 43 U.S.C. § 1712 (1976).

4. *Id.* § 1712(c).

5. *Id.* § 1712.

6. 42 U.S.C. § 4332(2)(C) (1976). The well known EIS (environmental impact statement) is

Environmental Policy Act of 1969 [NEPA]<sup>7</sup> declares that national policy requires all federal agencies to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking"<sup>8</sup> and to use methods to insure that "presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations."<sup>9</sup> And this was not limited to just those decisions that required an environmental impact statement under section 102(C) of NEPA.

Perhaps the most important way in which FLPMA requires consideration of environmental values in public land decisions is found in the Act's requirement for a land use planning process. Section 202 directs the Secretary to prepare land use plans for tracts or areas of public lands.<sup>10</sup> These plans are intended to be the basic decisionmaking documents for most public land actions. In the absence of other explicit requirements for consideration of environmental values, the land use plans would be the natural focus for weighing environmental values as required in section 102 of NEPA.<sup>11</sup> FLPMA, however, provides at least four additional requirements for recognizing environmental values:

- (1) That "the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values;"<sup>12</sup>
- (2) that "areas of critical environmental concern" [ACEC] be designated and protected;<sup>13</sup>
- (3) that areas of wilderness character be identified;<sup>14</sup> and
- (4) that special attention in planning and management be directed to the California Desert area as an environmental resource needing immediate attention.<sup>15</sup>

### *Planning and Environmental Values*

The basic provisions of FLPMA are for land use planning and

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required for major actions, but the substantive requirements for consideration of environmental values are broadly applicable to all federal decisions.

7. *Id.* §§ 4321-4361.

8. *Id.* § 4332(2)(A).

9. *Id.* § 4332(2)(B).

10. 43 U.S.C. § 1712(a) (1976).

11. See text & notes 7-9 *supra*.

12. 43 U.S.C. § 1701(a)(8) (1976).

13. *Id.* § 1701(a)(11). See *id.* § 1702(a).

14. *Id.* § 1782.

15. *Id.* § 1781(b).

resources management. It gives the BLM authority roughly equivalent to that which the Forest Service has long had for multiple-use management<sup>16</sup> of the national forests.<sup>17</sup>

Title II of FLPMA, the land use planning title, is, at first blush, sketchy with respect to the role environmental concerns should play in the planning process. When combined, however, with the environmental policy directives of NEPA<sup>18</sup> and the definition of "multiple use" in Title I of FLPMA,<sup>19</sup> Title II provides a strong mandate for considering environmental values in future public land decisions. Proposed regulations to implement the planning process of FLPMA were published in the Federal Register in December 1978.<sup>20</sup> It is proposed that approval of land use plans, or resource management plans [RMP's] as they are called in the draft regulations, be considered a major federal action that requires a NEPA environmental impact statement. The impact statements would be combined with the RMP, and to that extent are expected to reduce the need for more specific impact statements on actions encompassed within the RMP.<sup>21</sup> Adoption of this proposal would make BLM practice consistent with that of the Forest Service.<sup>22</sup>

The purpose of the RMP is to document the decisional process, including the comparison of alternative actions, and to indicate the way in which various factors, including environmental values, are taken into account. The plans, which are to replace the earlier MFP's, are to be prepared for resource areas, of which there are two to four in each BLM district. Once completed, they will cover practically all lands administered by the BLM and be applicable to all land and resource decisions.

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16. The Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. §§ 528-531 (1976), directed management of the national forests according to the principles of multiple use and sustained yield as defined in section 4 of the Act. 16 U.S.C. § 531 (1976). Although the Act did not specifically require planning, it does require that "due consideration shall be given to the relative values of the various resources in particular areas." *Id.* § 529. This requirement implies the existence of a planning process.

17. The Forest Service's authority has been expanded specifically for planning in two recent acts, the Renewable Resources Planning Act of 1974 [RPA] and the National Forest Management Act of 1976 [NFMA]. The National Forest Management Act, 16 U.S.C. §§ 1602-1614 (1976), was an amendment to the Forest and Rangeland Renewable Resources Planning Act of 1974, 36 U.S.C. §§ 1600-1614 (1976). It specifies planning requirements for the national forest and rangeland program planning required by the 1974 Act. 16 U.S.C. § 1604 (1976).

18. See text & notes 7-9 *supra*.

19. 43 U.S.C. § 1702(c) (1976).

20. 43 Fed. Reg. 58,764 (1978).

21. The proposed regulations note that combining the resource management plan and environmental impact statement will not supplant all further environmental assessments, but that further assessments will not be needed to the extent that the "character and nature" of actions requiring environmental assessments are covered within the scope of the resource management plan. *Id.* at 58,765. This is contrasted with the present practice of having separate environmental impact statements for individual actions within the scope of the BLM's management framework plans [MFP's]. *Id.*

22. See text & notes 16-17 *supra*.

Criteria for evaluating alternatives and choosing management directions are to be developed at the BLM district level.<sup>23</sup> They will include, *inter alia*, the estimation of environmental impacts and means to mitigate adverse impacts, as required by NEPA regulations. How well environmental concerns are treated in these plans will depend to a large extent on the commitment and professional skill at the district level.<sup>24</sup>

A difficult problem facing the BLM is the development of a method for adequately weighing both national and local concerns in the RMP's. In a parallel situation, the Forest Service is charged with making a periodic assessment of the nation's forest and rangeland renewable natural resources and with developing a national Forest Service program to meet the needs identified in the assessment.<sup>25</sup> Linking the assessment and program, which are prepared at the national level, to individual national forest plans and to state level Forest Service programs for private woodlands has proven to be exceedingly difficult.<sup>26</sup> Furthermore, the relationship that the BLM resource management plans are meant to have to various national plans is unclear. For example, the Forest Service national assessment of the forest and rangeland situation applies to BLM rangeland along with all other rangeland. How BLM will use this assessment in developing its resource management plans is as uncertain, as is the way in which the RMP's will be used by the Forest Service in preparing its national program.

### *Areas of Critical Environmental Concern*

FLPMA provides for the inventory, designation, and protection of ACEC's.<sup>27</sup> This is to be accomplished as part of the land use planning process,<sup>28</sup> although priority is to be given to the designation and protection of these areas. ACEC's are defined as areas "where special man-

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23. See 43 Fed. Reg. 58,765 (1978).

24. Some have suggested that the planning requirements of the Forest and Rangeland Renewable Resources Planning Act of 1974, 16 U.S.C. §§ 1600-1614 (1976), make such enormous demands on the Forest Service for special expertise that a district ranger must be a "renaissance man." Krutilla & Haigh, *An Integrated Approach to National Forest Management*, 8 ENV'T'L L. 373, 411 (1978). The planning requirements of FLPMA are no less demanding in terms of the expertise that will be required of the BLM district manager.

25. 16 U.S.C. §§ 1601-1602 (1976).

26. In the case of national forests, the proposed regulations for National Forest System Land and Resource Management Planning, 43 Fed. Reg. 39,049 (1978) (to be codified at 43 C.F.R. § 219.4) provide for three levels of planning from the national to the regional to the forest level. 43 Fed. Reg. at 39,049. The regional plan is to accomplish the national program goals by allocating responsibilities to the regional staffs of national forests. This is to be done prior to and as part of the basis for determining the land base from which production of timber will be permitted. It is obvious that national goals for timber production cannot be set independently of a determination of the land base from which such production will come.

27. 43 U.S.C. § 1701(a)(2),(4),(11) (1976).

28. *Id.* § 1712(c)(3) (1976).

agement attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards."<sup>29</sup> It is evident that the way in which ACEC's are initially designated will have a major impact on resource management and use of the public lands.

The report of the Senate Committee on Interior and Insular Affairs (now Senate Committee on Energy and Natural Resources) that accompanied the committee version of the Act elaborates on the meaning of ACEC. It refers to these lands as "the most environmentally important and fragile lands" and notes that a concept similar to that of the ACEC is found in three recommendations of the Public Land Law Review Commission [PLLRC].<sup>30</sup> Recommendation 27 concerns the identification and protection of a system of natural areas for scientific and educational purposes<sup>31</sup> and Recommendation 78 supports the identification and protection of "unique areas of national significance."<sup>32</sup> The latter recommendation concerns areas worthy of national park or national monument status<sup>33</sup> while the former would formalize in a national system the present *ad hoc* designation of natural areas, which are generally of limited extent. These recommendations are relatively limited in terms of the total acreages that might be included in such areas.

The other PLLRC recommendation mentioned in the Committee report suggests a wholly different approach to recognizing environmental values on the public lands. Recommendation 18 provides, "Congress should require classification of the public lands for environmental quality enhancement and maintenance."<sup>34</sup> Development of a "standard system of environmental quality classification" would be based on four major components of the environment: water, air, quality of experience, and living elements of the environment.<sup>35</sup> The recommendation is directed at providing a classification system that would include major

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29. *Id.* § 1702(a) (1976).

30. SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, 95TH CONG., 2D SESS., LEGISLATIVE HISTORY OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 p. 108 (Comm. Print 1978) [hereinafter cited as LEGISLATIVE HISTORY].

31. Recommendation 27 provides, "Congress should provide for the creation and preservation of a natural area system for scientific and educational purposes." U.S. PUBLIC LAND LAW REVIEW COMMISSION, ONE THIRD OF THE NATION'S LAND 87 (1970) [hereinafter cited as PLLRC].

32. *Id.* at 198. The Recommendation provides in full, "An immediate effort should be undertaken to identify and protect those unique areas of national significance that exist on the public lands." *Id.*

33. *See id.*

34. *Id.* at 73.

35. *Id.* at 75, 77.

parts of the public lands in one or more categories defined by the above environmental elements.<sup>36</sup> Recommendation 18 can be contrasted with Recommendations 27 and 78, each of which is aimed at relatively prescribed land areas and whose implementation could be viewed as a one-time resource management decision for the areas in question.

An initial draft of guidelines prepared by the BLM to implement the ACEC concept indicates that the concept will be applied more in keeping with the idea of limited and special areas than with the idea of classifying large areas of public lands according to environmental characteristics for use in subsequent management decisions.<sup>37</sup> The emphasis in the draft guidelines is on identifying areas of "special significance" with "notable" or "outstandingly superior" characteristics. Resource development is to be "limited" and actions that are "incompatible" with the designation will not be permitted. These identifying characteristics suggest an ACEC concept of limited applicability. This concept is quite different from the idea expressed in Recommendation 18, which suggested classifications for environmental values that would extend over relatively wide areas. Nor does the ACEC concept really encompass Recommendation 78; designation of areas of "unique national significance" such as national parks or monuments and similar areas is more likely to be accomplished by legislation or executive orders than by ACEC designation.

Thus, the concept of ACEC's appears to fit in a niche, probably a limited one, between areas worthy of national attention and perhaps legislative action on the one side and, on the other, lands whose environmental values can be adequately protected through normal management practices.

### *Wilderness Allocations*

Section 603 of FLPMA requires that public land roadless areas of more than 5,000 acres and roadless islands be studied for wilderness suitability and that recommendations be made to the Congress on those areas that should be designated as wilderness.<sup>38</sup> Prior to passage of

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36. See *id.* at 75. The recommendation includes a graphic portrayal of a public land area including foothills and a broad valley. Perhaps 80% of the area is included in one environmental classification or another, which leaves no question that the PLLRC intended this approach to cover broad areas of general use and not just narrow special use areas. *Id.* at 80.

37. This is a January 22, 1979, draft of "Areas of Critical Environmental Concern [ACEC] Guidelines" which is for publication as proposed guidelines on about February 20, and as final guidelines by June 1, 1979.

38. 43 U.S.C. § 1782 (1976). As part of its general recommendation that an immediate effort be undertaken "to identify and protect those unique areas of national significance that exist on the public lands," the PLLRC stated that this should include areas that qualify for inclusion in the wilderness system. PLLRC, *supra* note 31, at 198. These areas are to have the wilderness characteristics described in the Wilderness Act of September 3, 1964, 16 U.S.C. § 1331(c) (1976).

FLPMA, the BLM had designated some fifty-five "natural or primitive areas" on the public lands. These are to be included with other roadless areas in the wilderness areas study.

Wilderness designation and protection is one way of protecting environmental values, and may include the protection of scenic, cultural, and wildlife values, as well as the preservation of remnant ecosystems for scientific and educational purposes. In addition, of course, wilderness protection satisfies some kinds of outdoor recreation demands and these generate much, and perhaps most, of the support for wilderness designation. These demands are, however, separate from environmental protection justifications for wilderness.

The prohibition of nonconforming activities in designated wilderness areas is so strict that little or no environmental disruption can take place. These remnant ecosystems, however, exist because there has been little demand for use of their resources in the past, whether due to economic inaccessibility or low quality. Conflicts between resource development and the retention of wilderness values have not been severe on these areas; otherwise, development in the past would now disqualify them from possible wilderness designation. Therefore, using wilderness designation to accomplish general environmental quality protection objectives on the public lands is unlikely to be effective except in limited areas.

Wilderness designation serves some of the same purposes as protection of ACEC's. Both designations protect natural and historic areas for educational and scientific purposes and serve to protect important ecosystems for a variety of other reasons. Two distinctions, however, can be made. Wilderness designation requires that the land retain "its primeval character and influence"<sup>39</sup> while ACEC's are not so restrictive in terms of their condition at the time of designation. Second, ACEC's, "[u]nlike wilderness areas . . . are not necessarily areas in which no development can occur."<sup>40</sup>

In application, the distinctions between wilderness and ACEC's are likely to be clear, especially in relation to purpose. The overriding objective of wilderness designation is to retain areas of wilderness character; areas "where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain."<sup>41</sup>

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PLLRC, *supra* note 31, at 198. Prior to designation the Secretary must have a survey conducted to determine the presence of any mineral values in the area. *Id.*

39. 16 U.S.C. § 1131(a) (1976).

40. LEGISLATIVE HISTORY, *supra* note 30, at 108. The Senate Committee Report went on to note, "Quite often, limited development, when wisely planned and properly managed, can take place in these areas without unduly risking life or safety or permanent damage to historic, cultural or scenic values or natural systems or processes." *Id.*

41. 16 U.S.C. § 1131(c) (1976).

Other objectives, such as maintaining scenic or wildlife values, are secondary. The purposes of ACEC designation, in contrast, are more narrow, can be expressed with more focused restrictions on use, and are likely to be accomplished on smaller areas of land.

### *California Desert Conservation Area*

Because of its fragility, the California desert, which covers about one-fifth of the total area of the state, is recognized in FLPMA as needing immediate protection.<sup>42</sup> Section 601 directs that a plan for management of the desert area be prepared and that it provide for future protection and administration "within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality."<sup>43</sup>

The directives for environmental quality protection on the California Desert Conservation Area appear to be about the same as those that apply to the public lands in general. ACEC designation will be used to protect portions of the desert, but the major challenge will be in using RMP's to guide the heavy pressures from off-road vehicle and other outdoor recreation uses.<sup>44</sup>

### *FLPMA's Impact on the Environmental Planning Process*

The new positive land management role assigned to the BLM by FLPMA requires that attention be given to environmental values in public land decisions. One technique for protecting such values, the designation of areas of public lands as "areas of critical environmental concern" or as wilderness areas, is provided by the Act. The overall environmental impact of decisions made through the land use planning process required by the Act, however, is likely to be far greater in the long run than that of special area designations.

Despite the lack of legislative direction for planning prior to FLPMA, the BLM had previously developed a planning process and had prepared first generation management framework plans for a substantial part of the public lands. Although the main thrust of the management framework plans was limited by the perception of BLM's role as one of responding to applicants for use of the public lands, the plans themselves met reasonable standards of professional competence. Now FLPMA places a greater burden on the BLM, not just by its legislative mandate to plan, but also by specifying some of the considerations that

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42. "The California Desert is one of the most ecologically fragile areas of the national resource lands, and it is certainly the most threatened." LEGISLATIVE HISTORY, *supra* note 30, at 125-26.

43. 43 U.S.C. § 1781(b) (1976).

44. See LEGISLATIVE HISTORY, *supra* note 30, at 126-27.



must go into each plan.<sup>45</sup> With the legitimacy accorded the planning process by FLPMA, the plans are certain to be seen as very important decision documents, much more so than the earlier management framework plans, and will be judged by higher standards.

The legislative mandate to consider environmental values in planning uses of the public lands, however, does not by itself provide a suitable framework for considering such values. FLPMA and the proposed planning regulations for implementing it do not describe an analytical framework for comparing environmental and other values in making public land decisions. In fact the Act and the proposed regulations are not wholly consistent in describing the principles that are to be considered in resource management plans.

The proposed regulations add one "principle" to those enumerated in FLPMA. This addition requires consideration of "[t]he relative significance of the public land products, services, and uses to local economies."<sup>46</sup> Adding this principle poses a serious conceptual problem, which illustrates a general problem facing the BLM, as well as the Forest Service, in developing a satisfactory analytical framework for making public land decisions. The problem, which is widely recognized, is that there is no wholly acceptable common unit of measurement for comparing different factors that may be relevant to public land decisions. Economic efficiency<sup>47</sup> is clearly one important criterion in public land decisions.<sup>48</sup> Defining units for measuring "the relative significance" of public land outputs to local economies can be formulated; employment and income are two frequently used measures. But determining how much loss of economic efficiency is acceptable to gain a measurable increase in employment or local income is another matter. It is, however, one that is exceedingly important in public land decisions, many of which have obvious, although not necessarily major, impacts on local economies.<sup>49</sup>

Defining an acceptable framework for weighing economic effi-

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45. 43 U.S.C. § 1712(c) (1976).

46. 43 Fed. Reg. 58,769 (1978) (to be codified in 43 C.F.R. § 1601.0-8(d)).

47. Economic efficiency is the expenditure of resources in an activity up to, but only up to, that point where the last unit expended results in benefits equal to those that would be obtained if the resources were used in the most favorable alternative activity.

48. Krutilla and Haigh argue with respect to national forest management that the Congress intended that the national forests be managed efficiently and that economic efficiency criteria underlie the basic legislation for their management. Krutilla & Haigh, *supra* note 25, at 384-95. Inasmuch as the directives of FLPMA concerning multiple use and sustained yield are taken from the Multiple-Use Sustained-Yield Act of 1960 and insofar as these directives are now basic to management of the public lands as well as the national forests, *see* text & notes 17-18 *supra*, the argument of Krutilla and Haigh can be extended to the public lands.

49. The importance of the public lands to the economy of many ranching areas in the West, for example, is clear. The measure of employment or income effects, however, that is relevant for evaluating public land decisions is the *net change* that will take place as a result of such decisions.

ciency or local economic impacts against environmental factors, which are sometimes incorrectly presumed to be nonmeasurable, is even more complex.<sup>50</sup> The list of environmental factors is usually long and there is often disagreement over what constitutes a relevant environmental consideration.<sup>51</sup> The proposed planning regulations for FLPMA, as well as the Act itself, require a "systematic interdisciplinary approach . . . to achieve integrated consideration of physical, biological, economic, and other sciences"<sup>52</sup> and the proposed regulations add "human resource disciplines and the design arts" to the list of sciences.<sup>53</sup> Mercifully, the regulations do not address the matter of how many disciplines must be involved to have an interdisciplinary approach.<sup>54</sup> At the same time, merely requiring an interdisciplinary approach is not a sufficient substitute for defining a framework for actually integrating the factors of concern of various disciplines. The challenge of FLPMA is to develop ways of bringing environmental concerns into all public land decisions so that they are weighed appropriately in relation to the other significant public concerns.

### *The PLLRC and Environmental Concerns*

Over 100 of the recommendations of the Public Land Law Review Commission are reflected in the content of FLPMA.<sup>55</sup> Many of the PLLRC recommendations show a concern for environmental values and the need to recognize them in future public land decisions. The PLLRC's basic approach to public land matters was to emphasize planning as the method to weigh various concerns, including environmental values.<sup>56</sup> This approach is consistent with that of FLPMA.

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50. Krutilla and Fisher provide a thorough discussion of the problems of economic analysis applied to amenity resources and they include five case studies of such resources. One such case study compares wilderness recreation with mine-mill operations in the White Cloud Peaks area on the Challis National Forest in Idaho. J. KRUTILLA & A. FISHER, *THE ECONOMICS OF NATURAL ENVIRONMENTS* 151-88 (1975).

51. Uses of public lands that are not subject to normal market pricing, such as hiking or hunting, are often represented as "environmental" values even though they may have none of the characteristics of public goods or external effects associated with such environmental values as air and water quality.

52. 43 U.S.C. § 1712(c)(2) (1976); 43 Fed. Reg. 58,769, 58,769 (1978).

53. 43 Fed. Reg. 58,769 (1978).

54. The proposed National Forest System Land and Resource Management Planning Regulations require that an interdisciplinary team be used in planning and that the team shall be made up of Forest Service personnel "who collectively represent two or more areas of specialized technical knowledge about natural resources management applicable to the area being planned." 43 Fed. Reg. 39,049 (1978). Preliminary comments on the proposed regulations by the Natural Resources Defense Council at a public meeting on the regulations stated that "it is not at all acceptable that only two disciplines are sufficient to ensure interdisciplinary planning." Record of meeting, U.S. Dep't of Agric., re Nat'l Forest Management Act Regulations (Sept. 15, 1978).

55. 121 CONG. REC. S.1242 (daily ed. Jan. 30, 1978) (remarks of Sen. Jackson).

56. For a discussion of the way in which the PLLRC developed its recommendations on planning, see Hagenstein, *One Third of the Nation's Land—Evolution of a Policy Recommendation*, 12 NAT. RESOURCES J. 56-75 (1972). An examination of the use of commissions with special

The failure of BLM's proposed planning regulations to describe an analytical framework for comparing environmental and other relevant values in public land decisions is also consistent with the PLLRC report. The PLLRC recommended several possible approaches, including the suggestion that Congress establish ordered preferences among uses or that statutory preferences reflecting particular sets of values be established.<sup>57</sup> Such preferences might emphasize local over national economic impacts, nonmarket uses such as recreation or wildlife over commodity uses, or uses that have the least environmental impact.<sup>58</sup> In the end, however, the PLLRC was unable to endorse any one approach and, in its perplexity, left the task of defining an approach to those who would administer public land programs.<sup>59</sup>

Despite its difficulties in finding a framework for public land decisions that it could endorse, the PLLRC gave considerable weight to environmental values and believed strongly that they should be included in any framework developed by the land management agencies. As noted earlier, it supported designation and protection of wilderness areas and of natural areas for scientific and educational purposes.<sup>60</sup> Beyond this, PLLRC recommended that maintaining environmental quality be recognized explicitly as an objective on the public lands and that these lands be classified for environmental quality enhancement.<sup>61</sup> It also recommended that state standards for environmental quality should be recognized where they have been set under federal law.<sup>62</sup>

These environmental recommendations of the PLLRC have been adopted in FLPMA. Although it is more, FLPMA is an important environmental quality law, one that addresses problems of widespread concern in an overall framework that relies heavily on the skills and commitment of land managers. In this regard, it owes much to the Public Land Law Review Commission, which struck the note to which Congress responded.

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reference to the PLLRC is provided in Hagenstein, *Commissions and Public Land Policies: Setting the Stage for Change*, 54 DENV. L.J. 619-50 (1977).

57. See PLLRC, *supra* note 31, at 47-48. Recommendation 2 provides, "Public land agencies should be required to plan land uses to obtain the greatest net public benefit. Congress should specify the factors to be considered by the agencies in making these determinations, and an analytical system should be developed for their application." *Id.* at 45.

58. See *id.* at 47-48.

59. *Id.* at 48.

60. See text & note 31 *supra*.

61. PLLRC, *supra* note 31, at 68. The PLLRC noted that the policy goals of NEPA, 42 U.S.C. § 4332(2)(A) & (B) (1976), were not sufficiently specific to provide the kind of guidelines for action that it believed were desirable for the public lands. *Id.*

62. *Id.* at 70.

