



Trump's policies blasting at the foundations of conservation in public land law

BY ROBERT L. GLICKSMAN, OPINIONS CONTRIBUTOR — 07/17/18 02:00 PM EDT
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Last month, two Inspectors General issued scathing reports about their departments' behavior. The [Justice Department's IG](#) got [all the attention](#), while largely overlooked was [a disturbing report](#) from the [Interior Department IG](#), who concluded that the agency had no reasonable rationale for halting a major study of the health risks of mountaintop removal mining. The study was already under way, and [nearly half of its \\$1 million](#) price tag had already been spent, but Secretary Ryan Zinke and his lieutenants pulled the plug, presumably because they didn't want to have to face its likely findings. They told investigators it was "[because they did not believe it would produce any new information](#) and felt costs would exceed the benefits."

The Trump administration's insistence on suppressing scientific evidence of health risks inconvenient to extractive industries is at once shocking and unsurprising. Its [push to accelerate energy development](#) regardless of the health and environmental impacts, especially on federally owned lands, is no secret. What may not be so well publicized is that this priority is of a piece with the administration's broader public lands management policy, which departs radically from 50-plus years of mainstream policy and takes its inspiration from policies much older than that.

For much of the 19th century, public lands policy focused on disposing of federal lands and resources to fuel westward expansion. The creation of the [National Park System in 1916](#) stands out as a critical exception to this

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focus on exploiting public lands for profit. [Beginning in the 1960s](#), Congress shifted meaningfully toward resource conservation. It designated [millions of acres of land as wilderness areas](#) to be protected in their natural condition. It created a [system of national wildlife refuges](#), established protective mechanisms for wild and scenic rivers, protected wild horse and burro populations on public lands, and limited adverse human impacts on endangered species. And it overhauled the management standards for the U.S. Forest Service and the Bureau of Land Management, requiring them to [manage for multiple uses](#), including non-extractive activities.

Over the ensuing decades, different administrations struck a balance between conservation and developmental uses of the public lands, with Republican administrations generally prioritizing extractive uses, and Democratic administrations emphasizing resource preservation. But with few exceptions, all adhered to the mandates of the public land laws adopted in the 1960s and 1970s.

Everything changed with the election of Donald Trump. Backed by a Congress whose Republican majorities disfavor resource preservation, the president and the agency officials he appointed have blasted away at the foundations of public land law with a vengeance. In doing so, they have moved the pendulum markedly toward extractive uses and motorized forms of recreation. Indeed, they seem not to recognize that the preservation side of the pendulum even exists.

Some examples:

- An executive order by [President Trump that shrinks two national monuments](#) in Utah created by Presidents Clinton and Obama.
- A concerted effort to [dispose of federal coal resources](#) notwithstanding weak demand.
- [Massive expansion of the areas available for offshore oil and gas leasing and elimination of safeguards](#) to prevent a repeat of the *Deepwater Horizon*
- Congressional [repeal of an Obama-era regulation restricting the disposal in streams](#) of the debris of mountaintop removal mining.
- Repeal by the Interior Department of a [BLM regulation to reduce the environmental harms](#) caused by hydraulic fracturing on public lands.

The Trump agenda seeks more than just a return to the pre-1960 regime, and it goes beyond trying to wipe out reforms of the New Deal and Progressive Era. The administration's touchstone for public land management harkens back to 1872. That was the year Congress passed [the General Mining Law](#), which made minerals such as gold and copper, and title to the lands containing them, available to anyone, [basically for free](#). The law epitomized an era in which disposition of federal lands and resources was the predominant goal, and in which lands that were retained were to be milked dry of extractable commodities.

The Trump approach is a radical rejection of virtually every reform of public land law in the past 100 years, and the decision to abruptly halt the study of mountaintop removal mining is but the latest example. Unchecked, the administration's mania for extractive uses will sacrifice a considerable part of the national heritage our public lands provide, perhaps forever.

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