



U.S. Department of the Interior
Bureau of Land Management

Areas of Critical Environmental Concern

Public Lands Rule – April 2024

Americans rely on public lands to deliver food, energy, clean air and water, wildlife habitat, and places to recreate. The Bureau of Land Management (BLM) understands the importance of balancing the use of our natural resources with protecting our public lands and waters. The Public Lands Rule will safeguard these lands and waters to help sustain our public lands and make sure they are available for the use and enjoyment of current and future generations.

The Federal Land Policy and Management Act (FLPMA) requires the BLM to prioritize designating and managing Areas of Critical Environmental Concern (ACECs) to protect important historic, cultural, and scenic values, as well as fish and wildlife and other natural resources, and to address natural hazards. The designation is unique to the BLM and provides for the agency to conserve a range of values through tailored and site-specific management direction. The Public Lands Rule helps ensure consistent use of ACECs as the BLM's principal administrative designation for protecting wildlife habitat, healthy ecosystems, and cultural values.

How are ACECs addressed in the Public Lands Rule?

The Public Lands Rule will help ensure that the BLM responds to FLPMA's direction to give priority to designating and protecting ACECs, codifying direction from the BLM's existing guidance. The rule codifies and refines the BLM's current practices for designating ACECs, including BLM's recognition of Research Natural Areas as a type of ACEC that has special importance for research or education.

The rule confirms that ACECs are to be addressed in revisions or amendments of land use plans and establishes a clear and comprehensive framework for identifying, evaluating, and considering the need for special management attention for each ACEC during the land use planning process. It also details how BLM will proceed when potential ACECs are identified outside of a land use planning process.

ACECs are proposed and evaluated during land use planning using the best available science and information, extensive public involvement, and Tribal consultation. ACECs must meet three criteria: relevance, importance, and need for special management attention. The rule clarifies that an ACEC can be designated to protect ecological intactness and habitat connectivity, emphasizing the role of ACECs in maintaining resilient lands and waters.

The rule specifies that when ACEC nominations are received outside of a land use planning process, the BLM may defer evaluating the nomination to an upcoming planning process. If the BLM finds the area meets the criteria for ACEC designation and determines that the relevant and important values could be irreparably harmed if not protected, then the BLM may implement temporary protections that could maintain the condition of identified resources until a potential ACEC can be fully evaluated through land use planning. The public would be notified of any temporary protections.

If an ACEC nomination is relevant to an ongoing environmental review of a development project, and the BLM determines that ACEC values are present, then the BLM would analyze potential impacts to those values and apply the mitigation hierarchy in the environmental review for the project.

The BLM could also decide to initiate a land use plan amendment in order to consider designating the qualifying ACEC. The BLM would not halt ongoing project reviews.

The rule requires the BLM to manage designated ACECs in a manner that conserves, protects, and enhances the relevant and important values and only allows the BLM to remove ACEC designations in limited circumstances, such as when the relevant and important values are no longer present or in need of protection.

How does the Final Rule reflect public comments on the Proposed Rule?

In response to comments received from individuals, state, Tribal and local governments, industry groups, and advocacy organizations, the BLM clarified that ACECs should typically be evaluated in land use planning because their designation is intended to be a proactive decision made in concert with other considerations that affect the same lands and resources. The Final Rule also refines procedures for ACECs that are nominated outside of the land use planning process, recognizing that the BLM can defer consideration of those areas and, in the rare instances when it may be necessary, can also implement temporary protections.

The Final Rule also responds to public concerns by confirming that ACEC evaluation will always include robust public involvement, stakeholder engagement, cooperation with local governments, and consultation with Tribes. It strengthens management provisions to help ensure ACEC values are appropriately managed for protection and prioritized for designation as FLPMA directs.