

Closure Notice Procedures and Template

Internal Review Process for Closures

All temporary closures and restrictions (generally less than 24 months) and corresponding *Federal Register Notices* require state director and Washington Office (WO) approval. In general, closures or restrictions go into effect upon publication of the order in the *Federal Register*. However, in certain situations, the order (signed by the authorized officer) may be effective at an earlier date. For example, where a person is cited for a violation of a closure order prior to the date of publication in the *Federal Register*, but was aware of the order, the closure order may be effective against that person. It is suggested that the Bureau of Land Management (BLM) Field Office contact the Office of the Solicitor for further guidance on this issue.

Temporary Closure and Restriction notices are first submitted from the field office to the State Office External Affairs Office. Once reviewed by the State Law Enforcement Office and approved by the state director it is forwarded to the WO for review and clearance. The BLM Director's Office has final clearance authority for Temporary Closure and Restriction notices, which are normally reviewed by the Assistant Director for Renewable Resources and Planning (AD-200), the Assistant Director for National Landscape System and Community Partnerships (AD-170), Law Enforcement and Security (WO-120), the Department of the Interior (DOI) Solicitor's Office, and the Executive Secretariat before publication in the *Federal Register*.

When sending notices to the WO for review and clearance, please include in each package three original signed copies of the notice, a compact disk with a copy of the notice attached, a briefing paper and a cover letter to the *Federal Register* verifying that the disk attached to the notice contains a true copy of the original.

You must send all Temporary and Closure Restriction notices by **overnight mail** or FedEx to:

Bureau of Land Management
Division of Regulatory Affairs
Attn: Division Chief
20 M Street, S.E., Suite PO 6134
Washington, DC 20003

Template for Federal Register Closure Notices

Note: This template is only for temporary closures under 8364.1 and contains some words and phrases in brackets. These words and phrases should be included in your *Federal Register Notice* as they are written in the template. For example, “[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]” should appear in the *Federal Register Notice* exactly as presented in the template. This template also contains some words and phrases that are in a bold italic font, such as, “***Billing Code***.” In each such instance, you must substitute the information appropriate for the particular closure, follow the italicized instructions or choose between the italicized alternatives shown, and use an appropriate font (regular or bold).

*Billing Code, with the letter “P” added,
to signify that you are using a disk
(for example, “4310-DN-P”)*

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Internal Accounting # (for example, “[UT-040-08-2822-JS-DNF9-24-1A]”)]

Notice of Temporary Closure [or Restrictions (if appropriate)] on Public Lands in
County, State

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Temporary Closure [or Notice of Temporary Restrictions (if
appropriate)]

SUMMARY: Notice is hereby given that a closure [or Restriction of uses (if
applicable)] is in effect on public lands administered by the Name of Field Office, Bureau
of Land Management (BLM).

DATES: This Temporary Closure [or Restrictions (if appropriate)] will be in effect from
[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] to [Insert Ending
Date].

FOR FURTHER INFORMATION CONTACT: [Insert Name, Field Manager (or
other title), Address, and Phone Number.] Persons who use a telecommunications device
for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at
1-800-877-8339 to contact the above individuals during normal business hours. The
FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the
above individuals. You will receive a reply during normal hours.

SUPPLEMENTARY INFORMATION: This Temporary Closure [or Restriction (if

appropriate)] affects public lands at [Insert popular name of location, if Available in County, State]. The legal description of the affected public lands is [Insert Legal Description].

The Temporary Closure [or Restriction] is necessary because [Insert Rationale for Closure or Restriction].

The BLM will post closure signs at main entry points to this area. This closure or restriction order will be posted in the [Insert Name of Local Office]. Maps of the affected area and other documents associated with this closure are available at [Insert E-mail Address and/or Street Address (as appropriate) for Pertinent Field Office or State Office]. (Whenever possible, specifically identify other documents, such as Resource Management Plans and Environmental Assessments that are relevant.) Under the authority of Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)), 43 CFR 8360.0-7, and 43 CFR 8364.1, the BLM will enforce the following rule(s) within [Insert Popular Name of the Area to be Closed].

[Insert applicable rules, e.g., You must not use motorized vehicles in the closed area].

The following persons are exempt from this order: Federal, state, and local officers and employees in the performance of their official duties; members of organized rescue or fire-fighting forces in the performance of their official duties; and persons with written authorization from the BLM.

Any person who violates the above rule(s) and/or restriction(s) may be tried before a United States Magistrate and fined no more than \$1,000, imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

[Name and Title]

AUTHORITY: 43 CFR 8364.1 (could also be 43 CFR 8351, 8341, or 6302, depending on facts.)

Briefing Paper Format

[Use 12 point/Times New Roman Font]

1. State Office

Identify the State Office responsible for the notice.

2. What is the title of this notice?

Please use the title exactly as it appears in the notice.

3. What are the key issues raised by the underlying decision documents for this notice?

Describe key resource conflicts, legal, land and resource management, or other issues of concern to the BLM, the public, interested groups, cooperators, and partners. Provide brief historical background if important to understanding the context for addressing these issues and concerns. A summary statement outlining the purpose of the underlying action or decision is sufficient.

4. Who are the primary users affected by or parties interested in the underlying decisions or actions? What are their concerns?

Explain who is interested in the underlying decisions and actions, and what the BLM has done to address their concerns or issues. How have we engaged them in the planning or decision-making process? Describe what BLM is doing to ensure these entities receive information related to this notice. Is the information available to the public on the internet, and if so, where?

5. Is tribal consultation appropriate under E.O. 13175 or other authorities? Will the proposed action potentially impact tribes or tribal lands, or generate their interest? If so, what consultation or other communication/outreach are you planning?

If applicable, state what tribes are affected, what consultation has taken place or will take place, and what the BLM has done or will do to address tribal concerns or issues.

6. Will this notice be controversial?

Whether the answer is "yes" or "no", explain why. BLM offices, as a matter of practice, work very effectively with the public, partners, and groups to resolve controversial issues prior to publication. The purpose of this information is to alert headquarters, including Assistant Secretary Land and Minerals Management and the Secretary's Office, to criticisms and concerns that you have heard or that they are likely to hear from Members of Congress, Governors, the media, partners, and others, and to **communicate success stories**, in correspondence and discussion with these entities.

7. What will the underlying decision or action change? (summarize changes to policy, management practices, allowable uses, differences between draft and final, etc.)

Provide a summary description of the changes, if any, the BLM is proposing through the underlying decision or action in a way we manage the land or resources, or implement management practices.

What are we proposing to do that is different from the past? Summarize what, if any, uses of the land have been limited or expanded, and why.

8. Will this notice need communication materials, e.g., press release or a Communications Plan? If so, enclose these materials with the notice package. If there is likely to be media, Congressional, or external group interest, have you identified appropriate communication materials? Include a disk and hard copy of any materials developed, e.g., draft press release, Communications Plan, etc., with the notice package.

9. What are the reasons for the timing of the notice and the consequence, if any, of delaying or canceling the release?

In answering this question, identify, as applicable:

Statutory requirements;

Court mandate;

Public or Congressional interest;

Any adverse impacts or safety concerns, etc., that cannot be addressed without this notice;

Other timing implications; and

The date, if any, by which the notice must be published.

10. How has this action been analyzed under the National Environmental Policy Act (NEPA)?

Is this notice categorically excluded? Please cite any NEPA analysis that has already been completed on this order or restriction contemplated in the Notice, i.e., Categorical Exclusion, Environmental Assessment, or Environmental Impact Statement.

11. Is there any additional pertinent, descriptive information that reviewers need to know or would increase understanding?

For example, are the notice and the underlying decision or action the first steps in a series that directly relates to a specific action such as a renewable energy or Resource Management Plan, or is the notice part of a group or notices being submitted on the same issue?

Also, if there is supplemental information **already developed or that could easily be prepared, or updated** that will help the reviewer understand the issues and proposals, please include it in the notice package, e.g., maps, current PowerPoint presentation, etc. Inclusion of this additional information will expedite the notice review and approval process.

12. List the name and position of the people who have prepared, reviewed, and approved the notice and the underlying decisions and documents.