

Closure and Restriction Order Notice Procedures and Template

Internal Review Process for Closures

Federal Register Notices which publish closure and restriction orders require state director and Washington Office (WO) approval. Generally, a closure or restriction order, which is capable of being appealed to the Interior Board of Land Appeals (IBLA) and which is not a “full force and effect” decision, will not be effective for 30 days after the date of publication in the *Federal Register*. See 43 CFR 4.21(a)(1); 43 CFR 4.411(a) (setting forth the Rules of Procedure for Appeals to the IBLA). As such, BLM must publish notice of an order at least 30 days in advance of the date that it intends for the order to be effective. It is suggested that the Bureau of Land Management (BLM) Field Office contact the Office of the Solicitor for further guidance on this issue.

Closure and Restriction Order 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 Closure and Restriction notices, which are normally reviewed by the Assistant Director for Resources and Planning (AD-200), the Assistant Director for National Landscape Conservation System and Community Partnerships (AD-400), Office of Law Enforcement and Security (WO-120), the Department of the Interior 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, and a briefing paper.

Closure Restriction Order notices should be sent by **overnight mail** or FedEx to:

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

Template for Federal Register Closure and Restriction Order Notices

Note: This template is only for closures and restrictions under section 8364.1. Federal Register guidelines require that notices announcing specific time periods include instructions for the Federal Register to insert dates with text in capital letters and brackets. Therefore, text in capital letters and in brackets represents instructions for the Federal Register and should not be changed. The yellow highlighted text represents information that needs to be completed by the office where the notice originated.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

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

Notice of Closure [or Notice of Restriction] on Public Lands in County, State

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that a closure **or restriction of activities** is in effect on public lands administered by the Name of Field Office, Bureau of Land Management (BLM).

DATES: This closure **or restriction** will be in effect from [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER] to [INSERT DATE **XX** DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER]].

FOR FURTHER INFORMATION CONTACT: **insert name, 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 individual 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 closure **or restriction** affects public lands at **insert name of location, county, state**. The legal description of the affected public lands is **insert Legal Description**.

The 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 local office name**. 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**. **Identify planning documents, such as Land Use Plans or Recreation Management Plans, and relevant NEPA documents**. 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 closure(s) or restriction(s) within **insert name of the area to be closed**.

Insert applicable closure(s) or restriction(s), 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 this closure **or these restrictions** may be tried before a United States Magistrate and fined in accordance with 18 U.S.C. 3571, imprisoned no more than 12 months under 43 U.S.C. 1733(a) and 43 CFR 8360.07, or both. In accordance with 43 CFR 8365.17, state or local officials may also impose penalties for violations of **insert** **state** law.

name and title

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

Briefing Paper Format

[Use 12 point/Times New Roman font. Please limit to 4 pages total.]

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 not 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 the BLM is doing to ensure these entities receive information related to the 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 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 the way we manage the land and 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 communications materials, e.g., a press release or a Communications Plan? If so, enclose these materials with the notice package submitted.

If there is likely to be media, Congressional, or external group interest, have you identified appropriate communication materials? Upload to the Document Tracking System (DTS) a 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 been analyzed under the National Environmental Policy Act (NEPA)?

Is this notice categorically excluded? Please upload to DTS any NEPA analysis that has already been completed on this 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 project or coal lease, or is the notice part of a group of notices being submitted on the same issue?

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

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

13. Authorizing signature of State Office or Center Budget Officer, or Washington Office Resource Advisor certifying that the cost and accounting codes on the Federal Register notice are accurate and valid.

(signature)

(print name and date)