

To: Beverly Winston[bwinston@blm.gov]
Cc: McGinnis, Shelley[smcginnis@blm.gov]; Donald (Don) Buhler[dbuhler@blm.gov]; Robert Jolley[rjolley@blm.gov]; Engle, Vanessa[vengle@blm.gov]; Larry Claypool[lclaypoo@blm.gov]; Michael Nedd[mnedd@blm.gov]
From: Pionke, Erica
Sent: 2017-02-24T13:50:34-05:00
Importance: Normal
Subject: Fwd: Withdrawals BP
Received: 2017-02-24T13:50:44-05:00
[Bev's Questions.docx](#)
[Attachment 3 - Withdrawals Raw Data 2-24-2017.xlsx](#)
[BP on Withdrawals with Att 1 and 2 -2-24-2017.docx](#)

Bev,
Here is the Withdrawals BP, the attachment and a separate document with answers to your questions.

Please let me know if you have further questions or needs.

Erica

----- Forwarded message -----

From: Jolley, Robert <rjolley@blm.gov>
Date: Fri, Feb 24, 2017 at 11:06 AM
Subject: Withdrawals BP
To: Erica Pionke <epionke@blm.gov>
Cc: "McGinnis, Shelley" <smcginnis@blm.gov>, "Donald (Don) Buhler" <dbuhler@blm.gov>, "Engle, Vanessa" <vengle@blm.gov>

All,
Please read through the withdrawals bp, attachment 3 and response to Bev's questions and let me know if you have questions or comments.

They are also uploaded at: S:\wo300\WO-300 LT\Transition\WO-350\Withdrawals BP

Thanks,

Robert

Robert Jolley, PE
Division Chief
WO-350, Lands, Realty, and Cadastral Survey
Washington Office, Bureau of Land Management
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DOI-2021-11 00143

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Attachment 3 Page 4

DATE	ISS	NO	EXP	ISS	ISS	PROJECT	ACCT	ISS	ISS
7/17/2006	7/19/2006	107	108	109	110	111	112	113	114
7/27/2006	7/28/2006	115	116	117	118	119	120	121	122
8/6/2006	8/7/2006	123	124	125	126	127	128	129	130
8/16/2006	8/17/2006	131	132	133	134	135	136	137	138
8/26/2006	8/27/2006	139	140	141	142	143	144	145	146
9/5/2006	9/6/2006	147	148	149	150	151	152	153	154
9/15/2006	9/16/2006	155	156	157	158	159	160	161	162
9/25/2006	9/26/2006	163	164	165	166	167	168	169	170
10/5/2006	10/6/2006	171	172	173	174	175	176	177	178
10/15/2006	10/16/2006	179	180	181	182	183	184	185	186
10/25/2006	10/26/2006	187	188	189	190	191	192	193	194
11/4/2006	11/5/2006	195	196	197	198	199	200	201	202
11/14/2006	11/15/2006	203	204	205	206	207	208	209	210
11/24/2006	11/25/2006	211	212	213	214	215	216	217	218
12/4/2006	12/5/2006	219	220	221	222	223	224	225	226
12/14/2006	12/15/2006	227	228	229	230	231	232	233	234
12/24/2006	12/25/2006	235	236	237	238	239	240	241	242
1/3/2007	1/4/2007	243	244	245	246	247	248	249	250
1/13/2007	1/14/2007	251	252	253	254	255	256	257	258
1/23/2007	1/24/2007	259	260	261	262	263	264	265	266
2/2/2007	2/3/2007	267	268	269	270	271	272	273	274
2/12/2007	2/13/2007	275	276	277	278	279	280	281	282
2/22/2007	2/23/2007	283	284	285	286	287	288	289	290
3/3/2007	3/4/2007	291	292	293	294	295	296	297	298
3/13/2007	3/14/2007	299	300	301	302	303	304	305	306
3/23/2007	3/24/2007	307	308	309	310	311	312	313	314
4/2/2007	4/3/2007	315	316	317	318	319	320	321	322
4/12/2007	4/13/2007	323	324	325	326	327	328	329	330
4/22/2007	4/23/2007	331	332	333	334	335	336	337	338
5/2/2007	5/3/2007	339	340	341	342	343	344	345	346
5/12/2007	5/13/2007	347	348	349	350	351	352	353	354
5/22/2007	5/23/2007	355	356	357	358	359	360	361	362
6/1/2007	6/2/2007	363	364	365	366	367	368	369	370
6/11/2007	6/12/2007	371	372	373	374	375	376	377	378
6/21/2007	6/22/2007	379	380	381	382	383	384	385	386
7/1/2007	7/2/2007	387	388	389	390	391	392	393	394
7/11/2007	7/12/2007	395	396	397	398	399	400	401	402
7/21/2007	7/22/2007	403	404	405	406	407	408	409	410
8/1/2007	8/2/2007	411	412	413	414	415	416	417	418
8/11/2007	8/12/2007	419	420	421	422	423	424	425	426
8/21/2007	8/22/2007	427	428	429	430	431	432	433	434
9/1/2007	9/2/2007	435	436	437	438	439	440	441	442
9/11/2007	9/12/2007	443	444	445	446	447	448	449	450
9/21/2007	9/22/2007	451	452	453	454	455	456	457	458
10/1/2007	10/2/2007	459	460	461	462	463	464	465	466
10/11/2007	10/12/2007	467	468	469	470	471	472	473	474
10/21/2007	10/22/2007	475	476	477	478	479	480	481	482
11/1/2007	11/2/2007	483	484	485	486	487	488	489	490
11/11/2007	11/12/2007	491	492	493	494	495	496	497	498
11/21/2007	11/22/2007	499	500	501	502	503	504	505	506
12/1/2007	12/2/2007	507	508	509	510	511	512	513	514
12/11/2007	12/12/2007	515	516	517	518	519	520	521	522
12/21/2007	12/22/2007	523	524	525	526	527	528	529	530
1/1/2008	1/2/2008	531	532	533	534	535	536	537	538
1/11/2008	1/12/2008	539	540	541	542	543	544	545	546
1/21/2008	1/22/2008	547	548	549	550	551	552	553	554
2/1/2008	2/2/2008	555	556	557	558	559	560	561	562
2/11/2008	2/12/2008	563	564	565	566	567	568	569	570
2/21/2008	2/22/2008	571	572	573	574	575	576	577	578
3/3/2008	3/4/2008	579	580	581	582	583	584	585	586
3/13/2008	3/14/2008	587	588	589	590	591	592	593	594
3/23/2008	3/24/2008	595	596	597	598	599	600	601	602
4/2/2008	4/3/2008	603	604	605	606	607	608	609	610
4/12/2008	4/13/2008	611	612	613	614	615	616	617	618
4/22/2008	4/23/2008	619	620	621	622	623	624	625	626
5/2/2008	5/3/2008	627	628	629	630	631	632	633	634
5/12/2008	5/13/2008	635	636	637	638	639	640	641	642
5/22/2008	5/23/2008	643	644	645	646	647	648	649	650
6/1/2008	6/2/2008	651	652	653	654	655	656	657	658
6/11/2008	6/12/2008	659	660	661	662	663	664	665	666
6/21/2008	6/22/2008	667	668	669	670	671	672	673	674
7/1/2008	7/2/2008	675	676	677	678	679	680	681	682
7/11/2008	7/12/2008	683	684	685	686	687	688	689	690
7/21/2008	7/22/2008	691	692	693	694	695	696	697	698
8/1/2008	8/2/2008	699	700	701	702	703	704	705	706
8/11/2008	8/12/2008	707	708	709	710	711	712	713	714
8/21/2008	8/22/2008	715	716	717	718	719	720	721	722
9/1/2008	9/2/2008	723	724	725	726	727	728	729	730
9/11/2008	9/12/2008	731	732	733	734	735	736	737	738
9/21/2008	9/22/2008	739	740	741	742	743	744	745	746
10/1/2008	10/2/2008	747	748	749	750	751	752	753	754
10/11/2008	10/12/2008	755	756	757	758	759	760	761	762
10/21/2008	10/22/2008	763	764	765	766	767	768	769	770
11/1/2008	11/2/2008	771	772	773	774	775	776	777	778
11/11/2008	11/12/2008	779	780	781	782	783	784	785	786
11/21/2008	11/22/2008	787	788	789	790	791	792	793	794
12/1/2008	12/2/2008	795	796	797	798	799	800	801	802
12/11/2008	12/12/2008	803	804	805	806	807	808	809	810
12/21/2008	12/22/2008	811	812	813	814	815	816	817	818
1/1/2009	1/2/2009	819	820	821	822	823	824	825	826
1/11/2009	1/12/2009	827	828	829	830	831	832	833	834
1/21/2009	1/22/2009	835	836	837	838	839	840	841	842
2/1/2009	2/2/2009	843	844	845	846	847	848	849	850
2/11/2009	2/12/2009	851	852	853	854	855	856	857	858
2/21/2009	2/22/2009	859	860	861	862	863	864	865	866
3/3/2009	3/4/2009	867	868	869	870	871	872	873	874
3/13/2009	3/14/2009	875	876	877	878	879	880	881	882
3/23/2009	3/24/2009	883	884	885	886	887	888	889	890
4/2/2009	4/3/2009	891	892	893	894	895	896	897	898
4/12/2009	4/13/2009	899	900	901	902	903	904	905	906
4/22/2009	4/23/2009	907	908	909	910	911	912	913	914
5/2/2009	5/3/2009	915	916	917	918	919	920	921	922
5/12/2009	5/13/2009	923	924	925	926	927	928	929	930
5/22/2009	5/23/2009	931	932	933	934	935	936	937	938
6/1/2009	6/2/2009	939	940	941	942	943	944	945	946
6/11/2009	6/12/2009	947	948	949	950	951	952	953	954
6/21/2009	6/22/2009	955	956	957	958	959	960	961	962
7/1/2009	7/2/2009	963	964	965	966	967	968	969	970
7/11/2009	7/12/2009	971	972	973	974	975	976	977	978
7/21/2009	7/22/2009	979	980	981	982	983	984	985	986
8/1/2009	8/2/2009	987	988	989	990	991	992	993	994
8/11/2009	8/12/2009	995	996	997	998	999	1000	1001	1002
8/21/2009	8/22/2009	1003	1004	1005	1006	1007	1008	1009	1010
9/1/2009	9/2/2009	1011	1012	1013	1014	1015	1016	1017	1018
9/11/2009	9/12/2009	1019	1020	1021	1022	1023	1024	1025	1026
9/21/2009	9/22/2009	1027	1028	1029	1030	1031	1032	1033	1034
10/1/2009	10/2/2009	1035	1036	1037	1038	1039	1040	1041	1042
10/11/2009	10/12/2009	1043	1044	1045	1046	1047	1048	1049	1050
10/21/2009	10/22/2009	1051	1052	1053	1054	1055	1056	1057	1058
11/1/2009	11/2/2009	1059	1060	1061	1062	1063	1064	1065	1066
11/11/2009	11/12/2009	1067	1068	1069	1070	1071	1072	1073	1074
11/21/2009	11/22/2009	1075	1076	1077	1078	1079	1080	1081	1082
12/1/2009	12/2/2009	1083	1084	1085	1086	1087	1088	1089	1090
12/11/2009	12/12/2009	1091	1092	1093	1094	1095	1096	1097	1098
12/21/2009	12/22/2009	1099	1100	1101	1102	1103	1104	1105	1106
1/1/2010	1/2/2010	1107	1108	1109	1110	1111	1112	1113	1114
1/11/2010	1/12/2010	1115	1116	1117	1118	1119	1120	1121	1122
1/21/2010</									

**INFORMATION/BRIEFING MEMORANDUM
FOR THE ASSISTANT SECRETARY LAND AND MINERALS MANAGEMENT**

DATE: February 21, 2017

FROM: Kristin Bail, Acting Director Bureau of Land Management

SUBJECT: Mineral Withdrawals Affecting Public Lands

The purpose of this memorandum is to provide an overview of mineral withdrawals on Bureau of Land Management (BLM) lands.

BACKGROUND

The Federal Land Policy and Management Act (FLPMA) defines a withdrawal as “*withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws...*” The primary laws affecting withdrawals are the Mineral Leasing Act of 1920 and the General Mining Act of 1872. Withdrawals from the mineral leasing laws are less common. There are three major categories of withdrawals: (1) Administrative, (2) Presidential Proclamations, and (3) Congressional.

Withdrawals are established for a wide variety of purposes (e.g., military reservations, administrative sites, recreation sites, national parks, reclamation projects, resource protection, and wilderness areas). These withdrawals still allow for multiple uses of this land (e.g., recreation, hunting, grazing, etc.).

DISCUSSION

Attachment 1 presents a summary table of withdrawals totaling 68,760,203 acres from the BLM’s Public Land Order database processed since October 1976. The table identifies the total withdrawal acreage associated with the BLM and other Department of the Interior Bureaus, as well as those external Federal Agencies that have requested withdrawals through the Secretary of the Interior. The table also includes withdrawals associated with the BLM’s National Conservation Lands (NCLs).

Attachment 2 contains summary information on National Conservation Lands pertaining to withdrawals. There are 875 federally recognized NCL areas, which total 36 million acres. However, only 21,264,317 million acres of NCLs have withdrawals.

Attachment 3 contains the raw data extracted from the BLM’s Public Land Order database. The raw data does not include the majority of NCLs and twelve records associated with the Alaska National Interest Lands Conservation Act of 1980, which do not have acreage identified. As explained in the remarks column, twelve Federal lands in Alaska total 85,282,329 acres.

NEXT STEPS

The intent of this memorandum is to provide information, and next steps have not been identified.

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Commented [MSR1]: The request we received requested a list of mineral withdrawals that exist on BLM lands, to include a full accounting of all lands withdrawn or segregated from entry under the mining law including wilderness, NCAs, withdrawals in aid of legislation. Could you add more details in the memo to explain the mining law and mineral withdrawals and to address whether all 376 entries in Attachment 1 are mineral withdrawals? The request also requested information on withdrawals in aid of legislation need to include some text to address.

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ATTACHMENTS

Attachment 1: Summary Table of Withdrawals

Attachment 2: National Conservation Lands Information (2 pp)

Attachment 3: Withdrawals Raw Data (9 pp)

Attachment 1: Summary Table of Withdrawals

*Summary Table of Withdrawals		
Agency/Bureau/Service	Sum of Withdrawals	Sum of Acres Withdrawn
DOI	1083	67,744,548
Department of Interior	2	3,434
Bureau of Land Management	132	3,476,942
**BLM - National Conservation Lands	**875	21,264,317
Bureau of Indian Affairs	3	5,591
Bureau of Reclamation	17	28,488
Fish and Wildlife Service	36	42,939,636
National Parks Service	17	26,023
United States Geological Survey	1	117
Other Federal Agencies	168	1,015,656
Department of Energy	11	2,992
Department of Homeland Security	2	1,941
Department of Justice	1	70
Bureau of Prisons	1	86
Department of the Air Force	13	24,769
Department of the Army	5	157,247
Army Corps of Engineers	6	10,925
Department of the Navy	2	3,887
Department of Transportation	1	10
Forest Service	118	804,720
Housing and Urban Development	1	6
National Oceanic and Atmospheric Agency	2	8,515
Veterans Administration	5	487
Grand Total	1251	68,760,203
<p>*This table identifies Administrative withdrawals processed by the Bureau of Land Management over the last 40 years and the BLM's National Conservation Lands created through Presidential Proclamation or Congressional action.</p> <p>**The BLM's National Conservation Lands is comprised of 875 units, totaling 36,000,000 acres, but only a portion of those units have associated withdrawals totaling 21,264,317 acres. The 21 million acres does not include any acres withdrawn within National Scenic and Historic Trails or Wild and Scenic Rivers.</p> <p>Approximately 90% of the BLM-managed surface acres are not withdrawn from mineral entry.</p> <p>Approximately 8.5% of BLM acres are withdrawn within National Conservation Lands. Of these, 5% represent withdrawals from national monuments and national conservation areas, and approximately 3.5% represent withdrawals from wilderness areas.</p>		

Attachment 2: National Conservation Lands Information

National Conservation Lands total approximately 36 million acres, with 21 million acres that have been withdrawn. Specific types of National Conservation Lands and their relation to withdrawals are provided below.

National Monuments, National Conservation Areas, and Similar Designations

- In general, most BLM National Monuments and National Conservation Areas are withdrawn from entry under the mineral leasing laws, subject to valid existing rights.
- Monument proclamations generally contain standard language regarding mineral withdrawal (see next page for exceptions). The standard language reads: “All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.”

Wilderness Areas

- By law (Wilderness Act of 1964), all BLM wilderness areas are withdrawn from mineral entry, subject to valid existing rights.

Wilderness Study Areas

- By law (Federal Land Policy and Management of 1976), Wilderness Study Areas (WSAs) are not withdrawn from mineral entry unless the Secretary has withdrawn them under Section 204 of FLPMA for reasons other than preservation of their wilderness character. In general, where a WSA overlaps a national monument or NCA, that area is withdrawn.

Wild and Scenic Rivers

- By law (Wild and Scenic Rivers Act of 1968), segments of rivers designated as “Wild” are withdrawn from mineral entry; segments of rivers designated as “Scenic” are not.

National Scenic and Historic Trails

- By law (National Trails System Act of 1968), national scenic and historic trails are not withdrawn from mineral entry.

Exceptions to Standard Withdrawal Language for National Monuments, National Conservation Areas, and Similar Designations

- The Desert Renewable Energy Conservation Plan Land Use Plan Amendment (DRECP LUPA) Record of Decision (ROD) was signed in September 2016. Regarding mineral entry, the ROD states:

“Within 60 to 90 days after signing of the DRECP LUPA ROD, the BLM will issue a Notice of Proposed Withdrawal for a subset of the California Desert National Conservation Lands. This subset is considered Phase 1 of 2 for proposed withdrawals from mineral entry for the California Desert National Conservation Lands. A notice of proposed withdrawal would be published in the *Federal Register*, opening a 90 day public comment period. Upon publication of that notice, and subject to valid existing rights and to the extent specified in

the notice, the lands identified would be segregated from location and new entry for up to two years while the Secretary decides whether to approve the withdrawal.”

- The following units have different language in their proclamations regarding mineral leasing: Canyons of the Ancients National Monument in Colorado, Headwaters Forest Reserve in California, King Range National Conservation Area in California, and Steese National Conservation Area.
 - **Canyons of the Ancients:** “[W]ithdrawn ... except for oil and gas as prescribed herein....the monument shall remain open to oil and gas leasing and development; provided [goes on to describe circumstances under which leasing and development will be allowed.]”
 - **Headwaters:** Silent on the question of withdrawals.
 - **King Range:** Appears to be withdrawn, but the language is ambiguous and does not contain the words “leasing” or “mineral”: “Section 2.(5) ...[M]anagement of the renewable resources will be such as to obtain a sustained, regular, or periodic yield or supply of products or services without impairment to the productivity, or the enjoyment or carrying capacity of the land... Section 5.(5) ...[T]he lands in the Area described in Section 9 of this Act are withdrawn from all forms of entry, selection, or location under existing or subsequent law, except as provided in section 6... (6) [S]ubject to valid existing rights, nothing in this Act shall affect the applicability of the [U.S.] mining laws on the federally owned lands within the Area, except that all prospecting commenced or conducted after the date of enactment of this Act shall be subject to...reasonable regulations....”
 - **Steese:** “Section 402 (c) Subject to valid existing rights, all mining claims located within any such unit shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area and any patent issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary may prescribe.”

Bev's Questions

-- In the narrative (discussion) please include the total no. of acres for each attachment.

Answer: Text added with totals for each attachment.

-- Why is data in attachment 1 only from 1976? Does this date coincide with FLPMA for a reason? Also please add (perhaps in the first sentence) that these are withdrawn Federal lands (as opposed to BLM lands).

Answer: The database was created after the passage of FLPMA to track the expiration date of withdrawals. FLPMA dictated that withdrawals would have term lengths and established the criteria for those lengths.

-- In discussion area for attachment 3, please add whether this data includes PLOs from Attachment 1. Also, can we run a total on No. 3 and include the total, with caveats in the narrative? (Like explain why some entries have no No. of acres.)

Answer: Text added.

-- Finally, someplace can we say if there are withdrawals that predate 1976 and that (I assume) the records of them are not electronically stored?

Answer: This is mostly true. Some records are stored in LR2000 but not all. It would require a massive data call to the field to provide information on all existing withdrawals.