

To: Nikki Moore[nmoore@blm.gov]; Sally Butts[sbutts@blm.gov]
Cc: Ilana Cohen[icohen@blm.gov]
From: Mali, Peter
Sent: 2017-02-15T10:57:52-05:00
Importance: Normal
Subject: Fwd: Mineral Withdrawals on National Conservation Lands
Received: 2017-02-15T10:58:47-05:00
[BP on Withdrawals with Att 1 and 2 -2-15-2017 with Nikki Comments.docx](#)
[Attachment 3 - Withdrawals Raw Data.xlsx](#)

Nikkia and Sally:

Not sure how big a deal this is, but in the attached briefing paper, the table in Attachment 1 (pg. 2) is wrong re: the # of National Conservation Lands units that are withdrawn.

The table lists all 875 of National Conservation Lands units as withdrawn. There are two errors here:

- 1) The figure implies that each of our rivers and each of our trails is withdrawn, when in fact, our analysis doesn't include rivers or trails.
- 2) The much bigger issue is that the majority of our WSAs are not withdrawn. The only WSAs that are withdrawn are those that are located in a monument or NCA. When Ilana and I discussed this assignment, we focused on how to calculate the *number of acres* of National Conservation Lands that are withdrawn, not the number of units.

Peter

Peter Mali
National Wilderness Program Lead
Bureau of Land Management
Office: (202) 912-7179
Mobile: (202) 503-7460

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

From: Jolley, Robert <rbjolley@blm.gov>
Date: Wed, Feb 15, 2017 at 8:48 AM
Subject: Re: Mineral Withdrawals on National Conservation Lands
To: "McGinnis, Shelley" <smcginnis@blm.gov>
Cc: "Claypool, Larry" <lclaypoo@blm.gov>, Michael Nedd <mnedd@blm.gov>, Sally Butts <sbutts@blm.gov>, Peter Mali <pmali@blm.gov>, Nikki Moore <nmoore@blm.gov>

Shelley,
Per Nikki's comment this morning, I've added this language as a footnote to table in Attachment 1.

Robert

Robert Jolley, PE
Division Chief
WO-350, Lands, Realty, and Cadastral Survey
Washington Office, Bureau of Land Management
wk: 202-912-7350
cell: 202-669-9736
rbjolley@blm.gov

On Wed, Feb 15, 2017 at 8:44 AM, Nikki Moore <nmoore@blm.gov> wrote:

Looks good - please just include the footnote in the table where you have the percentages that the 21 million does not include any acres withdrawn within National Scenic and Historic Trails or Wild and Scenic Rivers.

Thanks!

Nikki Moore
Acting Deputy Assistant Director,
National Conservation Lands and Community Partnerships
Bureau of Land Management, Washington DC
202.219.3180 (office)
202.288.9114 (cell)

On Feb 14, 2017, at 4:52 PM, Jolley, Robert <rbjolley@blm.gov> wrote:

Please see attached updated BP.

Robert Jolley, PE
Division Chief
WO-350, Lands, Realty, and Cadastral Survey
Washington Office, Bureau of Land Management
wk: 202-912-7350
cell: 202-669-9736
rbjolley@blm.gov

On Fri, Feb 3, 2017 at 5:03 PM, Moore, Nikki <nmoore@blm.gov> wrote:

Hi Larry,
Please find attached the updated information on mineral withdrawals in National Conservation Lands. We did add a bullet about BLM overall for context that you may want to look at. Please let me know if you have any

edits/concerns. I can also attach the spreadsheet with acres once your group has it finalized unless you would like take a different approach. Just let me know.
Have a good weekend!

Nikki Moore
Acting Deputy Assistant Director, National Conservation Lands and Community
Partnerships
Bureau of Land Management, Washington D.C.
202.219-3180 (office)
202.288.9114 (cell)

On Fri, Feb 3, 2017 at 1:51 PM, Moore, Nikki <nmoore@blm.gov> wrote:

Hi Larry,
I will be sending a new version to review this afternoon with acres and percentages for national conservation lands that we can combine.

Nikki Moore
Acting Deputy Assistant Director, National Conservation Lands and Community
Partnerships
Bureau of Land Management, Washington D.C.
202.219-3180 (office)
202.288.9114 (cell)

On Fri, Feb 3, 2017 at 6:50 AM, Claypool, Larry <lclaypoo@blm.gov> wrote:

Mike,
I assume we want to do a quick review before this goes forward.

Larry

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

From: **Nikki Moore** <nmoore@blm.gov>
Date: Thu, Feb 2, 2017 at 7:23 PM
Subject: Fwd: Mineral Withdrawals on National Conservation Lands
To: rbjolley@blm.gov, lclaypoo@blm.gov
Cc: cmcalear@blm.gov

Hi Robert and Larry,

Do you want me to send to Lara or were you planning on sending? I'll be in tomorrow if you want to discuss first otherwise just let me know. Thanks for working with 400 on this!

Nikki Moore
Acting Deputy Assistant Director,
National Conservation Lands and Community Partnerships

Bureau of Land Management, Washington DC
202.219.3180 (office)
202.288.9114 (cell)

Begin forwarded message:

From: "Butts, Sally" <sbutts@blm.gov>
Date: February 2, 2017 at 5:47:06 PM EST
To: Nikki Moore <nmoore@blm.gov>, Christopher McAlear
<cmcalear@blm.gov>
Cc: Ilana Cohen <icohen@blm.gov>, "Mali, Peter" <pmali@blm.gov>
Subject: Mineral Withdrawals on National Conservation Lands

Chris and Nikki,
Please see the attached briefing paper on mineral withdrawals on
National Conservation Lands. I think the next step is to share this
with Lara.

I will send the acreage information to Robert Jolley, as discussed with Chris, and
copy you.

Thanks to Ilana and Peter for all of the assistance with this assignment.

Sally

--

Sally R. Butts, J.D., Acting Division Chief
National Conservation Lands
Bureau of Land Management
20 M St. SE, Washington, DC 20003
Office 202-912-7170; Cell 202-695-5889; Fax 202-245-0050; sbutts@blm.gov

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Larry Claypool
Acting Deputy Assistant Director
Energy, Minerals and Realty Management (WO300)

<Attachment 3 - Withdrawals Raw Data.xlsx>

<BP on Withdrawals with Att 1 and 2 -2-14-2017 with Nikki Comments.docx>

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

DATE: February 13, 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 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. The majority of lands withdrawn by the BLM are withdrawn from the General Mining Act. Withdrawals from the mineral leasing laws are less common, due to the discretion Agencies have to hold lease sales. There are three major categories of formal withdrawals: (1) Administrative, (2) Presidential Proclamations, and (3) Congressional.

Withdrawals are established for a wide variety of purposes (e.g., power site reserves, military reservations, administrative sites, recreation sites, national parks, reclamation projects, resource protection, and wilderness areas). These withdrawals do not limit the use of this land for multiple uses (e.g., recreation, hunting, grazing, etc.).

DISCUSSION

Attachment 1 presents a summary table of withdrawals 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 includes withdrawals associated with the BLM’s National Conservation Lands.

Attachment 2 contains summary information on National Conservation Lands. These 875 federally recognized areas total 36 million acres. However, only 21 million acres are withdrawn.

Attachment 3 contains the raw data extracted from the BLM’s Public Land Order database.

NEXT STEPS

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

ATTACHMENTS

Attachment 1: Summary Table of Withdrawals

Attachment 2: National Conservation Lands Information (2 pp)

Attachment 2: Withdrawals Raw Data (9pp)

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Attachment I: 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	3.44
Bureau of Land Management	132	3,476.04
**BLM - National Conservation Lands	875	21,264.31
Bureau of Indian Affairs	3	5.89
Bureau of Reclamation	17	28.44
Fish and Wildlife Service	36	42,939.65
National Parks Service	17	26.04
United States Geological Survey	1	1
Other Federal Agencies	168	1,015,656
Department of Energy	11	2.04
Department of Homeland Security	2	1.04
Department of Justice	1	1
Bureau of Prisons	1	1
Department of the Air Force	13	24.24
Department of the Army	5	157.24
Army Corps of Engineers	6	10.04
Department of the Navy	2	3.84
Department of Transportation	1	1
Forest Service	118	804.24
Housing and Urban Development	1	1
National Oceanic and Atmospheric Agency	2	8.54
Veterans Administration	5	44
Grand Total	1251	68,760,203

*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.

**The BLM's National Conservation Lands total 36,000,000 acres, but only 21,264,317 have associated withdrawals. The 21 million does not include any acres withdrawn within National Scenic and Historic Trails or Wild and Scenic Rivers.

Approximately 90% of the BLM-managed surface acres are not withdrawn from mineral entry.

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.

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Attachment 2: National Conservation Lands Information

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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 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.”

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Attachment 2: National Conservation Lands Information (Continued)

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- 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

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