

To: Erica Pionke[epionke@blm.gov]
From: smcginnis@blm.gov
Sent: 2017-02-09T11:15:21-05:00
Importance: Normal
Subject: Fwd: Withdrawal BP
Received: 2017-02-09T11:21:18-05:00
BP on withdrawals since 1976 Final Draft 2-8-2017.docx
Mineral Withdrawals on National Conservation Lands Units 2 3 2017b final.docx
ALLWDLS (A-Z).xlsx

Erica,
Could you please review attached. It should just be one paper with 2 attachments. Thanks!

Take care and have a wonderful day! :)

Michael Nedd

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mnedd@blm.gov

A thought to consider "Do all the good you can, in all the ways you can, for all the people you can, while you can!"

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

From: **Jolley, Robert** <rbjolley@blm.gov>
Date: Tue, Feb 7, 2017 at 10:11 AM
Subject: Withdrawal BP
To: "McGinnis, Shelley" <smcginnis@blm.gov>
Cc: Nikki Moore <nmoore@blm.gov>, "Donald (Don) Buhler" <dbuhler@blm.gov>, "Engle, Vanessa" <vengle@blm.gov>, Larry Claypool <lclaypool@blm.gov>, Michael Nedd <Mike_Nedd@blm.gov>, Michael L Barnes <m1barnes@blm.gov>

Shelley,
I placed a copy of the draft final withdrawal BP and the two attachments in the Transition folder at: \blm\dfs\wo\ms\pub\wo300\WO-300 LT\Transition\WO-350\Briefing Papers\Withdrawal BP

They are also attached.

Robert

Robert Jolley, PE
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WO-350, Lands, Realty, and Cadastral Survey
Washington Office, Bureau of Land Management
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DATE: February 2, 2017

SUBJECT: Mineral Withdrawals within National Conservation Lands

National Conservation Lands

<u>Unit</u>	<u>Acres</u>	<u>Notes</u>
Wilderness Study Areas	10,567,025	Only includes acres that do not overlap other units
California Desert National Conservation Lands	2,890,000	Only includes acres that do not overlap other units
King Range National Conservation Area	62,562	
Steese National Conservation Area	1,208,624	
Headwaters Forest Reserve	7,472	
Total Acres “Non Withdrawn”	14,735,683	
Estimated Total Acres Withdrawn National Conservation Lands	21,264,317	Total system acres (about 36 million acres) minus those specifically not withdrawn Acres do not include National Scenic and Historic Trails & Wild and Scenic Rivers

- Approximately 90% of BLM surface acres are not withdrawn from mineral entry.
- Approximately 8.5% of BLM acres are withdrawn within National Conservation Lands.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.

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.”
- 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 as aforesaid.”

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

DATE: February 7, 2017

FROM: Kristin Bail, Acting Director Bureau of Land Management

SUBJECT: Mineral Withdrawals Affecting Public Lands

BACKGROUND: The Lands, Realty and Cadastral Survey Division established a data base of all withdrawal related actions that were acted upon since October 1976, the enactment of the Federal Land Policy and Management Act (FLPMA). The data base also includes segregations, extensions, modifications, transfers of jurisdiction, revocations, and corrections. The FLPMA established criteria for withdrawals issued by the Secretary of the Interior to have a term for expected length of time needed for the withdrawal and the data base was a means for tracking the expiration dates. The data base contains Public Land Order numbers (PLO), Federal Register publication dates, expiration dates, acreages, and other information. The attached spreadsheet has 376 entries which is a synthesis from the data base of all known withdrawals since October 1976.

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In addition, the BLM's National Conservation Lands encompass 875 federally recognized areas, which include National Monuments, National Conservation Areas, Wilderness Areas, Wilderness Study Areas, Wild and Scenic Rivers, National Scenic and Historic Trails, and Conservation Lands of the California Desert.

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DISCUSSION: PLOs, Executive Orders, and Public Laws that existed before the FLPMA are not included in the attached spreadsheet because they were established before the data base was created. These withdrawals may not have had an expiration date or were withdrawn in perpetuity. The pre 1976 information has not been collected and would require extensive research from a combination of automated, paper, and microfiche records.

A breakdown of the BLM's National Conservation Lands is attached.

NEXT STEPS: none.

ATTACHMENTS: Spreadsheet ALLWDLS (A Z)
National Conservation Lands Withdrawn

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