

To: mnedd@blm.gov[mnedd@blm.gov]
From: Kristin Bail
Sent: 2017-03-13T07:46:27-04:00
Importance: Normal
Subject: Fwd: Mineral withdrawals
Received: 2017-03-13T07:47:04-04:00
[ATT00001.htm](#)
[Attachment 3 - Withdrawals Raw Data 03.06.2017.xlsx](#)
[Mineral Withdrawals briefing memo Att 1&2 03.06.17.docx](#)
[ATT00002.htm](#)

FYI. -K

Sent from my iPhone

Begin forwarded message:

From: "Stewart, Shannon" <scstewar@blm.gov>
Date: March 10, 2017 at 12:35:51 PM EST
To: Kathleen Benedetto <kathleen_benedetto@ios.doi.gov>
Cc: Kristin Bail <kbail@blm.gov>, Jerome Perez <jperez@blm.gov>
Subject: Fwd: Mineral withdrawals

Kathy

As we discussed, please forward to Kate in response to her request for FS withdrawals going back 5 years.

Shannon

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

From: Douglas, Lara <ledouglas@blm.gov>
Date: Tue, Mar 7, 2017 at 1:03 PM
Subject: Mineral withdrawals
To: Kathleen Benedetto <kathleen_benedetto@ios.doi.gov>
Cc: Kristin Bail <kbail@blm.gov>, Jerome Perez <jperez@blm.gov>, Michael Nedd <mnedd@blm.gov>, "McGinnis, Shelley" <smcginnis@blm.gov>, Beverly Winston <bwinston@blm.gov>, Shannon Stewart <scstewar@blm.gov>, "Madrid, Liana" <lmadrid@blm.gov>

Kathy,

Attached per your request is a briefing paper on mineral withdrawals affecting public lands, along with an attachment summarizing withdrawals by agency, an attachment regarding BLM-administered National Conservation Lands, and an attachment with the raw data on PLOs as recorded in BLM's PLO expiration dataset. Thank you!

Lara

Lara Douglas
Acting Chief of Staff
Bureau of Land Management
202 208 4586

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Shannon Stewart
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DOI-2022-01 00321

[illegible]

[illegible]

INFORMATION/BRIEFING MEMORANDUM

DATE: March 7, 2017

FROM: Kristin Bail, Acting Director – Bureau of Land Management (BLM)

SUBJECT: Mineral Withdrawals Affecting Public Lands

The purpose of this memorandum is to provide an overview of mineral withdrawals processed by the BLM on Federal lands or on lands managed by the BLM.

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 mineral 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). Mineral withdrawals still allow for multiple uses of the surface land (e.g., recreation, hunting, grazing, etc.), unless such uses are otherwise prohibited by the laws, regulations, and policies that govern the agency administering the surface lands.

DISCUSSION

In total, based on the available data, approximately 24,741,259 acres administered by the BLM are subject to a mineral withdrawal (roughly 10% of BLM surface acres).

Attachment 1 presents a summary table of withdrawals of Federal lands from the BLM’s Public Land Order database processed since October 1976, when the database was created. 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. FLPMA states that there are three purposes for a withdrawal: (1) To limit activities under some of the public land laws in order to maintain other public values; (2) To reserve an area for a particular public purpose or program; and (3) To transfer jurisdiction over an area of Federal land from one Federal entity to another FLPMA103(j), paraphrased. Withdrawals that have not been requested through the BLM (such as withdrawals established by Congressional action, including military land withdrawals or National Park designations) are not included in these totals. The table also includes withdrawals associated with the BLM’s National Conservation Lands, which are discussed in more detail in Attachment 2. The total in Attachment 1 of approximately 154 million acres includes approximately 126 million acres of National Parks and National Wildlife Refuges withdrawn by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) and almost 41 million acres withdrawn for the Innoko National Wildlife Refuge in Alaska.

Attachment 2 contains summary information on National Conservation Lands pertaining to withdrawals. There are 875 federally recognized units of the National Conservation Lands, which total 36 million acres, of which 21,264,317 acres are withdrawn.

Attachment 3 contains the raw data extracted from the BLM's Public Land Order database. The raw data does not include withdrawals established by Congressional or Presidential action (including the majority of National Parks, military lands, National Wildlife Refuges, and National Conservation Lands). Also acreages are not identified in the database for 12 records associated with ANILCA, which defined the acreages and boundaries outside of the individual Public Land Orders. As explained in the remarks column of Attachment 3, the 12 areas in Alaska total approximately 85,282,329 acres. Not counting these lands, the withdrawals established by Public Land Order total approximately 47,495,886 acres. As stated the PLO database was created upon the enactment of FLPMA and is used to track the expiration of withdrawals, which are given term lengths under FLPMA. Withdrawals pre-dating 1976 exist, but for the most part were not recorded in a centralized database.

ATTACHMENTS

Attachment 1: Summary Table of Withdrawals

Attachment 2: National Conservation Lands Information (2 pp)

Attachment 3: Withdrawals Raw Data (10 pp)

Attachment 1: Summary Table of Withdrawals

*Summary Table of Withdrawals		
Agency/Bureau/Service	Sum of Withdrawals	Sum of Acres Withdrawn
DOI	1,095	153,026,877
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	44	103,844,953
****National Park Service	21	24,403,035
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	1,251	154,042,532
<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 million 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>*** Includes one withdrawal of nearly 41 million acres for the Innoko Natural Wildlife Refuge in 1980. Includes 8 units with acreages defined in ANILCA totaling 61 million acres.</p> <p>****Includes four units with acreages defined in ANILCA totaling 24 million acres.</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 National Monuments and National Conservation Areas, and approximately 3.5% represent wilderness areas.</p>		

Attachment 2: National Conservation Lands Information

National Conservation Lands total approximately 36 million acres, with just over 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 in central Alaska.
 - **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.”