

Withdrawal Application Requirements
(per 43 CFR 2310.1-2 and BLM 2006 Mineral Policy)

There is no specific form required for withdrawal applications, but an application shall contain the following information:

1. Name and address of applicant agency: _____

2. For *non-Interior agencies*, a statement of the delegation of authority for the signing official:
_____ Statement of Delegation of Authority attached

For *Interior agencies*, a withdrawal petition to the Secretary of the Interior is required to obtain approval to file an application:
_____ Petition attached

3. Consent from the affected agency if the proposed withdrawal will encumber lands under the jurisdiction of another agency:
_____ Consent attached

4. Type of withdrawal action requested:
a. New withdrawal _____
b. Extension _____
c. Modification _____

5. Legal description of the lands (see 43 CFR 2310.1-2(c)(5), (i), (ii), and (iii):

6. Overlapping withdrawals:

7. Public purpose or statutory program for which the lands would be withdrawn:

8. Extent of segregation requested from the land and/or mineral laws:
_____ Mineral Location Only
_____ Surface Only
_____ Surface and Mineral Location

9. Temporary land uses that would continue to be allowed:

10. Explain why a right-of-way or cooperative agreement sufficient.

11. Requested duration of the withdrawal: _____ years.

12. Are there any alternative sites for the proposed use?

Yes _____

No _____

13. Will water be needed for the withdrawal?

Yes _____

No _____

14. Records relating to the application can be examined at: _____

15. *For Interior agencies*, a preliminary identification of the mineral resources in the area.

_____ Mineral documentation attached

The following items for withdrawal applications are also now required under the 2006 BLM Mineral Policy, pursuant to 43 CFR 2310 and DM603:

- (A) A 1:24,000 topographic map showing the proposed withdrawal area and the location of the resource or improvement to be protected;
- (B) The approximate monetary value of any improvements to be placed on the withdrawn lands;
- (C) A justification for the lands to be withdrawn, addressing the following:
 - 1) How the integrity of the resources to be protected or preserved by a withdrawal is at risk with the active management of the lands for other public purposes:
 - 2) Narrative describing how the resource is in terms of its rarity, significance, fragility, or irreplaceability:
 - 3) Why existing law or regulation cannot protect or preserve the resource:
 - 4) The requested acreage is the minimum needed to protect or preserve the withdrawn resource(s).
 - 5) How the proposed withdrawal is clearly justified in the national interest.
- (D) If the current land use plan for the withdrawn area does not reflect the geological assessment and mineral potential on the public lands to be withdrawn, a new mineral assessment to determine mineral potential is required.
- (E) Recognition by the applicant agency that, unless exclusive use of the lands is required, lands shall be available for other public purposes to the fullest extent possible consistent with the purposes of the withdrawal. In such cases, the agency must be willing to undertake management of such alternative uses while the withdrawal is in effect.

BLM Montana/Dakotas Withdrawal Processing

BLM withdrawal proposals:

Field Office Responsibilities:

- _____ Petition/application for proposed withdrawal
- _____ Preliminary identification of mineral resources
- _____ 1:24,000 topographic map of proposed withdrawal area
- _____ Approximate value of improvements
- _____ Justification for withdrawal
- _____ Justification for exclusive withdrawal

MSO Lands Adjudication staff responsibilities:

- _____ Draft a Notice of Proposed Withdrawal for Federal Register
- _____ Review and surnames from Minerals staff and Field Solicitor
- _____ Memorandum to WO-350 and AS-LM, for petition/application approval
- _____ Forward package to WO-350 (also reviewed by WO Solicitor and Federal Register review team).

If the withdrawal petition/application is approved by the AS-LM, the field office has an 18-month time period to complete the NEPA documents and prepare the final recommendations.

The MSO Lands Adjudication staff will prepare the draft Public Land Order (PLO) and accompanying memoranda to forward to WO-350 for final processing. The actual PLO is signed, Assistant Secretary of the Interior, and published in the Federal Register. The MSO public land records will also be noted accordingly.

Other agency withdrawal actions:

For withdrawal proposals or applications filed by another agency on lands under the administration of that agency only, MSO Lands Adjudication staff will prepare the required documents and no work is required from the BLM field office.

For withdrawal proposals or applications filed by another agency on lands under the jurisdiction of BLM, the affected BLM field office will work closely with the other agency to complete the NEPA documentation and submit the withdrawal recommendations. The MSO Lands Adjudication staff will prepare the final documents.