

Advisory Committee



Orientation **NOTEBOOK**





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**U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**



Dear Advisory Committee Member:

Thank you for agreeing to serve on the BLM's Resource Advisory Council.

This notebook is an orientation tool designed to help familiarize you with the BLM's major programs and initiatives, as well as the key laws affecting public land management. It is intended to be a dynamic document covering the full spectrum of our programs and initiatives in support of current Administration priorities. You may view recent program updates on the BLM website at www.blm.gov.

As you review this notebook, you will find a chapter on BLM History and Organization that provides background and context on how we carry out our multiple-use mission. Organizational charts detailing both the BLM and Department of the Interior office structures and current leadership are also included.

The appendices include copies of public land laws and Executive Orders, as well as a list of BLM public land terms and acronyms and a copy of the DOI Strategic Plan covering agency priorities from 2011-2016.

Thank you for your public service. If you have any questions, please feel free to contact me at (202) 208-6913 or via email (cbodding@blm.gov).

Sincerely,

A handwritten signature in blue ink that reads "Celia Boddington".

Celia Boddington
BLM Associate Director of Communications

History of the BLM and Public Land Management

The Bureau of Land Management's (BLM) roots go back to the Land Ordinance of 1785 and the Northwest Ordinance of 1787. These laws provided for the survey and settlement of the lands that the original 13 colonies ceded to the Federal government after the War of Independence. As additional lands were purchased by the United States from Spain, France, and other countries, Congress directed that they be explored, surveyed, and made available for settlement. In 1812, Congress established the General Lands Office (GLO) in the Department of the Treasury to oversee the disposition of the Federal lands. As the 19th century progressed and the Nation's land base expanded further west, Congress encouraged the settlement of the land by enacting a wide variety of laws, including the homesteading laws and the Mining Law of 1872. During the GLO's existence, over 1 billion acres of land were transferred from Federal to state and private ownership.

Numerous management authorities governing the use of the public lands and their resources accumulated from the early 1800s to the mid-1900s—in fact, there were thousands of them. These statutes served one of the major policy goals of the young country—settlement of the Western territories. These laws applied not only to grazing and land disposal, but also to mineral leasing and mining, timber harvesting, homesteading, and other subjects. The result was rapid economic development of the growing Nation, but also some very obvious waste of resources.

By the 1870s, enough perceived problems had emerged with land disposition that the first laws toward public land retention were enacted by Congress. There was a growing sense that many lands, because of either their great public value (as in the case of the lands that would become Yellowstone National Park) or their remoteness and apparent *lack* of value, should be held in the public trust. This shift in attitude was based on the notion that there was a legitimate national interest in the remaining unsettled lands, and that this interest would be best served by Federal ownership. The reservation of Yellowstone National Park in 1872, and the 1891 General Land Reform Act that created the forest reserves, formally marked this change in public and congressional thinking. The next 4 decades saw reservation (by various means, from Acts of Congress to Presidential Orders) from private ownership of essentially all of the Federal lands now in existence in the lower 48 states.

In the early 20th century, Congress took additional steps toward recognizing the value of the assets on public lands and directed the Executive Branch to manage activities on the remaining public lands. The Mineral Leasing Act of 1920 allowed leasing, exploration, and production of selected commodities such as coal, oil, gas, and sodium to take place on public lands.

The U.S. Department of the Interior's Grazing Service (originally known as the Grazing Division) was established in 1934 to administer grazing districts on suitable public rangelands.

In 1946, in accordance with the Reorganizations Plan No. 3 Act of 1946 and to ensure greater use and more efficient administration of Federal natural resources, the Grazing Service and the General Lands Office were combined to form the BLM.

The Federal Land Policy and Management Act of 1976

When the BLM was initially created, there were over 2,000 unrelated and often conflicting laws for managing the public lands. The BLM had no unified legislative mandate until Congress enacted the Federal Land Policy and Management Act (FLPMA) in 1976. In FLPMA, Congress recognized the value of the remaining public lands by declaring that these lands would remain in public ownership. Congress also gave us the term "multiple use" management, defined as "management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people."

FLPMA is also called the BLM Organic Act because it consolidated and articulated BLM's management responsibilities. Many land and resource management authorities were established, amended, or repealed by FLPMA, including provisions on Federal land withdrawals, land acquisitions and exchanges, rights-of-way, advisory groups, range management, and the general organization and administration of BLM and the public lands.

FLPMA also specified that the United States received fair market value for the use of the public lands and their resources unless otherwise provided for by statute, and that, "...the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use..." In short, FLPMA proclaimed multiple use, sustained yield, and environmental protection as the guiding principles for public land management.

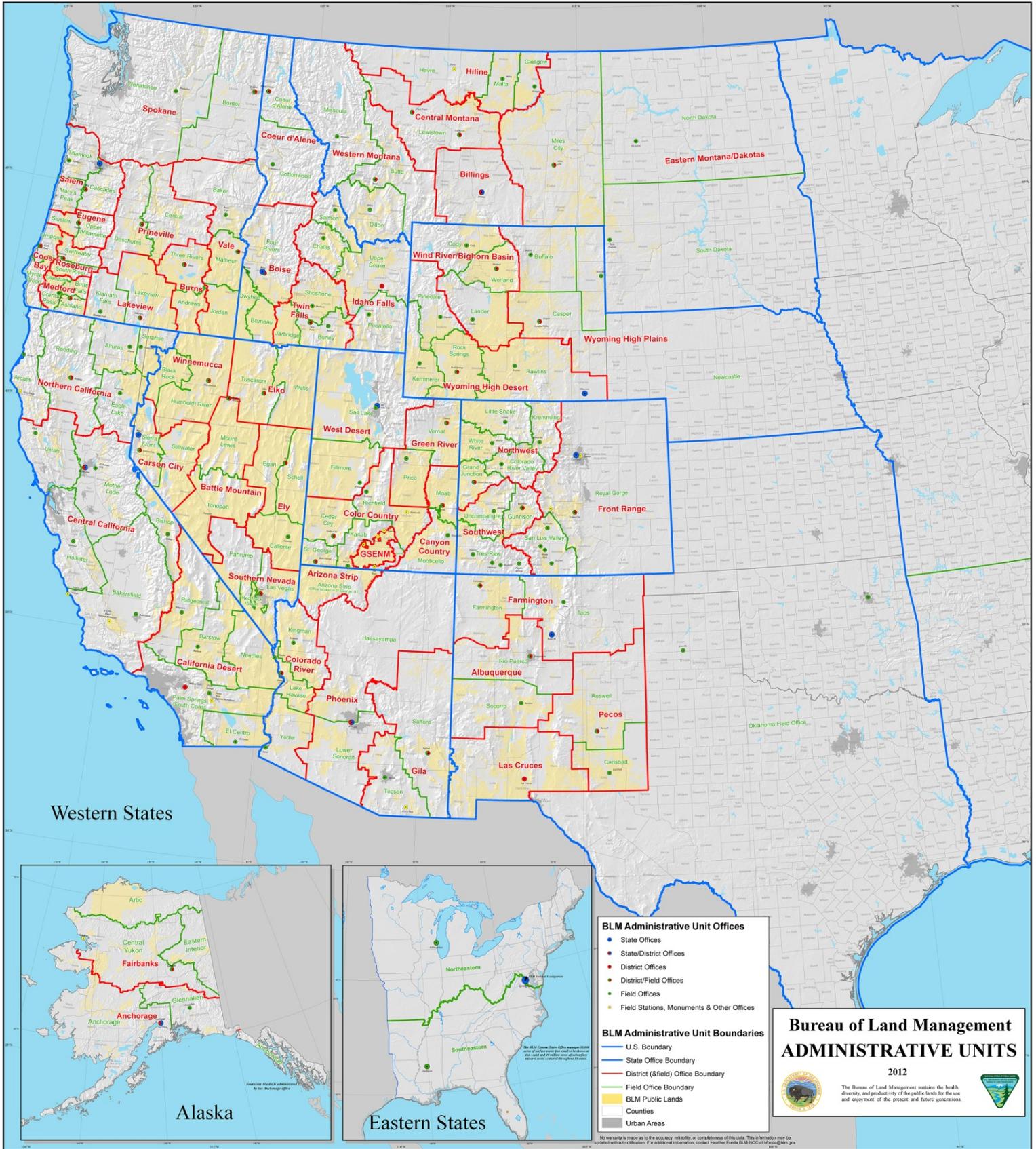
The public lands serve different public policy purposes today than those envisioned by the founding fathers. The results of the Nation's early settlement policies have exceeded the wildest 19th Century expectation. Those who made a living in the West today look to the public lands not only for their commodity values, but also for guaranteed open space. In addition, visitors and western residents alike value the public lands for recreational opportunities. While national parks and national forests continue to attract tourists, BLM's public lands are drawing an increasing number of Americans who seek a more rugged or remote outdoor experience. In fact, BLM lands offer more recreational opportunities over a broader area than the lands managed by any other Federal agency.

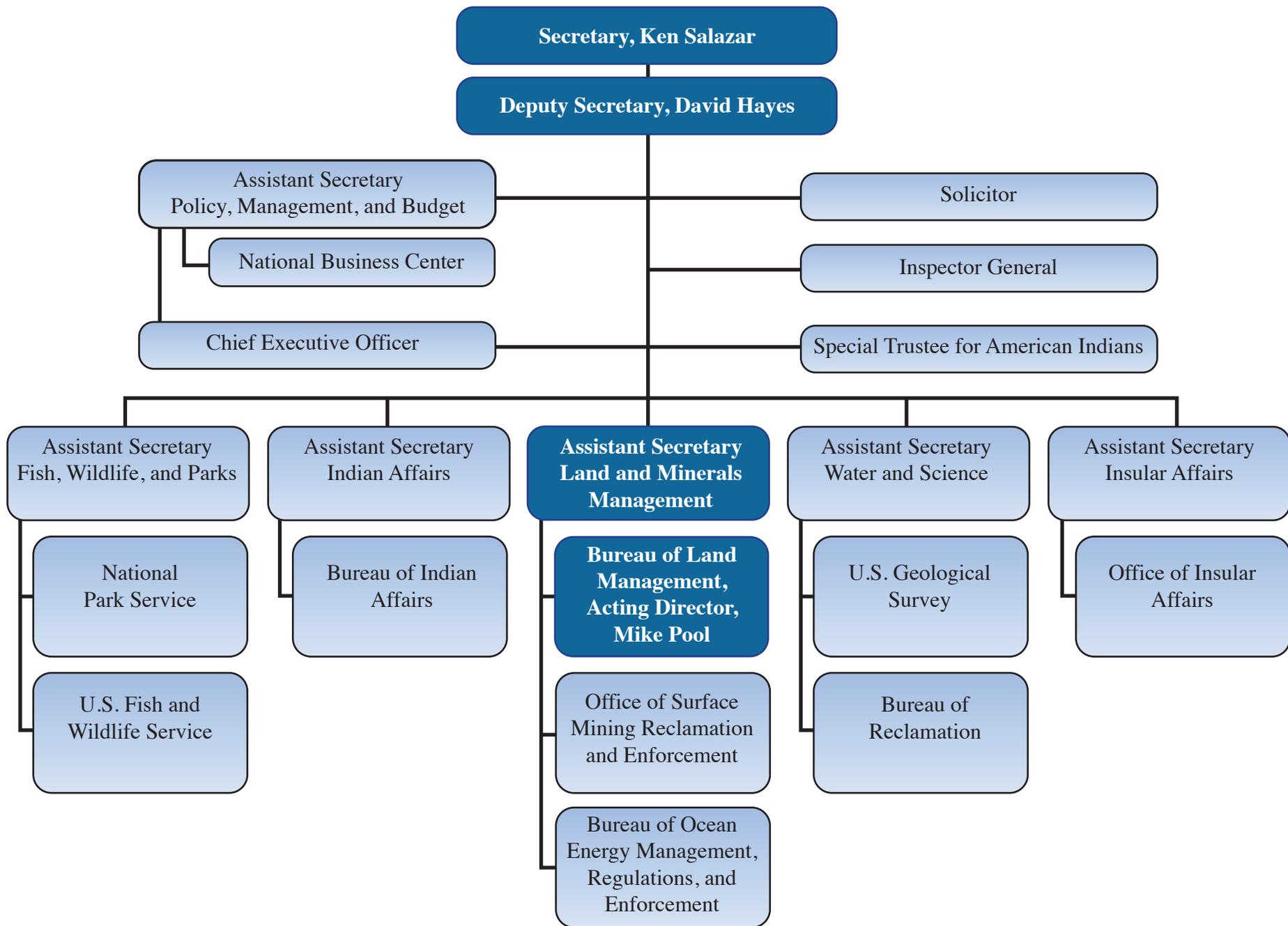
The demands of a growing and increasingly urbanized West, together with the heightened public concern over the environment, complex legal mandates, and advances in science and technology, are creating profound challenges and opportunities for the BLM. The BLM has responded to these challenges by seeking opportunities for collaborative stewardship to restore and maintain the health of public lands. By working with states, tribes, local governments, users, and a host of

private organizations, the BLM is working to restore and sustain the land's proper functioning and productive condition. Restoration work includes controlling invasive weeds, restoring watersheds, and using fire as a resource tool in nature through controlled burns.

The public lands provide significant economic benefits to the Nation and to the counties where these lands are located. The BLM is one of the top revenue-generating agencies of the Federal government, taking in more money than it spends every year. Sources of revenue include timber sales, grazing fees, recreation use fees, and royalties from mineral leasing. Minerals of all types are found on the public lands, including proven natural gas and oil reserves. In addition, public lands help to meet basic infrastructure needs of society by providing rights-of-way for roads, pipelines, transmission lines, and communications sites.

The BLM is committed to passing on a healthy and productive public land legacy to future generations. The BLM's success in doing this depends on its ability to form effective partnerships at the Federal, state, and local levels. The BLM cannot and does not seek to manage the public lands in isolation from those who rely on them to make a living, or from those who cherish the lands' recreation, natural, and cultural resources. Through collaborative stewardship, all Americans can share in the management of one of their greatest national treasures, their public lands.





Bureau of Land Management
Table of Organization
 1-03-13

Director
 WO-100
 Mike Pool (A)

(A) – Denotes Acting
 For questions or concerns about the accuracy of this information, please contact Alexandra Ritchie (WO-830) at **202-912-7081** or Rebecca Mack at **202-912-7082**

Director's Staff

- Deputy Director (Operations)- Mike Pool/ Janine Velasco (A)
- Deputy Director (Programs & Policy)- Neil Kornze (A)
- Chief of Staff- Janet Lin
- Advisor to the Director- Aristotle Evia
- Senior Advisor-Neil Kornze
- Executive Assistant- Claudia Walker (to Director) and Lauren Luckey (to Deputy Director, Operations)

Office of Law Enforcement and Security
 WO-120
 Director
 Salvatore Lauro

 Deputy-Jeanne Van Lancker

National Operations Center
 Director- Ruth Welch
 Deputy-Mark Nielsen

- Division of Resources Services- Roxanne Falise
- Division of IRM Support Services- Donald Ravenscroft
- Division of Human Resources Services- Vincent Galterio
- Division of Business Services- Timothy Riley
- Program Management- Kurt Golgart

Fire & Aviation

FA-100
 Assistant Director- Tim Murphy
 Deputy- Howard Hedrick

 Senior Advisor-Gary Bowers (A through March 31, 2013)

 – Support Services- Gary Bowers/Tamsra Neukam (A)
 – Fire Operations & Safety-John Glenn
 – Budget & Evaluation-Grant Beebe
 – Aviation- John Gould
 – Fire Planning and Fuels Management- Ted Milesnick
 – External Affairs- Don Smurthwaite

Renewable Resources and Planning

WO-200
 Assistant Director- Ed Roberson
 Deputy-Gregory Shoop

 – Decision Support, Planning and NEPA- Joseph Stout
 – Rangeland Resources- Lynda Boody
 – Fish, Wildlife & Plant Conservation- Dwight Fielder
 – Cultural, Paleontological Resources and Tribal Consultation- Vacant
 – Recreation and Visitor Services- Andy Tenney
 – Wild Horse and Burro- Joan Guilfoyle
 – Forests and Woodlands- Kathy Radigan (A)
 – Environmental Quality and Protection- Nancy Dean

Minerals & Realty Management

WO-300
 Assistant Director- Michael Nedd
 Deputy-Tim Spisak

 – Fluid Minerals- Steven Wells
 – Solid Minerals- Mitch Leverette
 – Lands, Realty and Cadastral Survey - Kim Berns

National Landscape Conservation System and Community Partnerships

WO-400
 Director Carl Rountree
 Deputy- Christopher McAlear

 – National Landscape Conservation System- Steven Cohn
 – Education, Interpretation, and Partnerships- Mary Tisdale

Information Resources Management

WO-500
 Assistant Director- Lisa Jollay (A)
 Deputy-Lisa Jollay

 – Information Technology Investment Management-Vacant
 – Information Resources Management Governance-Paulette Sanford
 – Business and Technology Alignment- Al' Tariq Samuels
 – Information Services- Theresa Coleman
 – Information Technology Security- Louis Eichenbaum

Communications

WO-600
 Assistant Director- Celia Boddington
 Deputy-Craig Leff

 – Public Affairs- Jeff Krauss
 – Legislative Affairs and Correspondence- Patrick Wilkinson
 – Regulatory Affairs- Ian Senio

Human Capital Management

WO-700
 Assistant Director- Carole Carter-Pfisterer
 Deputy- Anznette Randall

 – Human Resources Policy and Programs- Vickki Johnson
 – Civil Rights- Alexie Rogers
 – Safety, Health and Emergency Management- Edward Jerome
 • National Training Center- Don Charpio

Business and Fiscal Resources

WO-800
 Assistant Director- Janine Velasco/Michael Mottice (A)
 Deputy-Ann DeBlasi

 – Evaluations and Management Services-Tiya Samuels/Corey Grant (A)
 – Business Resources-Corey Grant/Eric Pagal (A)
 – Budget- Linda Smith
 • Service First- Christopher Moyer

Alaska

State Director
Bud Cribley

Associate State Director
Ted Murphy

- Office of Pipeline Monitoring
- Alaska Fire Service
- Fairbanks DO
 - Arctic FO
 - Eastern Interior FO
 - Central Yukon FO
- Anchorage DO
 - Anchorage FO
 - Glennallen FO

Montana/Dakotas

State Director
Jamie Connell

Associate State Director
Katherine Kitchell

- Billings FO
- Western Montana DO
 - Missoula FO
 - Dillon FO
 - Butte FO
- Eastern Montana/Dak's DO
 - Miles City FO
 - North Dakota FO
 - South Dakota FO
- HiLine DO
 - Malta FO
 - Havre FO
 - Glasgow FO
 - Great Falls Oil & Gas FO
- Central Montana DO
 - Lewistown FO
 - Upper Missouri Breaks NM

Arizona

State Director
Ray Suazo

Associate State Director
Deb Rawhouser

- Arizona Strip DO
 - Arizona Strip FO
 - Grand Canyon-Parashant National Monument
- Colorado River DO
 - Kingman FO
 - Yuma FO
 - Lake Havasu FO
- Gila DO
 - Safford FO
 - Tucson FO
- Phoenix DO
 - Hassayampa FO
 - Lower Sonoran FO

Nevada

State Director
Amy Lueders

Associate State Director
Marcie Todd

- Battle Mountain DO
 - Mount Lewis FO
 - Tonopah FO
 - Battle Mountain FO
- Elko DO
 - Tuscarora FO
 - Wells FO
- Winnemucca DO
 - Black Rock FO
 - Humboldt FO
- Carson City DO
 - Sierra Front FO
 - Stillwater FO
- Ely DO
 - Egan FO
 - Schell FO
 - Caliente FO
- Southern Nevada DO
 - Pahrump FO
 - Las Vegas FO
 - Red Rock/Sloan FO

California

State Director
Jim Kenna

Associate State Director
Angie Lara

- Northern California DO
 - Alturas FO
 - Arcata FO
 - Redding FO
 - Surprise FO
 - Eagle Lake FO
- Central California DO
 - Mother Lode FO
 - Ukiah FO
 - Hollister FO
 - Bakersfield FO
 - Bishop FO
- California Desert DO
 - Barstow FO
 - El Centro FO
 - Needles FO
 - Palm Springs/South Coast FO
 - Ridgecrest FO

New Mexico

State Director
Jesse Juen

Associate State Director
Aden Seidlitz

- Albuquerque DO
 - Rio Puerco FO
 - Socorro FO
- Amarillo FO
- Farmington DO
 - Farmington FO
 - Taos FO
- Las Cruces DO
- Oklahoma FO
- Pecos DO
 - Carlsbad FO
 - Roswell FO

Colorado

State Director
Helen Hankins

Associate State Director
John Mehlhoff

- Northwest DO
 - Grand Junction FO
 - Colorado River Valley FO
 - Little Snake FO
 - White River FO
 - Kremmling FO
 - Dominguez-Escalante NCA
- Southwest DO
 - Uncompahgre FO
 - Gunnison FO
 - Tres Rios FO
- Front Range DO
 - Royal Gorge FO
 - San Luis Valley FO

Oregon

State Director-Jerome Perez
Associate State Director-
Michael Mottice/Jody Weil
(A)

- Burns DO
 - Three Rivers FO
 - Andrews FO
- Coos Bay DO
 - Umpqua FO
 - Myrtlewood FO
- Eugene DO
 - Coast Range FO
 - Siuslaw FO
 - Upper Willamette FO
- Lakeview DO
 - Klamath Falls FO
 - Lakeview FO
- Medford DO
 - Butte Falls FO
 - Glendale FO
 - Ashland FO
 - Grants Pass FO
- Prineville DO
 - Central Oregon FO
 - Deschutes FO

Eastern States

State Director
John Lyon

Associate State Director
Monique McDonald-
Harris (A)

- Northeastern States FO
- Southeastern States FO

Utah

State Director
Juan Palma

Associate State
Director
Jenna Whitlock

- Grand Staircase Escalante National Monument
- Color Country DO
 - Cedar City FO
 - Richfield FO
 - St. George FO
 - Kanab FO
- Green River DO
 - Vernal FO
 - Price FO
- West Desert DO
 - Salt Lake FO
 - Fillmore FO
- Canyon Country DO
 - Moab FO
 - Monticello FO

Oregon

- Roseburg DO
 - Swiftwater FO
 - South River FO
- Salem DO
 - Cascades FO
 - Mary's Peak FO
 - Tillamook FO
- Spokane DO
 - Wenatchee FO
 - Border FO
- Vale DO
 - Baker FO
 - Malheur FO
 - Jordan FO

Idaho

State Director
Steve Ellis

Associate State Director
Peter Ditton

- Boise DO
 - Bruneau FO
 - Four Rivers FO
 - Owyhee FO
- Coeur d'Alene DO
 - Coeur d'Alene FO
 - Cottonwood FO
- Idaho Falls DO
 - Challis FO
 - Pocatello FO
 - Salmon FO
 - Upper Snake FO
- Twin Falls DO
 - Burley FO
 - Jarbidge FO
 - Shoshone FO

Wyoming

State Director
Don Simpson

Associate State Director
Mary Jo Rugwell

- High Desert DO
 - Pinedale FO
 - Rawlins FO
 - Rock Springs FO
 - Kemmerer FO
- High Plains DO
 - Casper FO
 - Buffalo FO
 - Newcastle FO
- Wind River/Bighorn Basin DO
 - Worland FO
 - Cody FO
 - Lander FO

Budget Information



The public lands managed by the Bureau of Land Management (BLM) are one of the Nation's greatest assets- both economically and environmentally. America's public lands and their resources contributed more than \$130 billion to the U.S. economy and supported more than 600,000 American jobs in 2011, the bulk of which came from the management of energy and non-energy mineral resources and recreation.

The BLM, which manages 245 million acres of public lands and 700 million acres of mineral estate, is an engine of economic activity that raises more revenue each year for the American taxpayers than it spends and helps stimulate investment and innovation by businesses.

Mineral-related activities provide the BLM's largest economic contribution to national economy. In 2012 alone, BLM lease sales generated \$233 million for American taxpayers, and produced oil and gas revenues totaling over \$12 billion. With over 30 lease sales currently scheduled for 2013, BLM-managed mineral assets are set to continue boosting the American economy.

The BLM is also seeing significant benefits from the President's all-of-the-above energy strategy to increase renewable energy development alongside domestic oil and gas production. As a part of this effort, the BLM will help secure America's long-term prosperity and reduce its dependence on foreign-oil.

In 2011, the production of geothermal, solar and wind energy on BLM-managed lands contributed to the creation of over 10,000 jobs and boosted the American economy by more than \$2 billion. With several important solar projects poised for development, the economic and social benefits from the Administration's historic investment in clean energy will increase considerably and provide much-needed diversity in America's long-term energy portfolio.

Not only do public lands generate revenue and jobs through the development of oil and gas, timber, and grazing, they also increasingly yield significant economic benefits from recreation, natural and cultural resources, and conservation of important wildlife and plant habitats as well.

In 2011, more than 57 million recreation-related visits were made to BLM-managed lands and waters. These visits provided a direct, national economic benefit of \$2.7 billion.

The BLM has produced a fact sheet titled "The BLM: A Sound Investment for America," (attached) which provides a state-by-state breakdown of economic impacts of activities on BLM-managed land. The national numbers will differ from any total of individual state impacts because the national model incorporates impacts that cross state borders. This is especially significant in the oil and gas industry, where the complex interstate supply chain provides a much greater impact than the compilation of state numbers might imply.

THE BLM A Sound Investment for America

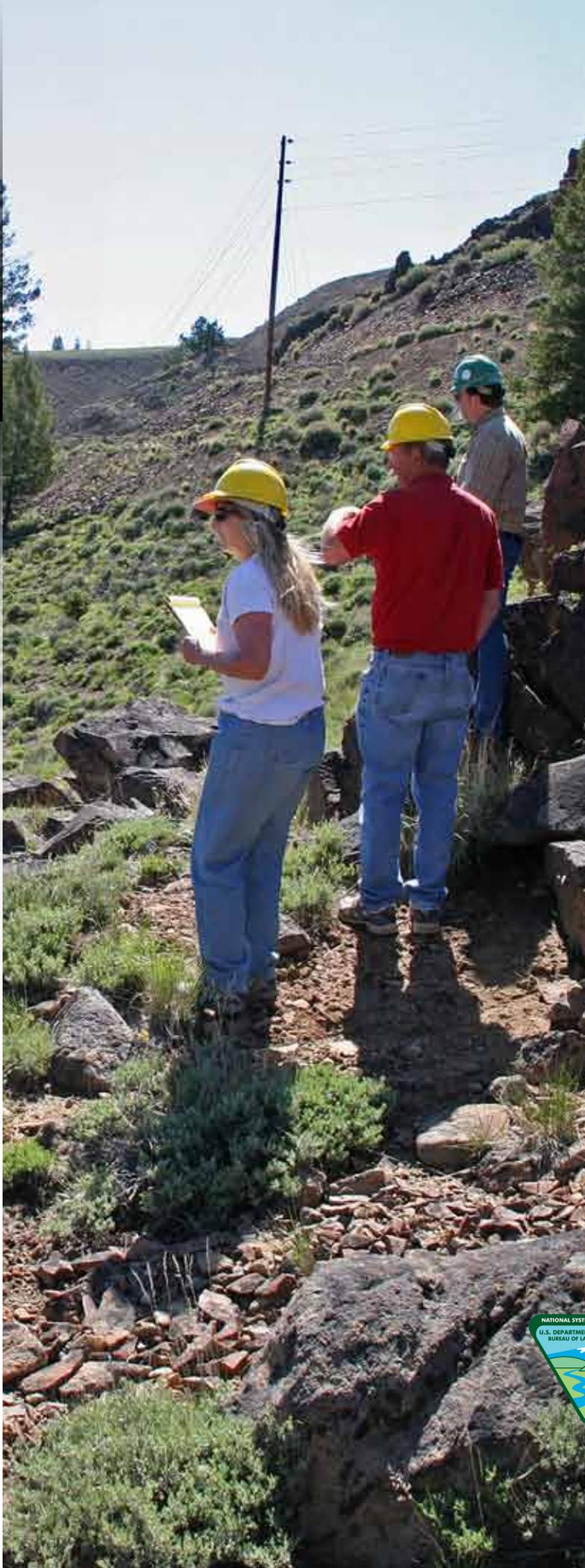
2012

Did you know that within the Department of the Interior, there's one agency that manages more than 245 million acres of public lands—an area larger than New York, Florida, Minnesota, and California combined?

This same agency also raises more money each year for the American taxpayer from the use of these lands than it spends. In addition, it manages recreational activities, conserves much of our Nation's natural and cultural resources, improves habitat for many species of wildlife and plants, and administers 700 million acres of mineral estate. And it does so with a workforce of just 10,000 people.

This is today's Bureau of Land Management (BLM). These public lands, primarily in the West, extend across rangelands, forests, high mountains, arctic tundra, and deserts, and are one of America's greatest assets—both economically and environmentally. In its management of these lands and resources, the BLM strives to balance economic benefits to our Nation with the conservation of precious natural resources. For example, while the BLM authorizes renewable energy production, mineral extraction, timber harvesting, and grazing across the National System of Public Lands, its conservation efforts ensure that our Nation's natural, scenic, recreational, and cultural resources will be available to future generations of Americans.

The BLM's management of public lands contributed more than \$130 billion to the national economy in FY 2011 and supported more than 600,000 American jobs.



Investing in Energy*

The National System of Public Lands yielded \$59 billion worth of energy and non-energy minerals in FY 2011. The extraction of these resources and their introduction into the market boosted the American economy by approximately \$126 billion. Additionally, geothermal, wind, and solar energy development boosted the American economy by more than \$2.0 billion.

	Oil and Gas		Coal		Non-Energy Minerals*		Geothermal, Wind, and Solar Energy		Total	
	Direct	Total	Direct	Total	Direct	Total	Direct	Total	Direct	Total
Alaska	\$94.8	\$143.6	\$—	\$—	\$.6	\$1.1	\$—	\$—	\$95.4	\$144.7
Arizona	—	—	—	—	1.0	1.6	.2	.9	1.2	2.5
California	2,249.1	3,988.0	—	—	241.7	433.5	501.7	1,383.4	2,992.6	5,804.9
Colorado	6,501.0	9,514.0	875.4	1,309.1	21.1	33.1	—	—	7,397.6	10,856.2
Eastern States	305.5	654.4	136.5	290.2	12.2	26.7	—	—	454.2	971.3
Idaho	—	—	—	—	167.6	247.3	—	—	167.6	247.3
Kansas	57.8	87.2	—	—	—	—	—	—	57.8	87.2
Montana	443.6	629.7	371.7	514.0	<.1	<.1	—	—	815.3	1,143.8
Nebraska	2.8	4.9	—	—	—	—	—	—	2.8	4.9
Nevada	44.5	72.1	—	—	2.3	4.0	209.8	476.6	256.6	552.7
New Mexico	10,956.4	15,283.7	171.8	234.9	554.8	798.9	4.2	5.3	11,687.3	16,322.8
North Dakota	4,228.6	5,467.0	37.4	51.1	<.1	<.1	—	—	4,266.0	5,518.1
Oklahoma	258.6	357.5	35.9	52.6	—	—	—	—	294.6	410.1
Oregon	—	—	—	—	<.1	<.1	3.1	4.6	3.2	4.6
South Dakota	26.4	34.5	—	—	—	—	—	—	26.4	34.5
Texas	745.0	1,160.2	—	—	—	—	—	—	745.0	1,160.2
Utah	6,546.2	9,705.4	259.6	404.1	36.7	60.9	32.3	46.3	6,874.8	10,216.7
Washington	—	—	—	—	<.1	<.1	—	—	<.1	<.1
Wyoming	17,865.0	23,079.1	4,984.3	6,510.9	966.1	1,303.0	.1	.6	23,815.5	30,893.5
National	\$49,841.3	\$104,542.5	\$6,596.5	\$15,030.8	\$1,998.0	\$4,786.0	\$769.2	\$2,076.8	\$59,204.9	\$126,436.1

* Table numbers reflect (\$) millions.

* Does not include hardrock minerals.

Figures in the energy table indicate a significant increase since FY 2010, largely involving the oil and gas sector. Direct employment in oil and gas nearly doubled, owing to increased oil and gas prices, the increased cost of drilling wells, and changes in the economic structure of the industry.

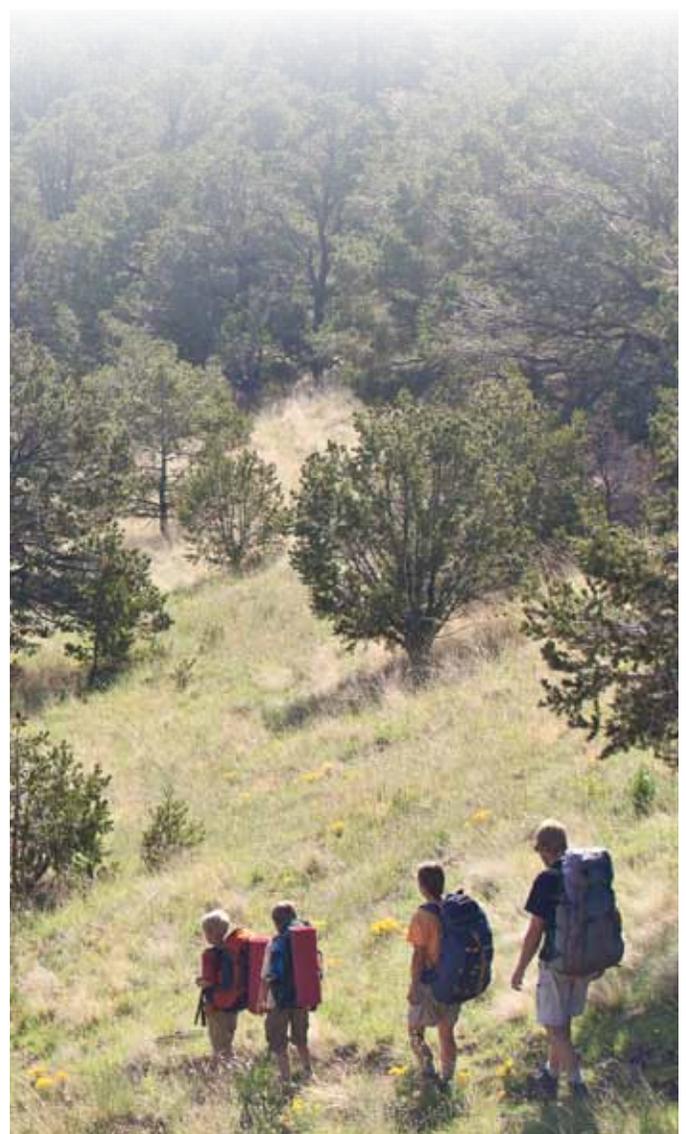


Investing in Recreation*

The National System of Public Lands offers more diverse recreational opportunities than are available on lands administered by any other Federal agency, with more than 57 million visits in FY 2011 to BLM-managed lands and waters.

	Visitors	Direct	Total
Alaska	696,003	\$33.0	\$51.9
Arizona	5,588,132	268.9	495.5
California	9,074,385	433.3	883.4
Colorado	6,843,838	324.5	561.6
Eastern States	117,603	5.5	12.8
Idaho	5,959,217	282.8	437.6
Kansas	—	—	—
Montana	4,297,224	203.8	313.6
Nebraska	—	—	—
Nevada	7,012,262	332.7	547.6
New Mexico	1,900,624	91.0	140.3
North Dakota	23,821	1.1	1.7
Oklahoma	—	—	—
Oregon	7,609,140	363.1	670.6
South Dakota	31,493	1.5	2.2
Texas	—	—	—
Utah	5,701,904	273.5	489.9
Washington	506,740	24.1	42.9
Wyoming	2,420,782	115.5	160.4
National	57,783,168	\$2,777.4	\$7,037.8

* Direct and total impact numbers reflect (\$) millions.



Investing in Jobs

Taxpayer investment in the BLM yields employment opportunities. The BLM's management of activities on public lands supported an estimated 674,210 American jobs in FY 2011.

	Minerals		Geothermal, Wind, and Solar Energy		Timber		Grazing		Recreation		Total	
	Direct	Total	Direct	Total	Direct	Total	Direct	Total	Direct	Total	Direct	Total
Alaska	207	535	—	—	1	2	—	—	403	540	611	1,077
Arizona	4	8	3	7	—	—	677	912	3,157	4,996	3,841	5,924
California	9,304	21,096	2,637	6,599	67	189	217	515	4,364	7,268	16,590	35,667
Colorado	20,796	44,978	—	—	15	39	467	842	3,705	5,454	24,984	51,313
Eastern States	2,030	5,344	—	—	—	—	—	—	63	114	2,093	5,458
Idaho	1,017	1,712	—	—	45	108	1,844	2,898	4,090	5,603	6,996	10,320
Kansas	527	766	—	—	—	—	—	—	—	—	527	766
Montana	3,798	6,672	—	—	42	109	1,417	2,220	2,805	3,865	8,062	12,865
Nebraska	26	41	—	—	—	—	1	1	—	—	27	43
Nevada	360	558	1,122	2,769	12	25	939	1,342	3,375	5,138	5,808	9,832
New Mexico	50,905	92,436	12	22	17	36	1,929	2,566	1,174	1,638	54,038	96,698
North Dakota	14,571	25,772	—	—	—	—	10	16	16	22	14,598	25,810
Oklahoma	977	1,913	—	—	—	—	—	—	—	—	977	1,913
Oregon	—	—	18	29	905	2,779	1,416	2,145	4,701	7,325	7,040	12,278
South Dakota	201	267	—	—	4	8	137	183	21	27	363	485
Texas	1,483	4,277	—	—	—	—	—	—	—	—	1,483	4,277
Utah	22,908	51,786	103	223	24	57	1,258	1,650	3,516	5,483	27,809	59,199
Washington	—	—	—	—	14	36	78	122	270	406	363	564
Wyoming	75,115	130,160	2	4	14	31	1,036	1,543	1,536	1,943	77,703	133,681
National	177,266	584,430	3,891	10,464	1,162	3,420	11,426	16,954	31,005	58,942	224,751	674,210

Investing in Timber and Grazing*

BLM-administered lands yielded \$278 million worth of timber and other forestry products, while grazing on BLM lands made possible the introduction of \$768 million worth of feed, fiber, and livestock into the market. Overall, these lands provided \$659 million worth of timber-related economic activity and \$1.4 billion in grazing-related benefits in FY 2011.

	Timber		Grazing	
	Direct	Total	Direct	Total
Alaska	\$.3	\$.7	\$ —	\$ —
Arizona	<.1	<.1	25.8	52.4
California	12.2	32.7	25.6	65.8
Colorado	2.7	7.4	46.1	94.1
Eastern States	—	—	—	—
Idaho	9.5	18.5	146.8	274.6
Kansas	—	—	—	—
Montana	9.9	19.8	98.9	184.9
Nebraska	<.1	.2	<.1	.1
Nevada	2.2	4.3	83.3	132.2
New Mexico	4.8	13.5	99.9	173.3
North Dakota	—	—	.9	1.5
Oklahoma	—	—	<.1	<.1
Oregon	225.9	537.4	68.4	139.7
South Dakota	.6	1.1	7.7	13.2
Texas	—	—	—	—
Utah	4.2	11.3	57.2	104.7
Washington	3.3	7.5	3.2	8.4
Wyoming	2.3	4.3	103.8	165.8
National	\$277.9	\$658.6	\$767.7	\$1,410.8

Grazing figures reflect a substantial increase in impacts, as compared with FY 2010 figures. This change is largely attributable to the development of new models that better estimate the economic contributions of forage on BLM-managed lands.

* Table numbers reflect (\$) millions.

Data in the “Direct” column are an estimate of the BLM’s economic contribution to local economies in terms of employment and other economic benefits directly associated with BLM-managed lands and resources. These benefits might be associated with river guides and other recreation outfitters, for example. Data in the “Total” column for each category of BLM activity demonstrate the agency’s impacts, including indirect and induced benefits associated with, for instance, companies that manufacture outdoor gear and local service businesses in the gateway communities.

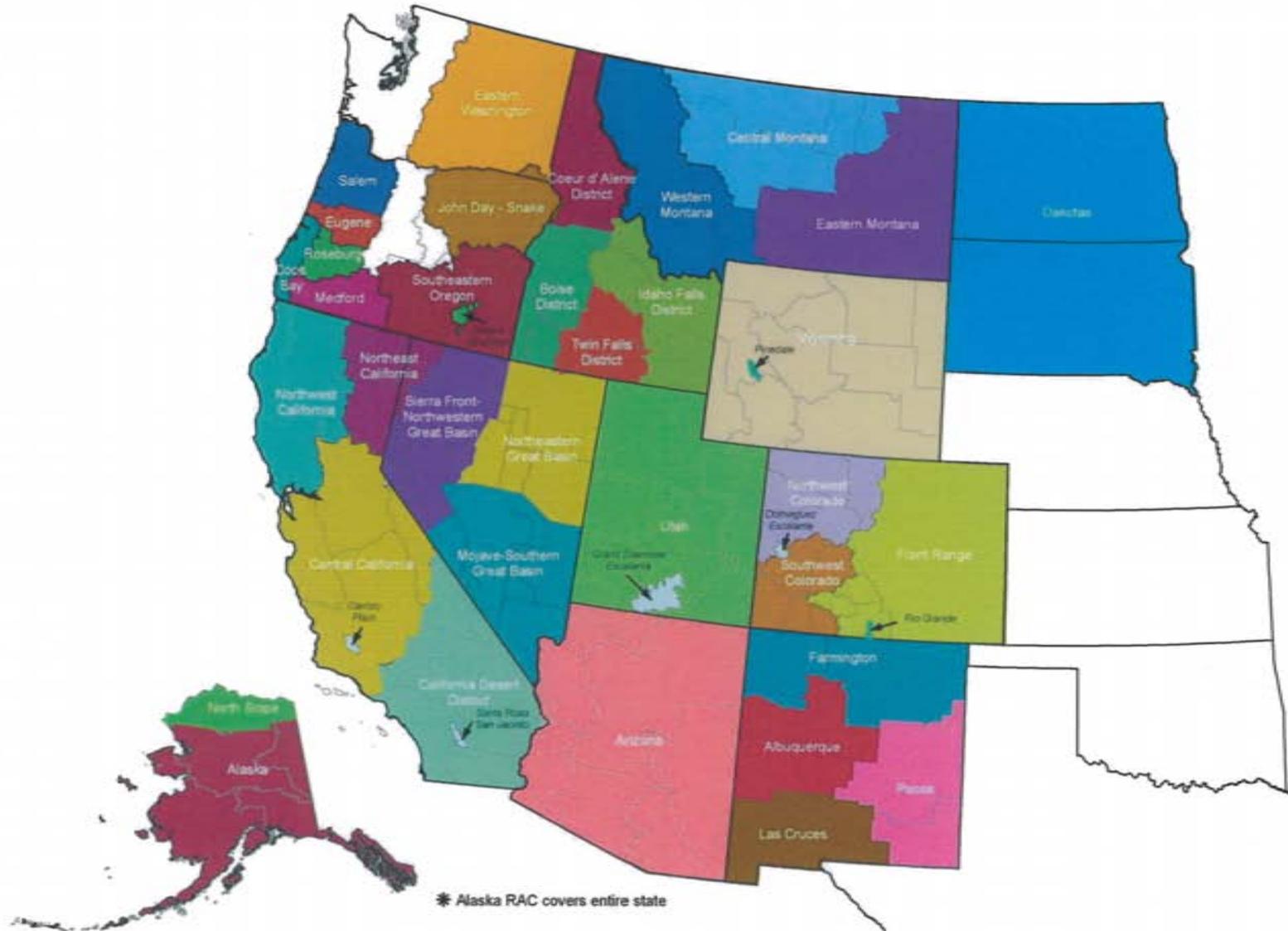
Totals may differ from the sum of individual state numbers because the national model takes into account activity across state borders (for example, machinery production in California that supports mining activity in Wyoming) and because it averages industry productivity across states. Employment benefits reflect an annual average for full- and part-time private sector jobs. Table totals may not add exactly, owing to rounding. The numbers presented in the report are preliminary and are subject to change based on further review.



<http://blm.gov/f9jd>

BLM/WO/GI-12/008+1800 May 2012

Bureau of Land Management Advisory Committees



Bureau of Land Management Advisory Committees

Resource Advisory Councils

- Arizona Resource Advisory Council
- Alaska Resource Advisory Council
- Central California Resource Advisory Council
- California Desert Advisory Council
- Northeastern California Resource Advisory Council
- Northwestern California Resource Advisory Council
- Front Range Resource Advisory Council (CO)
- Northwest Resource Advisory Council (CO)
- Southwest Resource Advisory Council (CO)
- Boise District Resource Advisory Council
- Coeur d'Alene District Resource Advisory Council
- Idaho Falls District Resource Advisory Council
- Twin Falls District Resource Advisory Council
- Central Montana Resource Advisory Council
- Dakotas Resource Advisory Council
- Eastern Montana Resource Advisory Council
- Western Montana Resource Advisory Council
- Mojave-Southern Great Basin Resource Advisory Council
- Northeastern Great Basin Resource Advisory Council
- Sierra Front-Northwestern Great Basin Resource Advisory Council
- Albuquerque District Resource Advisory Council
- Farmington District Resource Advisory Council
- Las Cruces District Resource Advisory Council
- Pecos District Resource Advisory Council
- John Day-Snake Resource Advisory Council
- Eastern Washington Resource Advisory Council
- Southeast Oregon Resource Advisory Council
- Utah Resource Advisory Council
- Wyoming Resource Advisory Council

National Landscape Conservation System Advisory Committees

- Carrizo Plain National Monument Advisory Committee
- Dominguez-Escalante National Conservation Area Advisory Council
- Grand Staircase-Escalante National Monument Advisory Committee
- Rio Grande Natural Area Commission
- Santa Rosa and San Jacinto Mountains National Monument Advisory Committee
- Steens Mountain Advisory Council

Secure Rural Schools Resource Advisory Committees

- Coos Bay Resource Advisory Committee
- Eugene Resource Advisory Committee
- Medford Resource Advisory Committee
- Roseburg Resource Advisory Committee
- Salem Resource Advisory Committee

Other Advisory Committees

- North Slope Science Initiative Science Technical Advisory Panel
- Pinedale Anticline Working Group
- Wild Horse and Burro Advisory Board

Member Responsibilities



The Bureau of Land Management (BLM) administers more land - over 245 million acres - than any other Federal agency. This land, known as the National System of Public Lands, is primarily located in 12 Western states, including Alaska. The BLM administers 700 million acres of sub-surface mineral estate throughout the Nation. The BLM's multiple-use mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

In order to accomplish this mission, the BLM maintains 43 chartered advisory committees located in the western States. These include 29 statewide and regional Resource Advisory Councils; 6 advisory committees affiliated with specific sites in the BLM's National Landscape Conservation System; 5 committees focused on county payments in Oregon; and 3 others including the Wild Horse and Burro Advisory Board, the Pinedale Anticline Working Group, and the North Slope Science Initiative Science Technical Advisory Panel. The Federal Land Policy and Management Act (FLPMA) generally requires the establishment of BLM advisory committees, and various other statutes require the establishment of advisory committees affiliated with specific geographic areas (for example, certain NLCS sites).

These citizen-based committees provide an opportunity for individuals from all backgrounds and interests to have a voice in the management of the public lands. Recommendations address BLM's myriad public land issues, and members serve for 1- 3-year terms. Approximately one-third of the members are subject to appointment or reappointed each year (each term varies by state).

These citizen advisory groups provide representative counsel and advice to the Designated Federal Official (DFO) with respect to the land use planning, classification, retention, management, and disposal of the public lands within the area for which the advisory committee is established. To be eligible for appointment to an advisory committee, a person must be qualified through education, training, knowledge, or experience.

An advisory committee's membership is balanced with respect to interest areas. Membership of advisory committees is defined in the charter.

Advisory committee members serve without salary, but are reimbursed for travel and per diem expenses at current rates for government employees. Members may also serve on/represent the advisory committee on subcommittees to study and develop recommendations on selected issues for consideration by the full advisory committee.

The advisory committee will meet approximately two to four times annually or as needed to accomplish committee business. All advisory committee meetings are open

to the public. In addition to the requirements contained in the advisory committee charter, and the appropriate Federal laws and regulations, advisory committee members are generally expected to do the following:

- Attend meetings and field trips that have been scheduled in advance and participate in public discussion of issues during the meeting.
- Provide advice to the DFO on an informal basis regarding issues that arise between formal meetings.
- Maintain up-to-date knowledge of issues affecting the geographic area.
- Provide BLM officials with opinions and advice that represent the advisory committee member's point-of-view, the member's experience and knowledge about the issue, and his or her reflection on data presented to the advisory committee by the public, BLM staff, or other sources.
- Provide feedback from the advisory committee meetings and interaction with the BLM staff and manager to their constituents. Provide the BLM with input from their respective constituent group.
- Advise the DFO when business scheduled to come before the advisory committee could be a potential conflict of interest for the member.

The BLM's advisory committees have been successful in bringing diverse and often competing interests to the table to deal with issues of mutual concern. This inclusive approach has shown great promise as a means to successfully deal with long-standing problems of public land management. The advisory committees have demonstrated that consensus-driven recommendations often enjoy a high level of public support and can lead to sustainable outcomes that benefit natural resources.

Questions



Answers

What is an advisory committee?

The Federal Advisory Committee Act was enacted in 1972 to ensure that advice by the various advisory committees formed over the years is objective and accessible to the public. The Act formalized a process for establishing, operating, overseeing, and terminating these advisory bodies and created the Committee Management Secretariat to monitor compliance with the Act.

The BLM has 43 Federal advisory committees. Advisory committee members vote on recommendations related to public land management and provide them to the Designated Federal Official (DFO) who serves as a liaison to the advisory committee. The DFO is usually a BLM line manager, such as a state director, district manager, or field manager. Each advisory committee has a charter that outlines membership and operating procedures. The advisory committees have demonstrated that consensus-driven recommendations often lead to sustainable outcomes that benefit natural resources and enjoy a high level of public support. (See 43 CFR 1784).

When and where do advisory committees meet?

Each advisory committee meets approximately two to four times annually or on an “as needed” basis to accomplish advisory committee business. The DFO decides on the meeting location. Advisory committee meetings may be held in government offices or rented meeting rooms and can last from less than 1 business day (8 hours) to 2 days, or as needed to accomplish advisory committee business. These meetings may also include a field trip to learn more about resource issues. The BLM reimburses advisory committee members for their allowable travel expenses.

What would be my duties as an advisory committee member?

Each advisory committee member assists in the development of recommendations on public land and resource management issues. These address a wide variety of public land issues including: land use planning, fire management, off-highway vehicle use, recreation, oil and gas exploration, noxious weed management, grazing issues, wild horse and burro herd management issues, etc.

What issues does an advisory committee discuss?

The DFO determines which issues the advisory committee will discuss. Before each meeting, the BLM publishes a notice of the meeting in the *Federal Register* and distributes an announcement to local media outlets. This notice includes the time, date, location, and agenda items to be discussed at the meeting. Any organization, association, or individual may file a statement or appear before the advisory committee or advisory committee subgroup regarding topics on the meeting agenda. Advisory committee recommendations address all public land management issues.

How can I prepare for an advisory committee meeting?

The BLM will send you the agenda before each advisory committee meeting, along with background information. You may contact the DFO with any questions you have about these issues before the advisory committee meeting.

Does each advisory committee have a chair?

The Federal Advisory Committee Act (FACA), which provides the legal authority for Federal advisory committees, stipulates that each advisory committee should elect officers from among its members. Advisory committee members usually elect a chair and vice chair at their first meeting of the year to serve 1-year terms.

What happens to advisory committee recommendations?

The DFO reviews all recommendations provided by the advisory committee. If the Secretary asks an advisory committee to examine a particular issue, the DFO reviews the recommendations and sends them (through the BLM Director) to the Secretary.

How are advisory committee meetings conducted?

The advisory committee meets at the call of the DFO. Advisory committee business meetings are conducted using standard meeting rules, such as Robert's Rules of Order. A quorum must be present to vote. A quorum is defined in each advisory committee's charter.

Are advisory committee meetings open to the media and the general public?

Yes, advisory committee meetings are open to the media and the general public.

How long would I serve on an advisory committee?

Members generally serve 3-year terms; however, if you are appointed to fill the balance of a vacating member's term, you will only serve until the original member's term expires.

Can I be reappointed to an advisory committee or am I limited to one term?

The Secretary of the Interior may choose to reappoint members to additional terms.

Will the BLM pay me to serve on an advisory committee?

Advisory committee members serve without salary. However, you may claim allowable expenses for travel, meals, and accommodations. When you participate in a field trip, the BLM will cover all costs associated with the trip.

How can I claim expenses?

Your local BLM office will help you claim reimbursement for your advisory committee travel expenses. Amounts will vary by location. With regard to travel and related expenses, reimbursement must be by electronic funds transfer. Advisory committee members are responsible for any employer's expense reporting or repayment.

How can I get a copy of the advisory committee charter?

All new members are given a copy of the advisory committee's charter when they are appointed by the Secretary. When charters are revised, the DFO will provide all members with a copy of the new charter.

How do I get administrative support for the advisory committee?

Administrative support and organization is provided by the advisory committee coordinator in the office of the DFO. In addition, there is a national advisory committee coordinator in the BLM's Washington D.C. Office who works with the DFOs, advisory committee coordinators, and the BLM Director. The BLM national website can be found at: http://www.blm.gov/wo/st/en/info/resource_advisory.html where there are links to state and local advisory committee websites. The advisory committee charters and minutes are also available at each advisory committee website.

Synopsis:

A brief look at ethics rules
applicable to representatives on
Federal Advisory Committees



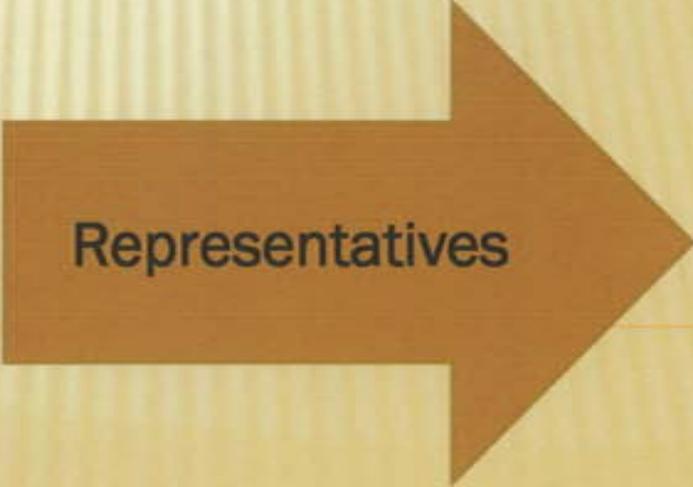
Background

In 1972, Congress passed the Federal Advisory Committee Act (FACA) to provide an orderly procedure for Federal agencies to use in seeking the advice, assistance, and input of persons outside of Government.

FACA gave rise to the use of special Government employees (SGEs) [18 U.S.C. § 202) and Representatives.



Special
Government
Employees



Representatives

Special Government Employees

Special Government employees are those officers or employees who are retained, designated, appointed, or employed by government to perform temporary duties, with or without compensation, for not more than 130 days, during any 365 consecutive days.



Representatives



☐ Representatives are individuals who are specifically appointed to an advisory committee to provide the committee with points of views of nongovernmental entities or of a recognizable group of persons, e.g., industry sector, labor unions, or environmental groups, that have interests in the subject matter under a committee's charge.

☐ Representatives serve as the voice of groups of entities with a financial or other stake in a particular matter before an advisory committee.

Special Government Employees

1. Are there unique rules that apply to FACA members? Yes.

Representatives

Special Government Employees

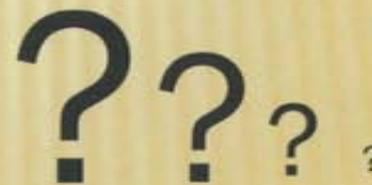
2. Is a representative treated as a Federal employee? No.

Representatives

Special Government Employees

3. What ethics rules apply to Federal employees?

Representatives



Federal ethics rules applicable to Federal employees include the following:

- 14 General Ethical Principles
- The Standards of Ethical Conduct for Employees of the Executive Branch
- Criminal Conflict of Interest Laws (18 U.S.C. §§ 201-209)

Question: Do these laws and principles apply to FACA members serving as representatives?

No. Federal ethics rules do not apply to FACA members serving as representatives.

What rules do apply, if any?



Generally speaking, a FACA member may acquire and retain an interest through a license or permit in land or resources administered by the Bureau of Land Management.

Rule: A FACA member may not participate in any advice or recommendation concerning a license or permit in which such a member has a direct or indirect interest.

This means that a FACA member, including a representative may not provide advice or a recommendation regarding a license or permit in connection with:

Direct Interests

- His/her own interest in Federal land
- His/her membership or employment by a business with an interest in Federal lands
- Stock ownership or other securities in corporations with an interest in Federal lands.
- A right to occupy, use, or benefit therefrom based on contract, grant, lease, permit, agreement, or application.

In-direct Interests

- Ownership/partial ownership of an interest in Federal land, even if held in the name of another, e.g., holdings in land, mineral rights, grazing rights, or livestock which in any manner involve substantial use of Federal lands or resources.
- Substantial holdings of a spouse or child.

Test your knowledge.

1. Rosita, a newly appointed Representative has been asked to provide a recommendation concerning a proposed land use in Colorado Springs, Colorado. She owns a 5% partnership interest in the company that possesses a right-of-way interest on the land in question. Can she provide a recommendation to the FACA committee she serves?
2. Doug serves on the FACA council as a representative and works for multi-national corporation. The corporation is a large concessionaire with revenue in excess of \$4 million annually. (The corporation leases land from the BLM for its operations.) Is it permissible for Doug to participate in discussions regarding lease increases for concessionaires?



No.



No.

The End

1. Slides 1-3, Adapted from the Office of Government Ethics, Daeogram, DO-05-012, August 18, 2005
2. Slides 4-5, Subpart D, 43 C.F.R. § 20.401, et. al., Interests in Federal lands.

Land Use Planning



The Bureau of Land Management's (BLM) Resource Management Plans (RMP) form the basis for every action and approved use on the public lands. The BLM prepares RMPs for areas of public lands, called planning areas, which tend to have similar resource characteristics. Planning emphasizes a collaborative environment in which local, state, and tribal governments, the public, user groups, and industry work with the BLM to identify appropriate multiple uses of the public lands. Plans are periodically revised as changing conditions and resource demands require. RMPs are used by managers and the public to accomplish the following:

- Allocate resources and determine appropriate multiple uses for the public lands;
- Develop a strategy to manage and protect resources; and
- Establish systems to monitor and evaluate status of resources and effectiveness of management practices over time.

The BLM's advisory committees play an important role in the planning process ensuring public input into land use and management plan decisions. They also provide representative advice and counsel to the BLM on implementation of resource plans.

The National Environmental Policy Act

The National Environmental Policy Act (NEPA) mandates that Federal agencies prepare a detailed statement of the effects of major Federal actions significantly affecting the quality of the human environment. The NEPA process is intended to help public officials make decisions that are based on an understanding of environmental consequences, and to mitigate actions that may have adverse environmental impacts. NEPA requires that environmental information is available to the public before decisions are made and before actions are taken.

NEPA applies to site-specific actions, as well as land use planning decisions. The BLM prepares Environmental Impact Statements (EIS) and Environmental Assessments (EA) to meet its obligations under NEPA.

Resource Management Plans

An RMP is a blueprint explaining how the BLM will manage areas of public land over a period of time (generally 10-15 years). BLM Field Offices or District Offices prepare RMPs for the lands within their boundaries. RMPs contain decisions that guide future management actions and subsequent site-specific implementation decisions. RMPs establish goals and objectives for resource management (desired outcomes) and the measures needed to achieve these goals and objectives (management actions and allowable uses).

The development of an RMP emphasizes a collaborative approach in which local, state, and tribal governments, the public, user groups, and industry work with the

BLM to identify an appropriate mix of uses and protections for the public lands. RMPs are periodically evaluated to determine if management decisions contained within them are still current and adequate. Where changing conditions (such as the Federal listing of a wildlife or plant species as threatened or endangered) and/or demands on the public lands have resulted in the need to update management decisions in the RMP, the BLM may either revise or amend the RMP to bring it into conformance with these changing conditions.

RMPs generally establish the following:

- Land areas for limited, restricted, or exclusive use; designations, such as Areas of Critical Environmental Concern (ACEC); and transfers from BLM administration;
- Allowable resource uses and related levels of production or use to be maintained;
- Resource condition goals and objectives to be attained;
- Program constraints and general management practices needed to achieve the above items;
- Need for an area to be covered by more detailed and specific plans;
- Support actions, including such measures as resource protection, access development, reclamation, cadastral survey, etc. as necessary to achieve the above;
- General implementation sequences, where carrying out a planned action is dependent upon prior accomplishment of another planned action; and
- Intervals and standards for monitoring and evaluating the plan to determine the effectiveness of the plan and the need for amendment or revision.

The BLM uses an ongoing planning process to ensure that land use plans and implementation decisions remain consistent and comply with applicable laws, regulations, and policies. The BLM develops RMPs and makes decisions using the best information available and extensive public involvement. RMPs may be revised or amended as the BLM acquires information and knowledge of new circumstances relevant to land and resource values, uses, and environmental concerns.

The specific steps in the development of an RMP include:

- Issue a Notice of Intent to Prepare the RMP
- Conduct Scoping (i.e. public process to assist in the identification of planning issues)
- Analyze the management situation
- Develop Alternatives to address planning issues
- Analyze the effects of the alternatives
- Select a preferred alternative
- Prepare a draft RMP/draft EIS
- Provide a 90-day public comment period
- Prepare a proposed RMP/final EIS based on comments received
- Provide a 30-day public protest period upon publication of the proposed RMP/final EIS
- Approve the RMP through a record of decision once the protests have been resolved
- Implement, monitor, and evaluate plan decisions

The Difference Between a Land Use Plan and an RMP?

The terms land use plan and resource management plan are used interchangeably by the BLM. Through a land use planning process, the BLM develops resource management plans (RMP) for public lands. In accordance with the provisions of the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1711-1712), these plans ensure that public lands are managed under the principles of multiple use and sustained yield. Land use plans and planning decisions are the basis for every on-the-ground action the BLM takes.

Environmental Assessments

An EA is a concise public document that provides sufficient evidence and analysis for determining the significance of effects from a proposed Federal action. An EA is prepared when it is unclear whether an action will have a significant effect on the human environment. If it is determined that a Federal action will not have a significant effect on the human environment, then a Finding of No Significant Impact is prepared (FONSI). If it is determined that a Federal action will have a significant effect on the human environment (either through an EA or based on existing knowledge) then an EIS is prepared.

Generally, an EA includes brief discussions of the following: a statement of the purpose and need for the proposed action; a description of the affected environment; alternatives to the proposed action; and an analysis of environmental impacts and ways to mitigate such impacts.

Environmental Impact Statements

An EIS is a comprehensive public document that analyzes the impacts of a Federal action that will have a significant effect on the human environment. Preparation of an EIS requires public scoping. A draft EIS must be made available for public review and comment; agencies must wait at least 30 days after publishing a final EIS before making decisions. Generally, an EIS includes detailed discussions of the following: a statement of the purpose and need for the proposed action; a description of the affected environment; alternatives to the proposed action; and an analysis of environmental impacts and ways to mitigate such impacts.

The Difference Between an EA and an EIS

The purpose of an EA is to determine if there will be significant effects resulting from a Federal action. The purpose of an EIS is to analyze and disclose the significant effects resulting from a Federal action. An EA is typically a shorter document than an EIS, and its preparation offers fewer opportunities for public comment or involvement than an EIS. An EA has fewer procedural requirements and therefore takes less time to prepare on average than an EIS. All actions approved or authorized by the BLM must conform to the existing approved land use plan.

If the BLM identifies a need that is at variance with the decisions contained in an existing plan, it may amend the plan through another public process.

Public Involvement

The development of an RMP emphasizes a collaborative approach, through which the BLM and the public work together to identify appropriate uses and/or protective measures within the BLM's multiple use mandate governing the public lands. The BLM planning regulations provide opportunities for public involvement at specific points in the planning process. This

includes participation in the identification of planning issues (scoping), reviewing, and commenting on the draft RMP/draft EIS, and protesting decisions in the proposed RMP/final EIS. The public is also invited to participate in the environmental analysis associated with subsequent site-specific implementation actions.

NEPA Training

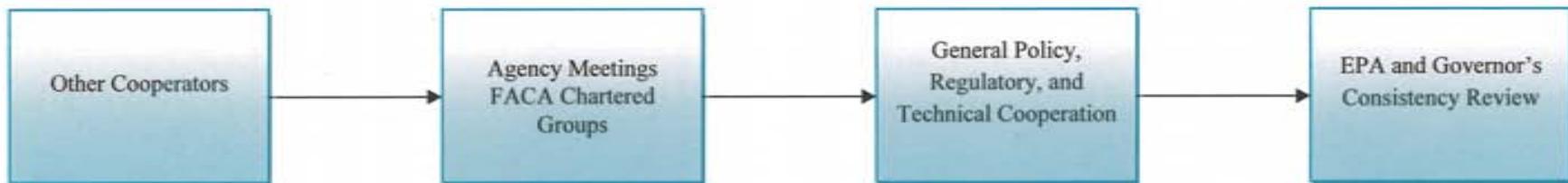
The BLM has three online NEPA courses that can be taken anytime by anyone at no cost (select "Not Required" when you are asked for your credit card information).

To do this, go to DOI Learn (<https://doilearn.doi.gov/>) and use this procedure:

- 1) Select Public Catalog Login, and insert the appropriate course number(s) in the Search box:
 - a) **1620-17** for NEPA Concepts Modules 1 (NEPA) and 2 (CEQ Regulations)
 - b) **1620-18** for NEPA Concepts Module 3 (BLM-specific NEPA Requirements)

Please note that NEPA Concepts Module 3 has not been updated to match the newly released BLM NEPA Handbook.

Land Use Planning Process for the Bureau of Land Management



National Energy Policy



The Bureau of Land Management (BLM) manages vast stretches of public lands that have the potential to make significant contributions to the Nation's renewable energy Portfolio. This gives the BLM a leading role in fulfilling the

Administration's goals for a new energy economy based on a rapid and responsible move to large-scale production of solar, wind, geothermal, and biomass energy. In addition to these renewable resources, the BLM also manages Federal onshore oil, gas, and coal operations that provide significant contributions to the domestic energy supply as the Nation transitions to a clean energy future.

The BLM manages more Federal land than any other agency—about 245 million surface acres as well as 700 million sub-surface acres of mineral estate. As these lands are increasingly accessed to develop clean, renewable energy, the U.S. lessens its dependence on foreign oil and provides greater opportunities for creating new jobs to support local communities. Public lands also provide sites for new, modern transmission facilities needed to deliver clean power to consumers.

Not all lands with energy potential are appropriate for development. The BLM reviews and approves permits and licenses from companies to explore, develop, and produce both renewable and non-renewable energy on Federal lands. The BLM ensures that proposed projects meet all applicable environmental laws and regulations. The bureau works with local communities, states, industry, and other Federal agencies in this approval process and has set up four Renewable Energy Coordination Offices and five oil and gas Pilot Offices to facilitate review processes. In addition, the BLM participates in a Cabinet-level working group that is developing a coordinated Federal permitting process for siting new transmission projects that would cross public, state, and private lands.

Renewable Energy

The U.S. Department of the Interior and the BLM are working with local communities, state regulators, industry, and other Federal agencies in building a clean energy future by providing sites for environmentally-sound development of renewable energy on public lands. Renewable energy projects on BLM-managed lands include wind, solar, geothermal, and biomass projects and the siting of transmission facilities needed to deliver power to consumers.

Solar

Solar radiation levels in the American Southwest are some of the best in the world, and the BLM manages 20.6 million acres of public lands with solar potential. The BLM has received a large number of utility-scale solar energy right-of-way applications, mainly in California, Nevada, and Arizona. The BLM has approved 11 projects including all of the solar energy technologies considered to be commercially viable (parabolic trough, power tower, dish engine, and photovoltaic systems).

Since 2009, the BLM has authorized 34 utility-scale solar, wind, and geothermal projects on public lands. If built, these projects will generate more than 10,000 megawatts of clean power for 3.5 million homes while creating thousands of jobs.

The BLM will focus on 26 priority renewable energy projects in 2013 and 2014, totaling roughly 6,500 megawatts. These projects include 16 solar facilities totaling 5,209 megawatts, seven wind projects totaling 1,195 megawatts, and three geothermal projects totaling 100 megawatts.

Geothermal

The BLM has the delegated authority for leasing 249 million acres of public lands (including just over 100 million acres of National Forest lands) with geothermal potential. The BLM presently manages 683 geothermal leases and 36 geothermal power plants that use Federal resources in California, Nevada, and Utah and have a total net capacity of 1,300 megawatts, enough to supply the power needs of about 1.3 million homes. This amounts to about 50 percent of U.S. geothermal energy capacity.

Biomass and Bioenergy

The BLM manages approximately 69 million acres of forests and woodlands. About 16 million acres need restoration. The BLM is increasing the use of small-diameter material from forestry, fuels, and rangeland treatments. The demand for biomass is expected to increase as bioenergy facilities come on-line to produce heat, fuel, or electricity.

Energy Transmission Corridors

The BLM's Programmatic Environmental Impact Statement identifies energy corridors to facilitate future siting of renewable energy development projects, as well as oil, gas, and hydrogen pipelines. Energy transport corridors are agency-preferred locations where pipelines and transmission lines may be sited and built in the future to meet the region's increasing energy demands while mitigating potential harmful effects to the environment. Once designated as a Corridor, individual pipelines and transmission lines within the Corridor are sited by processing of a right-of-way application.

Oil Shale and Tar Sands

On February 15, 2011, Secretary of the Interior Ken Salazar and BLM Director Bob Abbey announced a review of commercial rules for the development of oil shale resources on public lands. Secretary Salazar described the need to update oil shale plans and, if necessary, update them based on the latest research and technology, the water demands of the West, and ensure they would provide a fair return to taxpayers.

The BLM is proposing to begin a new public planning process related to oil shale and tar sands. Specifically, the BLM is publishing in the *Federal Register* a **Notice of Intent to Prepare a Programmatic Environmental Impact Statement (PEIS)** and Possible Land Use Plan Amendments for Allocation of Oil Shale and Tar Sands Resources on Lands Administered by the Bureau of Land Management in Colorado, Utah, and Wyoming.

In the current Notice of Intent, the BLM will consider whether it is still appropriate for the land identified in 2008 to remain open for oil shale and tar sands leasing and development, in light of the nascent character of the technology for development of these resources.

Rights-of-Way

Each year, thousands of individuals and companies apply to the Bureau of Land Management (BLM) to obtain a right-of-way (ROW) on public land. A ROW grant is an authorization to use a specific piece of public land for a certain project, such as roads, pipelines, transmission lines, and communication sites. A ROW grant authorizes rights and privileges for a specific use of the land for a specific period of time. Generally, a BLM ROW is granted for a term appropriate for the life of the project.

Oil and Gas

The BLM Oil and Gas Management program is one of the most important mineral leasing programs in the Federal government. Domestic production from over 63,000 Federal onshore oil and gas wells accounts for 11 percent of the Nation's natural gas supply and 5 percent of its oil.

<u>Date</u>	<u>State</u>	<u>Total Receipts</u>
1/18/2012	New Mexico	\$27,242,369
1/24/2012	Montana	\$36,006,755
2/1/2012	Wyoming	\$22,116,051
2/9/2012	Colorado	\$1,075,325
2/21/2012	Utah	\$523,173
3/13/2012	Nevada	\$1,788,595
3/14/2012	California	\$340,359
3/15/2012	Eastern States	\$5,414,156
4/18/2012	New Mexico	\$33,240,098
5/1/2012	Wyoming	\$9,286,994
5/8/2012	Montana	\$4,051,927
5/10/2012	Colorado	\$4,805,155
6/12/2012	Nevada	\$305,103
6/14/2012	Eastern States	\$838,708
7/18/2012	New Mexico	\$28,553,965
7/17/2012	Montana	\$3,487,267
8/7/2012	Wyoming	\$6,481,824
8/9/2012	Colorado	\$102,953
8/21/2012	Utah	\$0
9/11/2012	Nevada	\$194,829
9/12/2012	California	\$846,900
9/13/2012	Eastern States	\$541,876
10/17/2012	New Mexico	\$24,013,773
10/23/2012	Montana	\$16,229,787
11/6/2012	Wyoming	\$3,697,529
11/7/2012	Alaska	\$898,900
11/8/2012	Colorado	\$264,854
11/13/2012	Utah	\$725,417
12/11/2012	Nevada	\$0
12/12/2012	California	\$104,100
12/13/2012	Eastern States	\$265,715
TOTAL FY 12		\$233,444,449

Coal

The BLM has responsibility for coal leasing on approximately 570 million acres where the coal mineral estate is owned by the Federal government. The surface estate of these lands could be controlled by the BLM, the United States Forest Service, private land owners, state land owners, or other Federal agencies.

The BLM receives revenues on coal leasing through three methods: annual rental payments of \$3.00 per acre or a fraction thereof, royalties paid on the value of the coal after it has been mined, or bonuses paid at the time the BLM issues the lease. The Department of the Interior and the state where the coal is mined share revenues.

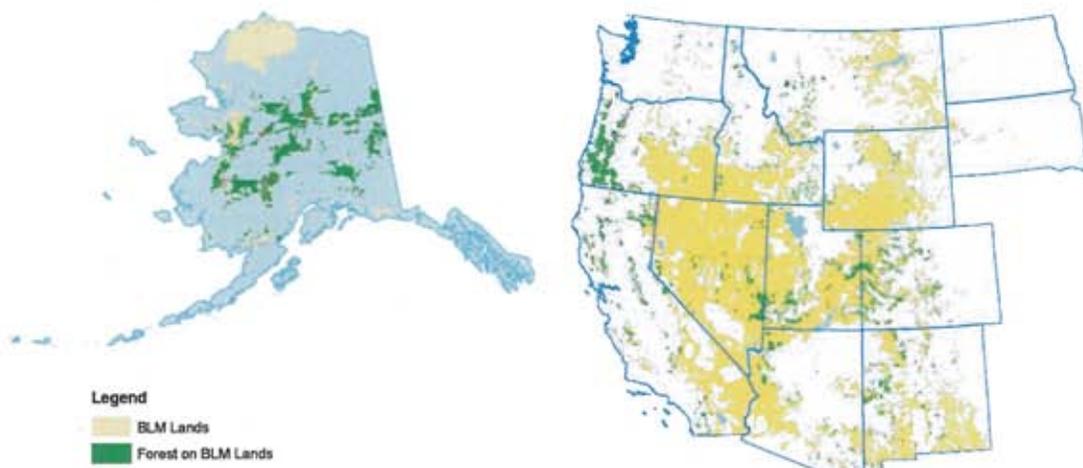
Forest & Woodlands



Approximately, one fourth of the lands—67 million acres—managed by the Bureau of Land Management (BLM) are forests or woodlands. These make up an important part of the BLM's multiple-use mission and are managed for a variety of critical uses for the benefit of all Americans. Of these lands, 11 million acres are commercial

forestlands, generally with species used for traditional forest products such as lumber, plywood, and paper. Woodlands account for 55 million acres, of which 11 million acres overlap with rangeland sites. These BLM lands are mostly piñon/juniper, western juniper, and aspen and provide high-quality wildlife habitat. Woodlands produce fuelwood, posts, poles, greenery, and biomass for energy production to local communities.

BLM's forests and woodlands are comprised of the highly productive Oregon & California (O&C) lands in western Oregon (2.3 million acres) and the public domain lands scattered across 13 Western states (32 million acres) and Alaska (33 million acres).



The O&C Act (Public Law 75-405) requires that the O&C lands be managed for permanent forest production in conformance with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, contributing to the economic stability of local communities and industries, and providing recreational opportunities.

The management of the public domain lands is focused on forest health restoration, reducing the risk of catastrophic wildfire, and forest product sales by commercial green and salvage timbersales as well as personal use permits

Under the Healthy Forest Initiative (HFI), Healthy Forest Restoration Act (HFRA), and Tribal Forest Protection Act (TFPA), the BLM has implemented stewardship contracting and is implementing a biomass utilization strategy.

Forests and Rangelands

Forests and Rangelands is a cooperative effort between the United States Department of the Interior (DOI), the United States Department of Agriculture (USDA), and their land management agencies. Forests and rangelands provide fire, fuels, and land management information to government officials, land and fire management professionals, businesses, communities, and other interested organizations and individuals.

O&C Lands

Active Federal management of the Oregon O&C lands began with the passage of the O&C Lands Act of August 28, 1937. This law provides the authority for management of O&C lands along with Coos Bay Wagon Road lands.

The O&C Lands Act placed management jurisdiction of the lands under the United States Department of the Interior, and directed that timberlands be managed:

... for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities... (43 U.S.C. §1181a).

Prior to the passage of the Act, no provisions for reforestation existed. The O&C Lands Act embraced the new principles of "sustained yield" requiring that harvested areas be reforested. The intent of the act was to provide a future source of timber which would contribute to local economic stability. It was assumed that providing this continuous source of timber through reforestation and regulated harvest would also protect watersheds and help regulate stream flows.

The O&C Lands Act also required that 50 percent of the revenue generated from management of the lands be returned to the 18 counties that contained reforested lands. The revenues are divided annually by the percent of the assessed value of the lands in each county as they were in 1915.

Fire Program



The Bureau of Land Management's (BLM) Fire and Aviation Management Program (Program) is dedicated to providing national direction, leadership, policy, standards, and operational oversight. The Program works to ensure a safe, cost effective, and efficient fire and aviation management program in support of the BLM mission.

The Program is headquartered at the National Interagency Fire Center (NIFC) in Boise, Idaho, where it works with seven other Federal agencies to manage wildland fire in the United States. The BLM's fire and aviation program has three organizational levels: 1) the national office provides leadership and oversight, and develops policy, procedures, and budgets for the fire and aviation program; 2) state offices are responsible for coordinating policies and interagency activities within their state; and 3) field offices are responsible for on-the-ground fire management and aviation activities, often partnering with other agencies to maximize rapid initial attack.

The BLM, a leader in our Nation's wildland fire management efforts, undertakes a broad range of activities to safely protect the public, the natural landscape, wildlife habitat, and recreational areas for our country's citizens. The program includes fire suppression, preparedness, predictive services, fuels management, fire planning, community assistance and protection, prevention and education, and perhaps most significant, safety. The BLM meets these challenges by fielding highly trained and skilled professional firefighters and managers. Reducing the risk and consequence of wildland fires continues to grow in importance; however, suppression operations and safety continue to be the core of the overall fire program.

Fire Planning

The BLM has updated land use and fire management plans to address wildland fire policy. This includes recognizing and integrating fire as a natural ecological process. Land managers are working with local communities and agency partners to prepare landscape-scale plans across agency boundaries.

The BLM is also an interagency partner in the development of common interagency processes for strategic, landscape-scale fire management planning and budgeting. This new tool is called Fire Planning Analysis (FPA). The FPA strategically models an effective and efficient fire management program at various budget levels; uses land and fire management plan objectives to guide development of effective measures; and suggests changes and informs decisions about programs and budgets. For more information, please see www.fpa.nifc.gov.

Fuels Management

The BLM's fuels management program focuses on protecting communities and our natural resources while providing for local economic opportunities. During

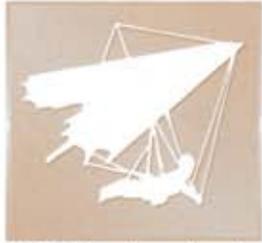
the past 5 years, over 2.2 million acres have been treated and over \$230 million in contracts have supplemented rural economies. Building upon this success, the BLM is focusing on collaborative approaches to reduce risk to the Nation's public and private lands and providing rural economic opportunities through community wildfire protection plans (CWPPs), fuels treatments, biomass utilization, contracting, and consultations.

Assistance to communities is done through the rural fire assistance program and through mitigation/prevention, education, and outreach. Fire prevention and education teams address reduction in wildland fire threats by taking actions before a fire starts. The teams consult with local residents to help reduce the number of human-caused fires and implement fire prevention and education programs. The BLM also facilitates FIREWISE and other workshops to help people live safely in the wildland-urban interface. Other specialists assist communities with their CWPPs. For additional information, please see www.nifc.gov/fuels/.

International Agreements

Currently, the U.S. has Memorandums of Understanding (MOU) with several countries (including Canada, Australia, New Zealand, and Mexico) to facilitate mutual assistance for responding to wildland fires. These MOUs can be accessed through the National Interagency Fire Center's (NIFC) website: <http://www.nifc.gov/nicc/mobguide/CHAPTER40.pdf>. The coordinating authority for the U.S. is the National Interagency Coordination Center, and the Geographic Area Coordination Center identifies available resources and contacts the local interagency fire dispatch with the resource and/or assistance request.

Recreation



The unique and diverse natural landscapes and world-class visitor facilities managed by the Bureau of Land Management (BLM) are among America's greatest treasures. Visitors to BLM-managed lands will discover that most are open for some form of recreational use.

BLM lands and related waters are rapidly losing their reputation as some of the recreation community's best kept secrets in the West. BLM-managed lands provide visitors with more diverse recreation opportunities, across a broader geographic area, than any other Federal agency. They provide recreation and visitor services on BLM-managed lands through numerous national recreation programs, supporting recreation demand for such activities as:

- Hunting
- Fishing
- Camping
- Hiking
- Horseback riding
- Boating
- Whitewater rafting
- Hang gliding
- Off-highway vehicle and pleasure driving
- Mountain biking
- Birding and wildlife viewing
- Winter sports
- Climbing
- Visiting natural and cultural heritage sites

Outdoor recreation is integral to the American lifestyle and is uniquely associated with the western quality of life. The outdoor lifestyle of the West is also increasingly attracting international visitors. Fueled by a growing population, the public demand for recreation on western public lands continues to increase. This has led to increased recreation visitation and more diverse types of recreational use— not to mention greater controversy surrounding these trends on public lands. Significant challenges arise due to the resulting need for more complex analysis, and increased mitigation of impacts from recreational use. The BLM is responding by 1) transitioning to a more efficient and collaborative outcome—based management framework; 2) using a comprehensive approach to managing roads and trails for travel and access; 3) improving visitor services and access for persons with disabilities; 4) improving business practices, fee program oversight, and accountability; and 5) continuing to sustain partnerships and leverage limited resources.

The BLM is required under the Federal Land Policy and Management Act of 1976, as well as other laws, rules, regulations, and policies to guide the way it

manages recreation opportunities within a multiple-use setting. Accordingly, the BLM strives to meet visitor demands for adventure, renewal, and open spaces, while maintaining conditions that conserve the land and create sustainable recreation-related benefits for visitors and communities alike. In serving visitors, the BLM has an opportunity to increase public understanding of the concept of multiple-use and the unique role of the public lands in the history and cultural life of the country.

The BLM provides sustainable recreation opportunities that furnish important social and economic benefits to both local communities and the Nation. Forming partnerships and cooperative ventures to sustain the unique character of recreation use in these truly American places is perhaps the best way to preserve the viability and character of many rural western communities.

Rangeland Management



The Bureau of Land Management (BLM), which administers about 245 million acres of public lands, manages livestock grazing on 157 million acres of those lands, as guided by Federal law. The terms and conditions for grazing on BLM-managed lands (such as stipulations on forage use and season of use) are set forth in the permits and leases issued by the BLM to public land ranchers.

The BLM administers nearly 18,000 permits and leases held by ranchers who graze their livestock, mostly cattle and sheep, at least part of the year on more than 21,000 allotments under BLM management. Permits and leases generally cover a 10-year period and are renewable if the BLM determines that the terms and conditions of the expiring permit or lease are being met. The amount of grazing that takes place each year on BLM-managed lands can be affected by such factors as drought, wildfire, and market conditions.

In managing livestock grazing on public rangelands, the BLM's overall objective is to ensure the long-term health and productivity of these lands and to create multiple environmental benefits that result from healthy watersheds. The Bureau administers public land ranching in accordance with the Taylor Grazing Act of 1934, and in so doing provides livestock-based economic opportunities in rural communities while contributing to the West's, and America's, social fabric and identity. Together, public lands and the adjacent private ranches maintain open spaces in the fast-growing West, provide habitat for wildlife, offer a myriad of recreational opportunities for public land users, and help preserve the character of the rural West.

A Brief History of Public Lands Grazing

During the era of homesteading, Western public rangelands were often overgrazed because of policies designed to promote the settlement of the West and a lack of understanding of these arid ecosystems. In response to requests from Western ranchers, Congress passed the Taylor Grazing Act of 1934 (named after Representative Edward Taylor of Colorado), which led to the creation of grazing districts in which grazing use was apportioned and regulated. Under the Taylor Grazing Act, the first grazing district to be established was Wyoming Grazing District Number 1 on March 23, 1935. Secretary of the Interior Harold Ickes created a Division of Grazing within the Department to administer the grazing districts; this division later became the U.S. Grazing Service and was headquartered in Salt Lake City. In 1946, as a result of a government reorganization by the Truman Administration, the Grazing Service was merged with the General Land Office to become the BLM.

The unregulated grazing that took place before enactment of the Taylor Grazing Act caused unintended damage to soil, plants, streams, and springs. As a result,

grazing management was initially designed to increase productivity and reduce soil erosion by controlling grazing through both fencing and water projects and by conducting forage surveys to balance forage demands with the land's productivity ("carrying capacity").

These initial improvements in livestock management, which arrested the degradation of public rangelands while improving watersheds, were appropriate for the times. But by the 1960s and 1970s, public appreciation for public lands and expectations for their management rose to a new level, as made clear by congressional passage of such laws as the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the Federal Land Policy and Management Act of 1976. Consequently, the BLM moved from managing grazing in general to better management or protection of specific rangeland resources, such as riparian areas, threatened and endangered species, sensitive plant species, and cultural or historical objects. Consistent with this enhanced role, the Bureau developed or modified the terms and conditions of grazing permits and leases and implemented new range improvement projects to address these specific resource issues, promoting continued improvement of public rangeland conditions.

Current Management of Public Lands Grazing

Today the BLM manages livestock grazing in a manner aimed at achieving and maintaining public land health. To achieve desired conditions, the agency uses rangeland health standards and guidelines, which the BLM developed in the 1990s with input from citizen-based Resource Advisory Councils across the West. Standards describe specific *conditions* needed for public land health, such as the presence of streambank vegetation and adequate canopy and ground cover. Guidelines are the management *techniques* designed to achieve or maintain healthy public lands, as defined by the standards. These techniques include such methods as seed dissemination and periodic rest or deferment from grazing in specific allotments during critical growth periods.

Legal Mandates relating to Public Lands Grazing

Laws that apply to the BLM's management of public lands grazing include the Taylor Grazing Act of 1934, the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, the Federal Land Policy and Management Act of 1976, and the Public Rangelands Improvement Act of 1978.

Federal Grazing Fee

The Federal grazing fee, which applies to Federal lands in 16 Western states on public lands managed by the BLM and the U.S. Forest Service, is adjusted annually and is calculated by using a formula originally set by Congress in the Public Rangelands Improvement Act of 1978. Under this formula, as modified and extended by a Presidential Executive Order issued in 1986, the grazing fee cannot fall below \$1.35 per animal unit month (AUM); also, any fee increase or decrease cannot exceed 25 percent of the previous year's level. (An AUM is the amount of forage needed to sustain one cow and her calf, one horse, or five sheep or goats for a month.) The grazing fee for 2011 is \$1.35 per AUM, the same level as it was in 2009 and 2010.

The Federal grazing fee is computed by using a 1966 base value of \$1.23 per AUM for livestock grazing on public lands in Western states. The figure is then adjusted each year according to three factors—current private grazing land lease rates, beef cattle prices, and the cost of livestock

production. In effect, the fee rises, falls, or stays the same based on market conditions, with livestock operators paying more when conditions are better and less when conditions have declined.

Number of Livestock on BLM-managed Lands

The BLM does not make an annual national “count” of the livestock that graze on BLM-managed lands because the actual number of livestock grazing on public lands on any single day varies throughout the year and livestock are often moved from one grazing allotment to another. So an aggregate head count would provide very little information on overall livestock use. Instead, the BLM compiles information on the number of AUMs used each year, which takes into account both the number of livestock and the amount of time they spend on public lands. Over time, there has been a gradual decrease in the amount of grazing use authorized by the BLM, and that trend continues today. Authorized (as distinguished from actual) grazing use on public lands has declined from about 22 million AUMs in 1941 to 12.5 million AUMs authorized in 2009. In most years, the actual use of forage is less than the potential amount available for use because forage amounts and demands depend on several factors, such as drought, wildfire, and market conditions. In 2009, the number of AUMs actually used on BLM-managed land was 8.6 million.

Grazing Permit System

Any U.S. citizen or validly licensed business can apply for a BLM grazing permit or lease. To do so, one must either:

- buy or control private property (known as “base property”) that has been legally recognized by the Bureau as having preference for the use of public land grazing privileges; or
- acquire property that has the capability to serve as base property and then apply to the BLM to transfer the preference for grazing privileges from an existing base property to the acquired property (which would become the new “base property”).

The first alternative happens when base property (a private ranch) is sold or leased to a new individual or business; the buyer or lessee then applies to the BLM for the use of grazing privileges associated with that property. The second alternative would happen when a rancher wants to transfer existing public land grazing privileges to another party while keeping the private ranch property. Before buying or leasing ranch property, it is advisable to contact the BLM Field Office that administers grazing in the area of the base property. The BLM has information on the status of the grazing privileges attached to the base property, including the terms and conditions of the associated grazing permit or lease that authorizes the use of those privileges and other important information. All applicants for grazing permits or leases must meet the qualifications for public land grazing privileges that are specified in the BLM’s grazing regulations.

The Role of Livestock Grazing on Public Lands Today

Grazing, which was one of the earliest uses of public lands when the West was settled, continues to be an important use of those same lands today. Livestock grazing now competes with more uses than it did in the past, as other industries and the general public look to the public lands as sources of both conventional and renewable energy and as places for outdoor recreational

opportunities, including off-highway vehicle use. Among the key issues that face public land managers today are global climate change, severe wildfires, invasive plant species, and dramatic population increases, including the associated rural residential development that is occurring throughout the West.

Livestock grazing can result in impacts on public land resources, but well-managed grazing provides numerous environmental benefits as well. For example, while livestock grazing can lead to increases in some invasive species, well-managed grazing can be used to manage vegetation. Intensively managed “targeted” grazing can control some invasive plant species or reduce the fuels that contribute to severe wildfires. Besides providing such traditional products as meat and fiber, well-managed rangelands and other private ranch lands support healthy watersheds, carbon sequestration, recreational opportunities, and wildlife habitat. Livestock grazing on public lands helps maintain the private ranches that, in turn, preserve the open spaces that have helped write the West’s history and will continue to shape this region’s character in the years to come.

Fish, Wildlife, and Plant Conservation



The Bureau of Land Management (BLM) manages more than 245 million acres of public lands – all supporting a diversity of fish, wildlife, and plants, including threatened, endangered, and “at risk” species.

In fact, the BLM manages more wildlife and plant habitat than any other Federal or state agency in the country. When authorizing land use activities such as recreation, livestock grazing, energy development, or forest management, the BLM must ensure the needs of wildlife, fish and plants are taken into consideration. The BLM also works to improve the health of entire watersheds to sustain and enhance a variety of biological communities.

Fisheries Program

The BLM Fisheries Program maintains, restores, and conserves fish habitat on the public lands. Much of this work is accomplished in collaboration with others and funded through various partnerships with Federal, state, and non-governmental organizations.

The BLM also conducts aquatic resource inventories and monitoring to help managers make informed decisions and to assist in the design of other BLM program activities to ensure the special habitat needs of aquatic species are adequately considered.

In addition, BLM fisheries biologists participate in angler activities with state fish and game agencies. Anglers on public lands generated more than half a billion dollars in expenditures in 2008, making a significant contribution to local economies.

The BLM Fisheries Program also works closely with state game and fish agencies to assist with implementation of State Comprehensive Wildlife Management Plans.

Wildlife Management

More than 3,000 species of wildlife occur on BLM’s more than 245 million acres in 23 states, dispersed over some of the Nation’s most ecologically diverse and essential habitat. The BLM manages more wildlife habitat than any other Federal or state agency.

BLM-managed lands are vital to big game, upland game, waterfowl, shorebirds, songbirds, raptors, and hundreds of species of non-game mammals, reptiles, and amphibians. Wildlife-related activities on BLM’s lands, such as hunting or bird watching, contribute hundreds of millions of dollars in economic benefits to local communities.

The BLM's Wildlife Management Program maintains and manages wildlife habitat to help ensure self-sustaining populations and a natural abundance and diversity of wildlife on public lands. In order to provide for the long-term protection of wildlife resources, the BLM supports numerous habitat conservation and restoration activities, many funded through partnerships with Federal, state, and non-governmental organizations.

Today, the BLM is taking a more strategic approach to wildlife management, focusing on habitat conditions across entire landscapes. The BLM is currently working with its partners and state fish and game agencies to identify top conservation priorities for wildlife habitat and to design systems to monitor progress toward achieving conservation goals for those priorities, often across jurisdictional boundaries. These priorities, or targets, can be species, ecosystems, vegetation cover types, or specific sites. An emphasis is placed on identifying conservation activities that may reduce the effects of habitat stressors such as non-native species or climate change.

Plant Conservation

The mission of the BLM's plant conservation and management activities is to ensure that native plants and native plant communities on public lands are managed, conserved, and/or restored for the benefit of present and future generations. The Program works to reduce or eliminate impacts on native plant communities caused by 21st century challenges such as invasive nonnative plants, climate change, increased development, or severe fire cycles.

As plant and animal species become threatened or endangered because of loss of habitat, and as climate change alters native plant communities, the BLM is placing a renewed emphasis on native plant conservation programs. The BLM's work in plant conservation and management is done in partnership with all BLM programs and in cooperation with other Federal and state agencies, industry, and the American people to achieve its goals.

Sage-Grouse Management



Once seen in great numbers across sagebrush landscapes of the West, sage-grouse have declined in number over the past 100 years because of the loss, degradation, and fragmentation of sagebrush habitats essential for their survival. Greater sage-grouse now occupy only about 56 percent of the habitat that was available to them before the arrival of settlers of European descent. Greater Sage-Grouse currently use as much as 47 million acres of land managed by the BLM, and about 9 million acres of land managed by the U.S. Forest Service (USFS).

The Greater Sage-Grouse is an icon of western sagebrush ecosystems. It is a large, rounded-winged, spike-tailed, ground-dwelling bird, about 2 feet tall and weighing from 2 to 7 pounds. Females are a mottled brown, black, and white. Males are larger and have a large white ruff around their neck and bright yellow air sacks on their chest, which they inflate during their elaborate mating displays.

States manage all resident wildlife, including sage-grouse, through their respective wildlife management divisions or departments. Federal agencies such as the BLM and the USFS are responsible for managing habitat on the lands under their respective jurisdictions. The sage-grouse are culturally significant to American Indian Tribes; many of which have traditional ceremonies, treaty rights, and conservation activities associated with the bird. Local governments and private landowners or administrators may also have responsibilities related to wildlife and habitat.

BLM's Greater Sage-Grouse Planning Strategy

In March 2010, the U.S. Fish and Wildlife Service (FWS) ruled that listing the species for protection under the Endangered Species Act was "warranted but precluded." FWS said that it had other, higher priority species it needed to address first, but that it would subsequently address the Greater Sage-Grouse and determine if it needed to be listed at a later date.

In its finding, FWS said BLM and the USFS are not "fully implementing the regulatory mechanisms available" to ensure species conservation. BLM and the USFS are addressing the FWS concerns through the planning process.

Based on ongoing threats to the Greater Sage-Grouse and its habitat throughout the West, as well as the U.S. Fish and Wildlife Service's 2015 deadline for making a decision whether to list the species under the Endangered Species Act, the BLM and the USFS aim to incorporate consistent objectives and conservation measures into relevant Resource Management Plans by September 2014.

The BLM and USFS recently announced the initial steps in a formal planning process to evaluate Greater Sage-Grouse conservation measures in land use plans in 10 Western states. The two public land management agencies opened a 60-day public comment period on issues that should be addressed in Environmental Impact Statements and Supplemental Environmental Impact Statements that was published in the *Federal Register* on December 9, 2011.

In an effort to encourage tailored, region-specific partnerships, cooperation and restoration measures, the planning process will be coordinated under two regions: an Eastern region which includes land use plans in the states of Colorado, Wyoming, North Dakota, South Dakota and portions of Utah and Montana; and a Western Region which includes land use plans in northeastern California, Idaho, Nevada, Oregon, and portions of Utah and Montana.

The BLM and the USFS have identified the following preliminary issues to address in its environmental analysis: Greater Sage-Grouse habitat management, fluid minerals, coal mining, hard rock mining, mineral materials, rights-of-way, renewable energy development, wildfire, invasive species, grazing, off highway vehicle management and recreation.

Wild Horse & Burro Management



The Bureau of Land Management (BLM) protects, manages, and controls wild horses and burros under the authority of the Wild Free-Roaming Horses and Burros Act of 1971 to ensure that healthy herds thrive on healthy rangelands. The BLM manages these living symbols of the Western spirit as part of its multiple-use mission under the 1976 Federal Land Policy and Management Act. During the 1950s in Nevada, Velma B. Johnston, later known as Wild Horse Annie, worked to stop the ruthless manner in which wild horses on Western rangelands were being treated by “mustangers.” Today, nearly 40 years after Congress passed the Wild Free-Roaming Horses and Burros Act of 1971, the BLM carries out a program that includes adoption, research, and management of these iconic animals in a humane manner.

About the Program

The BLM estimates that more than 38,000 wild horses and burros are roaming on BLM-managed rangelands in 10 Western states. Wild horse herd sizes can double about every 4 years. As a result, the agency must remove thousands of animals from the range each year to control population. New research on and stepped-up application of fertility-control measures will help bring herd sizes down to appropriate management levels.

Secretary Salazar’s Initiative

Secretary of the Interior Ken Salazar has proposed a national solution to restore the health of America’s wild horse herds and the rangelands that support them by creating a cost-efficient, sustainable management program that includes the possible creation of wild horse preserves on the productive grasslands of the Midwest and East. The initiative has received wide support from local and state agencies as well as advocacy groups.

Wild Horse and Burro Population

The BLM estimates that approximately 38,400 wild horses and burros (about 33,700 horses and 4,700 burros) are roaming on BLM-managed rangelands in 10 Western states based on the latest data available, compiled as of February 28, 2010. Wild horses and burros have virtually no natural predators and their herd sizes can double about every 4 years. As a result, the agency must remove thousands of animals from the range each year to control herd sizes. The estimated current free-roaming population exceeds by nearly 12,000 the number that the BLM has determined can exist in balance with other public rangeland resources and uses. The appropriate management level is approximately 26,600.

Off the range, there are 41,500 other wild horses and burros that are fed and cared for at short-term corrals and long-term pastures. (As of Feb. 22, 2011, there were

approximately 13,900 in corrals and 27,600 in Midwestern pastures.) All wild horses and burros in holding, like those roaming the public rangelands, are protected by the BLM under the 1971 Wild Free-Roaming Horses and Burros Act.

Wild Horse and Burro Budget

In the most recently completed fiscal year (2010), holding costs accounted for \$36.9 million out of a total wild horse and burro budget of \$63.9 million (plus an additional \$2.1 million in 2009 “carryover” funding).

Removing Wild Horses and Burros from the Range and Placing Animals in Adoption

To help ensure that herd sizes are in balance with other public rangeland resources and uses, the BLM removed 10,255 wild horses and burros (9,715 horses and 540 burros) from the range in Fiscal Year 2010. The Bureau placed 3,074 removed animals into private care through adoption in FY 2010 -- down from 5,701 in FY 2005. Since 1971, the BLM has adopted out more than 225,000 horses and burros.

With regard to a call by advocacy groups for a moratorium on all BLM gathers of herds, this is untenable given the fact that herds grow at an average rate of 20 percent a year and can double in size every 4 years. The ecosystems of public rangelands are not able to withstand the impacts from overpopulated herds, which include soil erosion, sedimentation of streams, and damage to wildlife habitat. As for the 1971 Wild Free-Roaming Horses and Burros Act, Section 1333 of that law mandates that once the Interior Secretary “determines...on the basis of all information currently available to him, that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, *he shall immediately remove excess animals from the range so as to achieve appropriate management levels.*”

Sale Authority

About 8,400 wild horses and burros immediately became eligible for sale under the December 2004 sale-authority law, which directs the BLM to sell “without limitation” animals that are either more than 10 years old or have been passed over for adoption at least three times. Since 2005, the Bureau has sold more than 4,500 horses and burros. *The BLM has not sold any wild horses or burros to slaughterhouses or to “killer buyers.”* The proceeds from the sale of the eligible animals are used for the BLM’s wild horse and burro adoption program, as directed by Congress under the sale-authority law.

BLM’s Legal Mandates

The BLM manages the Nation’s public lands for multiple uses, in accordance with the 1976 Federal Land Policy and Management Act. The Bureau manages wild horses and burros as part of this multiple-use mandate. The BLM manages, protects, and controls wild horses and burros under the authority of the 1971 Wild Free-Roaming Horses and Burros Act (as amended by Congress in 1976, 1978, 1996, and 2004). This law authorizes the BLM to remove excess wild horses and burros from the range to sustain the health and productivity of the public lands.

Law Enforcement

In enforcing the 1971 Act, the BLM continues to work with law-enforcement authorities in the investigation and prosecution of those who violate the Wild Free-Roaming Horses and Burros Act.

FY 2010 Wild Horse and Burro Herd Populations and Appropriate Management Levels (AMLs) by State

State	Horses	Burros	Total	Total AML
AZ	400	2,248	2,648	1,676
CA	4,079	1,069	5,148	2,190
CO	888	0	888	812
ID	596	0	596	617
MT	150	0	150	120
NV	17,711	1,177	18,888	12,688
NM	119	0	119	83
OR	2,461	15	2,476	2,715
UT	2,724	164	2,888	1,956
WY	4,564	0	4,564	3,725
Total	33,692	4,673	38,365	26,582

Myths



Facts

Myth #1: The BLM is selling or sending wild horses to slaughter.

Fact: This charge is absolutely false. The Department of the Interior and the BLM care deeply about the well-being of wild horses, both on and off the range, and the BLM does not and has not sold or sent horses or burros to slaughter. Consequently, as the Government Accountability Office noted in a report issued in October 2008, the BLM is not in compliance with a December 2004 amendment to the 1971 Wild Free-Roaming Horses and Burros Act that directs the Bureau to sell excess horses or burros “without limitation.”

Myth #2: Horses are held in crowded “holding pens.”

Fact: This assertion is false. The BLM’s short-term holding corrals provide ample space to horses, along with clean feed and water, while long-term holding pastures—large ranches located mainly in Kansas and Oklahoma—permit the horses to roam freely on thousands of acres of grassland.

Myth #3: Since 1971, the BLM has illegally or improperly taken away more than 20 million acres set aside for wild horses and burros (from 53.8 million acres to 33.7 million acres).

Fact: This claim is false. **No specific amount of acreage was “set aside” for the exclusive use of wild horses and burros under the 1971 Wild Free-Roaming Horses and Burros Act.** The Act directed the BLM to determine the areas where horses and burros were found roaming, and then to manage the animals within the boundaries of those areas. Of the 20.1 million acres no longer managed for wild horse and burro use:

- 4.6 million acres comprised lands not managed by the BLM where the other landowners were unwilling to make their land available for wild horse and burro use.
- Of the other 15.5 million acres of land under BLM management:
 - 47.6 percent comprised intermingled land ownerships (for example, “checkerboard” land ownerships created by railroad grants) or areas where the water was not controlled by the BLM, which made management infeasible;
 - 12.5 percent was transferred out of the BLM’s administration to other agencies, such as the U.S. Forest Service and National Park Service, as a result of Federal legislation;
 - 11.2 percent consisted of areas where no Federal animals were present (that is, the horses present were privately owned, domestic horses that were claimed during

- the claiming period provided by the 1971 Wild Free-Roaming Horses and Burros Act), or areas with too few animals remaining to allow for effective management;
- 10.6 percent comprised areas where there were substantial conflicts with other resource values (for example, the presence of threatened and endangered species);
 - 9.5 percent consisted of lands removed from wild horse and burro use for reasons including Federal court decisions, disease (equine infectious anemia), urban expansion, highway fencing (causing habitat fragmentation), Department of Defense-related land withdrawals, or exchanges transferring land from BLM ownership to other parties; and
 - 8.6 percent comprised areas where a critical habitat component (such as winter range) was missing or the habitat was unsuitable for wild horse and burro use.

Myth #4: The BLM is managing wild horse herds to extinction.

Fact: This charge is patently false. The current on-the-range population of wild horses and burros (approximately 38,400) is greater than the number found roaming in 1971 (about 25,300). The BLM is seeking to achieve the appropriate management level of 26,600 wild horses and burros on Western public rangelands, or nearly 12,000 fewer than the current West-wide population. The BLM also actively monitors the genetics of each herd by sending genetic samples to Dr. Gus Cothran at Texas A&M University. Dr. Cothran furnishes the BLM a report on every sample with recommendations for specific herds.

Myth #5: The BLM removes wild horses to make room for more cattle grazing on public rangelands.

Fact: This claim is totally false. The removal of wild horses and burros from public rangelands is carried out to ensure rangeland health, in accordance with land-use plans that are developed in an open, public process. These land-use plans are the means by which the BLM carries out its core mission, which is to manage the land for multiple uses while protecting the land's resources. Authorized livestock grazing on BLM-managed land has declined by nearly 50 percent since the 1940s; actual (as distinguished from authorized) livestock grazing on public rangelands has declined by 30 percent since 1971.

Myth #6: The BLM lacks the legal authority to gather animals from overpopulated herds or to use helicopters in doing so.

Fact: This assertion is false. Section 1333 of the 1971 Wild Free-Roaming Horses and Burros Act mandates that once the Interior Secretary "determines...on the basis of all information currently available to him, that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, *he shall immediately remove excess animals from the range so as to achieve appropriate management levels.*" Section 1338 of the law authorizes the BLM's use of helicopters and motorized vehicles in its management of wild horses and burros.

Myth #7: Gathers of wild horses by helicopter are inhumane.

Fact: This claim is false. The BLM's helicopter-driven gathers are conducted humanely, as affirmed by two recent independent reports (see below), and have proven to be more humane, effective, and efficient than other types of gather methods, such as water trapping, when large numbers of animals need to be removed over wide areas or rugged terrain. Helicopters start the horses moving in the right direction and then back off one-quarter to one-half mile from the animals to let them travel at their own pace; horses are moved at a more rapid pace only as they reach the entrance to the fenced capture site. Helicopter pilots are better able to keep mares and foals together than horseback riders; pilots can also more effectively move the animals around such barriers as deep ravines, fences, or roads.

The direct mortality rate resulting from helicopter-driven gathers is usually less than one percent. In Fiscal Year 2010, the number of direct fatalities (out of more than 11,000 horses and burros gathered) was 0.24 percent (that is, less than one-quarter of one percent of the total number captured). Some indirect mortality also occurs, usually associated with older horses in poor to very poor condition when gathered. These already weakened horses, many of which would likely die on the range if not gathered, are examined by staff professionals and veterinarians and are euthanized if they are unlikely to improve or do not respond to treatment.

Two reports issued in the fall of 2010—one by four independent, credentialed equine professionals and one by the Interior Department's Office of Inspector General—found, without any ideological or political bias, that the BLM's gathers of wild horses are conducted in a humane manner. The Inspector General determined that the BLM's gathers are "justified" and reported that the agency "is doing its best to perform a very difficult job."

Myth #8: If left alone, wild horses will limit their own population.

Fact: There is absolutely no scientific evidence to support the idea that wild horses will automatically limit their own population. There were an estimated 25,300 wild horses and burros in 1971, and those numbers rose to a peak of more than 60,000 before the BLM was authorized and able to effectively use helicopters for gathers. If left unchecked, Mother Nature would regulate the wild horse and burro population through the classic boom-and-bust cycle, where the population increases dramatically, food becomes scarce, and the population crashes through starvation.

Myth #9: The BLM overestimates the number of wild horses and burros on the range.

Fact: This assertion is false. Currently, most BLM field offices in the West use a "direct count" method that involves the counting of each wild horse and burro actually seen during aerial surveys. This method, the Government Accountability Office concluded in an October 2008 report, results in an undercounting of herd populations. A new BLM directive, known as an Instruction Memorandum, seeks to correct this undercount by using two principal methods of

survey that account for a range of error. The two survey methods, which will be implemented in a multi-step process, are known as “simultaneous double-count” with sightability bias correction and “mark-resight” using photographs. The new directive, prompted by the GAO report, can be accessed at:

http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2010/TM_2010-057.html

Myth #10: The Government Accountability Office, in a report issued in October 2008, found that the BLM has been mismanaging the wild horse and burro program.

Fact: This claim is completely false. The GAO made no such finding. The full report can be accessed here: <http://www.gao.gov/new.items/d0977.pdf>

Myth #11: Wild horses are native to the United States.

Fact: This claim is false. American wild horses are descended from domestic horses, some of which were brought over by European explorers in the late 15th and 16th centuries, plus others that were imported from Europe and were released or escaped captivity in modern times. These horses have adapted successfully to the Western range, but biologically they did not evolve on the North American continent. The disappearance of the horse from the Western Hemisphere for 10,000 years supports the position that today’s wild horses cannot be considered “native” in any meaningful historical sense.

Myth #12: Two million wild horses roamed the United States in the late 1800s/early 1900s.

Fact: This figure has never been and cannot be substantiated. In a book titled *The Mustangs* (1952) by J. Frank Dobie, the author noted that no scientific estimate of wild horse numbers was made in the 19th century or early 20th century. He went on to write: “All guessed numbers are mournful to history. My own **guess** is that **at no time** were there more than a million mustangs in Texas and no more than a million others scattered over the remainder of the West.” (Emphasis added.) Mr. Dobie’s admitted “**guess**” of *no more than* two million mustangs has over the years been transformed into an asserted “fact” that two million mustangs actually roamed America in the late 1800s/early 1900s. When it comes to the historical wild horse population, a substantiated and more relevant figure is the number found roaming in 1971, when the BLM was given legal authority to protect and manage wild horses and burros. That number was 17,300 mustangs (plus 8,045 burros), as compared to the 2010 population of 33,692 wild horses (plus 4,673 burros).

Myth #13: Under the 1971 Wild Free-Roaming Horses and Burros Act, the BLM is to manage wild horses and burros “principally but not necessarily exclusively” in the areas where they were found roaming at the time of the law's passage.

Fact: The 1971 language of managing wild horses and burros “principally but not necessarily exclusively” on certain BLM-managed land relates to the Interior Secretary’s power to “designate and maintain **specific ranges** on public lands as sanctuaries for their protection and preservation”—which are, thus far, the Pryor Mountain Wild Horse Range (in Montana and Wyoming), the Nevada Wild Horse Range (located within the northcentral portion of Nellis Air Force Range), the Little Book Cliffs Wild Horse Range (in Colorado), and the Marietta Wild Burro Range (in Nevada). The “principally but not necessarily exclusively” language applies to **specific Wild Horse Ranges**, not to Herd Management Areas in general. The Code of Federal Regulations (43 CFR, Subpart 4710.3-2) states: “Herd management areas **may also be designated as wild horse or burro ranges** to be managed principally, but not necessarily exclusively, for wild horse or burro herds.”

Myth #14: The Code of Federal Regulations (43 CFR) specifies that the BLM is to allocate forage to wild horses and burros in an amount “comparable” to that allocated to wildlife and cattle.

Fact: The Code of Federal Regulations (43 CFR, Subpart 4700.0-6) states that “Wild horses and burros **shall be considered comparably with other resource values** in the formulation of land use plans.” This regulation means that in its development of land-use plans, the BLM will consider wild horses and burros in a manner similar to the way it treats other resource values (e.g., cultural, historic, and scenic, as distinguished from authorized commercial land uses, such as livestock grazing or timber harvesting).

National Landscape Conservation System



The Bureau of Land Management's (BLM) National Landscape Conservation System (NLCS) contains some of the West's most spectacular landscapes. It includes over 886 Federally-recognized areas and approximately 27 million acres of 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.

The NLCS is uniquely diverse. It encompasses red-rock deserts and rugged ocean coastlines, deep river canyons and broad Alaskan tundra. Many areas are remote and wild, but others are surprisingly accessible. The NLCS also reveals and protects our cultural legacy. It safeguards American Indian cliff dwellings and cultural sites, and preserves the remaining traces of our Nation's historic trails and pathways. The mission of the National Landscape Conservation System is to conserve, protect, and restore these nationally significant landscapes that are recognized for their outstanding cultural, ecological, and scientific values.

The NLCS works to conserve the essential fabric of the West. The NLCS areas are part of an active, vibrant landscape where people live, work, and play. They offer exceptional opportunities for recreation, solitude, wildlife viewing, exploring history, scientific research, and a wide range of traditional uses.

These are places that spark the imagination. Their spacious beauty has drawn people to the West for generations. The NLCS sustains for the future - and for everyone - these remarkable *landscapes of the American spirit*.

The BLM recently released a 15-year strategy to guide NLCS land management efforts in coming years. The new NLCS strategy supports the BLM's multiple-use mission by ensuring that NLCS management efforts will focus on conservation, while still allowing for other compatible uses, consistent with the designating legislation or presidential proclamation. In addition to conservation, the strategy emphasizes continued collaboration, public involvement, and youth engagement.

National Monuments

The BLM's NLCS includes 16 national monuments in 8 western states. These national monuments encompass landscapes of tremendous beauty and diversity, ranging from rugged California coastline to vividly-hued desert canyons.

The Antiquities Act of 1906 grants the President authority to designate national monuments in order to protect "objects of historic or scientific interest." While most national monuments are established by the President, Congress has also occasionally established national monuments protecting natural or historic features. Since 1906, the President and Congress have created more than 100 national monuments. National monuments are currently managed by agencies

including the National Park Service, the U.S. Forest Service, U.S. Fish and Wildlife Service, or the BLM.

National Conservation Areas

National conservation areas (NCAs) and similarly designated lands are designated by Congress to conserve, protect, enhance, and manage public lands for the benefit and enjoyment of present and future generations. The BLM's NLCS includes 16 NCAs and 5 similarly designated lands in 10 states. These lands feature exceptional scientific, cultural, ecological, historical, and recreational values. They differ tremendously in landscape and size, varying from the coastal beauty of California's 18-acre Piedras Blancas Light Station Outstanding Natural Area to the rugged desert vistas of Nevada's 1.2 million acre Black Rock Desert-High Rock Canyon Emigrant Trails NCA.

Wilderness Areas

The BLM is responsible for 221 Wilderness Areas with 8.7 million acres in 10 western states (3 percent of BLM's total acreage in the coterminous United States). Wilderness areas are special places where the earth and its community of life are essentially undisturbed. They retain a primeval character, without permanent improvements, and generally appear to have been affected primarily by the forces of nature.

In 1964, Congress established the National Wilderness Preservation System and designated the first Wilderness Areas in passing the Wilderness Act. The uniquely American idea of wilderness has become an increasingly significant tool to ensure long-term protection of natural landscapes. Wilderness protects the habitat of numerous wildlife species and serves as a biodiversity bank for many species of plants and animals. Wilderness is also a source of clean water. It has long been used for science and education as well as for higher education purposes, providing sites for field trips, study areas for student research, and serving as a source of instructional examples. Recreation is another obvious appeal of wilderness, and wilderness areas are seeing steadily increasing use from people who wish to experience freedom from the Nation's fast-paced industrialized society.

Wilderness Study Areas

The BLM manages 545 Wilderness Study Areas (WSA) containing nearly 12.7 million acres located in the western states and Alaska. The Federal Land Policy and Management Act of 1976 directed the BLM to inventory and study its roadless areas for wilderness characteristics. To be designated as a WSA, an area had to have the following characteristics:

- Size - roadless areas of at least 5,000 acres of public lands or of a manageable size;
- Naturalness - generally appears to have been affected primarily by the forces of nature;
- Opportunities - provides outstanding opportunities for solitude or primitive and unconfined types of recreation.

In addition, WSAs often have special qualities such as ecological, geological, educational, historical, scientific, and scenic values.

The congressionally-directed inventory and study of BLM's roadless areas received extensive public input and participation. By November 1980, the BLM had completed field inventories and designated about 25 million acres of WSAs. Since 1980, Congress has reviewed some of these areas and has designated some as wilderness and released others for non-wilderness uses. Until Congress makes a final determination on a WSA, the BLM manages these areas to preserve their suitability for designation as wilderness.

Wild and Scenic Rivers

On October 2, 1968, President Lyndon B. Johnson signed the Wild and Scenic Rivers Act, sponsored by Senator Frank Church. The Act currently protects more than 200 rivers in 35 states and Puerto Rico. The Act's legacy is one of protecting the special character of certain rivers, while recognizing the potential for use and development.

"It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established National policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital conservation purposes."

National Scenic and Historic Trails

The BLM is one of several agencies responsible for management of National Historic or Scenic Trails. In 1968, Congress established the National Trails System and designated the first national trails.

National Historic Trails are extended trails that closely follow a historic trail or route of travel of national significance. Designation identifies and protects historic routes, historic remnants, and artifacts for public use and enjoyment. The BLM is responsible for over 5,343 miles of 11 National Historic Trails.

National Scenic Trails are extended trails that provide maximum outdoor recreation potential and for the conservation and enjoyment of the various qualities—scenic, historical, natural, and cultural—of the areas they pass through. The BLM is responsible for over 668 miles of the Continental Divide, Pacific Crest, Potomac Heritage, Arizona, and Pacific Northwest National Scenic Trails.

National Conservation Areas as of April 2011

State	Number of National Conservation Areas	BLM Acres
Alaska	1	1,208,624
Arizona	3	119,234
California	2	63,709
Colorado	3	395,383
Idaho	1	469,074
Nevada	3	1,046,528
New Mexico	2	284,767
Oregon	1	428,208
Utah	2	109,303
BLM Total:	21	4,125,006

National Monuments as of April 2011

State	Number of National Monuments	BLM Acres
Arizona	5	1,774,213
California	3	301,899
Colorado	1	163,892
Idaho	1	274,693
Montana	2	375,027
New Mexico	2	9,379
Oregon/Washington	1	54,605
Utah	1	1,866,331
BLM Total:	16	4,820,039

Cooperative Management and Protection Areas as of April 2011

State	Number of Cooperative Management and Protection Areas	BLM Acres
Oregon/Washington	1	428,256
BLM Total:	1	428,256

Outstanding Natural Areas as of April 2011

State	Number of Outstanding Natural Areas	BLM Acres
California	1	18
Eastern States	1	63
Oregon	1	95
BLM Total:	3	176

National Recreation Areas as of April 2011

State	Number of Recreation Areas	BLM Acres
Alaska	1	1,000,000
BLM Total:	1	1,000,000

Forest Reserve Areas as of April 2011

State	Number of Forest Reserve Areas	BLM Acres
California	1	7,472
BLM Total:	1	7,472

Wilderness Areas as of April 2011

State	Number of Wilderness Areas	BLM Acres
Arizona	47	1,397,106
California	85	3,874,269
Colorado	5	205,753
Idaho	7	517,827
Montana	1	6,347
Nevada	45	2,055,005
New Mexico	5	166,658
Oregon	8	246,313
Utah	18	260,273
Washington	1	7,140
BLM Total:	N/A	8,736,691

*Four Wilderness Area boundaries cross state lines and are counted toward a state total, but not in the BLM total.

Wilderness Study Areas as of April 2011

State	Number of Wilderness Study Areas	BLM Acres
Alaska	1	326,000
Arizona	2	63,930
California	67	812,566
Colorado	54	548,219
Idaho	44	655,512
Montana	39	449,963
Nevada	63	2,552,457
New Mexico	58	958,751
Oregon	88	2,653,135

Utah	86	3,234,465
Washington	1	5,636
Wyoming	42	574,401
BLM Total:	545	12,835,035

National Historic Trails as of April 2011		
Trail	State(s)	Miles
California	California, Idaho, Nevada, Oregon, Utah, and Wyoming	1,493
El Camino Real de Tierra Adentro	New Mexico	60
Iditarod	Alaska	418
Juan Bautista de Anza	Arizona, California	103
Lewis and Clark	Idaho, Montana	369
Mormon Pioneer	Idaho, Montana, and Wyoming	498
Nez Perce	Idaho, Montana, and Wyoming	70
Old Spanish	Arizona, California, Colorado, Nevada, New Mexico, and Utah	887
Oregon	Idaho, Oregon, and Wyoming	848
Pony Express	Nevada, Utah, and Wyoming	596
Washington Rochambeau Revolutionary Route	Virginia	1
BLM Total:		5,343

National Scenic Trails as of April 2011**		
Trail	State(s)	Miles
Arizona	Arizona	31
Continental Divide	Colorado, Idaho, Montana, New Mexico, and Wyoming	389
Pacific Crest	California and Oregon	233
Pacific Northwest	Washington	12
Potomac Heritage	Maryland	3
BLM Total:		688

BLM Total Trail Miles: 6,012

**National Scenic and Historic Trails cross state lines – there are a total of 11 National Historic Trails and 5 National Historic Scenic Trails in the National Trails System administered by BLM.

Wild and Scenic Rivers as of April 2011						
State	Num ber of River s	Wild (miles)	Scenic (miles)	Recreational (miles)	Total Miles	Acreage Protected
Alaska	6	697	227	28	952	608,400
California	8	46.9	16.6	44.4	107.9	34,528
Idaho	16	306.3	-----	5.7	313	123,936
Montana	1	64	26	59	149	89,300
New Mexico	2	56.5	12	2.5	71	22,720
Oregon	23	333.1	71.9	406.8	811.8	256,656
Utah	11	20.12	0.1	-----	20.22	28,474
BLM Total:	69	1517.37	353.6	548.1	2419.07	1,164,014

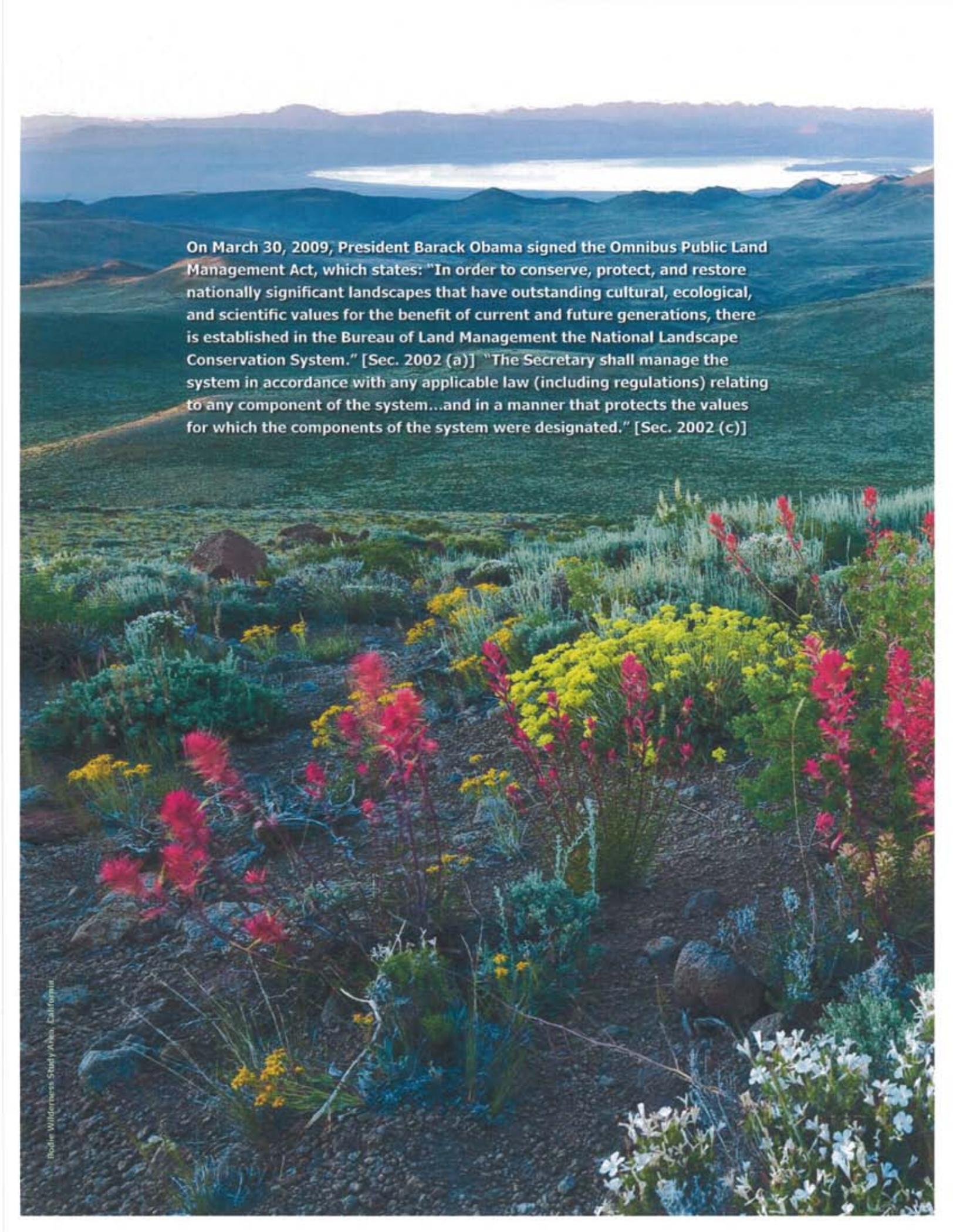
Many NLCS units overlap. For example, Oregon's Steens Mountain Cooperative Management and Protection Area contains Wilderness Study Areas, Wild and Scenic Rivers, and a Wilderness Area. Because of these overlaps, it is not possible to arrive at an acreage total for all NLCA units simply by adding the above totals for each type of unit.

The
**NATIONAL
LANDSCAPE
CONSERVATION
SYSTEM**

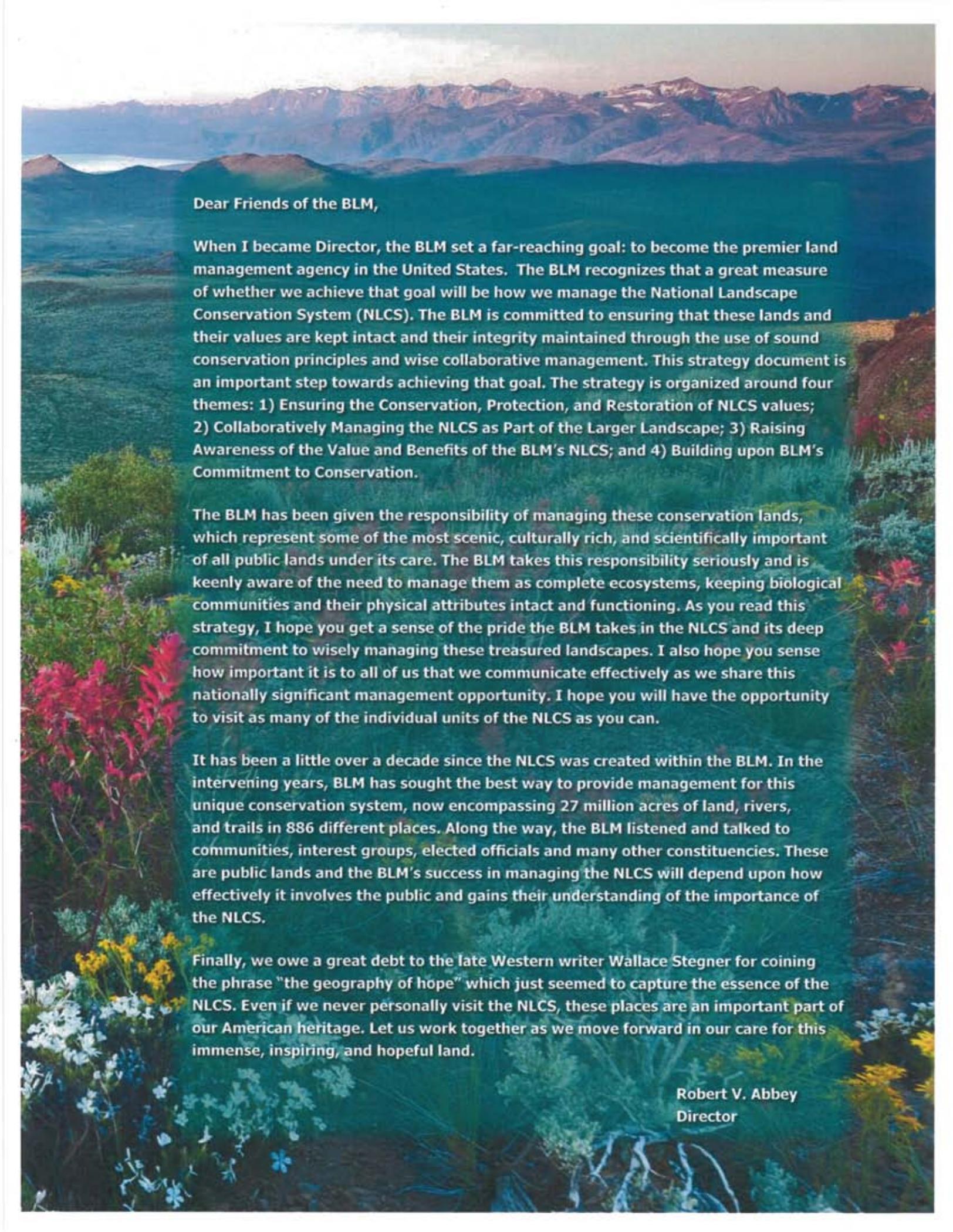
15-Year Strategy
2010-2025

*The Geography
of Hope*





On March 30, 2009, President Barack Obama signed the Omnibus Public Land Management Act, which states: "In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System." [Sec. 2002 (a)] "The Secretary shall manage the system in accordance with any applicable law (including regulations) relating to any component of the system...and in a manner that protects the values for which the components of the system were designated." [Sec. 2002 (c)]



Dear Friends of the BLM,

When I became Director, the BLM set a far-reaching goal: to become the premier land management agency in the United States. The BLM recognizes that a great measure of whether we achieve that goal will be how we manage the National Landscape Conservation System (NLCS). The BLM is committed to ensuring that these lands and their values are kept intact and their integrity maintained through the use of sound conservation principles and wise collaborative management. This strategy document is an important step towards achieving that goal. The strategy is organized around four themes: 1) Ensuring the Conservation, Protection, and Restoration of NLCS values; 2) Collaboratively Managing the NLCS as Part of the Larger Landscape; 3) Raising Awareness of the Value and Benefits of the BLM's NLCS; and 4) Building upon BLM's Commitment to Conservation.

The BLM has been given the responsibility of managing these conservation lands, which represent some of the most scenic, culturally rich, and scientifically important of all public lands under its care. The BLM takes this responsibility seriously and is keenly aware of the need to manage them as complete ecosystems, keeping biological communities and their physical attributes intact and functioning. As you read this strategy, I hope you get a sense of the pride the BLM takes in the NLCS and its deep commitment to wisely managing these treasured landscapes. I also hope you sense how important it is to all of us that we communicate effectively as we share this nationally significant management opportunity. I hope you will have the opportunity to visit as many of the individual units of the NLCS as you can.

It has been a little over a decade since the NLCS was created within the BLM. In the intervening years, BLM has sought the best way to provide management for this unique conservation system, now encompassing 27 million acres of land, rivers, and trails in 886 different places. Along the way, the BLM listened and talked to communities, interest groups, elected officials and many other constituencies. These are public lands and the BLM's success in managing the NLCS will depend upon how effectively it involves the public and gains their understanding of the importance of the NLCS.

Finally, we owe a great debt to the late Western writer Wallace Stegner for coining the phrase "the geography of hope" which just seemed to capture the essence of the NLCS. Even if we never personally visit the NLCS, these places are an important part of our American heritage. Let us work together as we move forward in our care for this immense, inspiring, and hopeful land.

Robert V. Abbey
Director



Handies Peak Wilderness Study Area, Colorado



BLM NATIONAL LANDSCAPE CONSERVATION SYSTEM STRATEGY: THE GEOGRAPHY OF HOPE

"Those who haven't the strength or youth to go into it... can simply contemplate the idea, take pleasure in the fact that such a timeless and uncontrolled part of earth is still there.... We simply need that wild country available to us, even if we never do more than drive to its edge and look in. For it can be a means of reassuring ourselves of our sanity as creatures, a part of the geography of hope."

Wallace Stegner, "The Sound of Mountain Water"

MISSION AND VISION FOR THE NLCS

The Bureau of Land Management's (BLM) mission for the NLCS is to conserve, protect, and restore nationally significant landscapes and places that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations.

The BLM's vision for the NLCS is to be a world leader in conservation by protecting landscapes, applying evolving knowledge, and bringing people together to share stewardship of the land.

COMPONENTS OF THE NLCS

As defined by the Omnibus Public Land Management Act of 2009, the NLCS includes the following areas administered by the BLM:

- A. National Monuments.
- B. National Conservation Areas.
- C. Components of the National Wilderness Preservation System.
- D. Wilderness Study Areas.
- E. Components of the National Wild and Scenic Rivers System.
- F. National Scenic Trails or National Historic Trails Designated as Components of the National Trails System.
- G. Any area designated by Congress to be administered for conservation purposes.

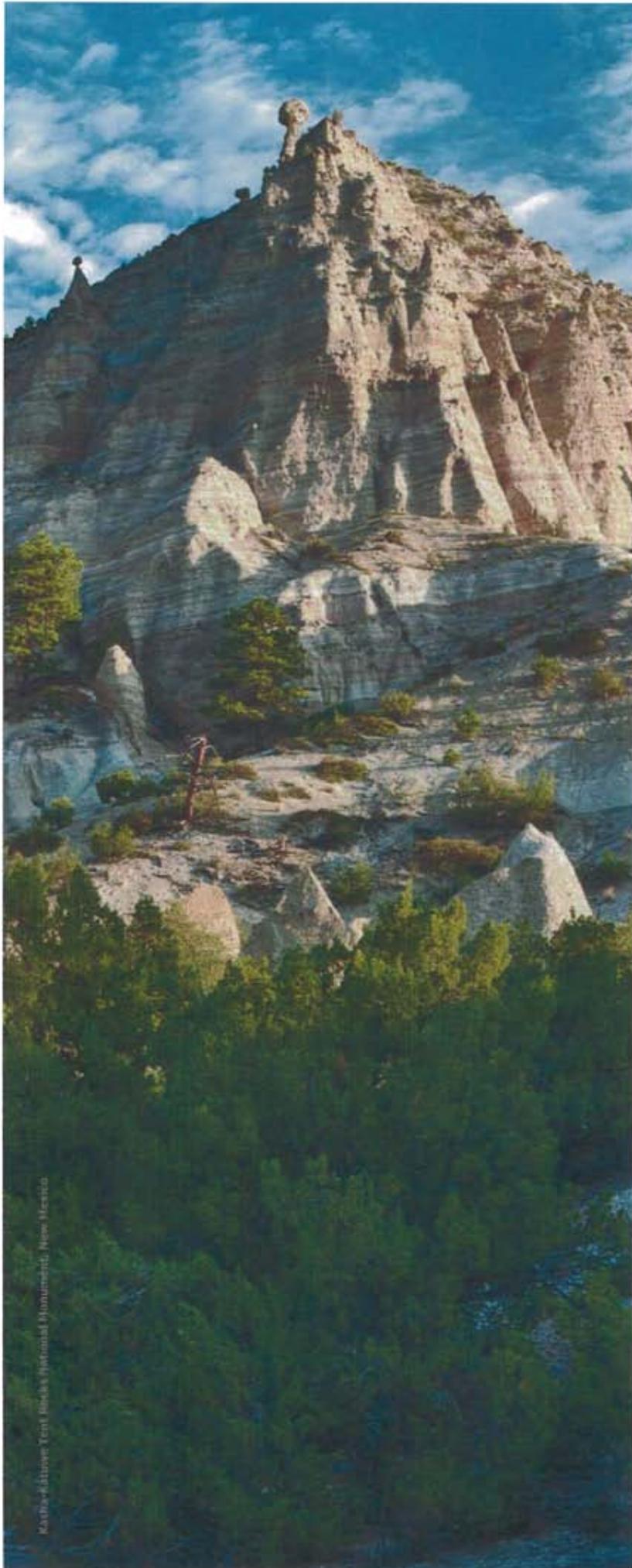
THE GEOGRAPHY OF HOPE

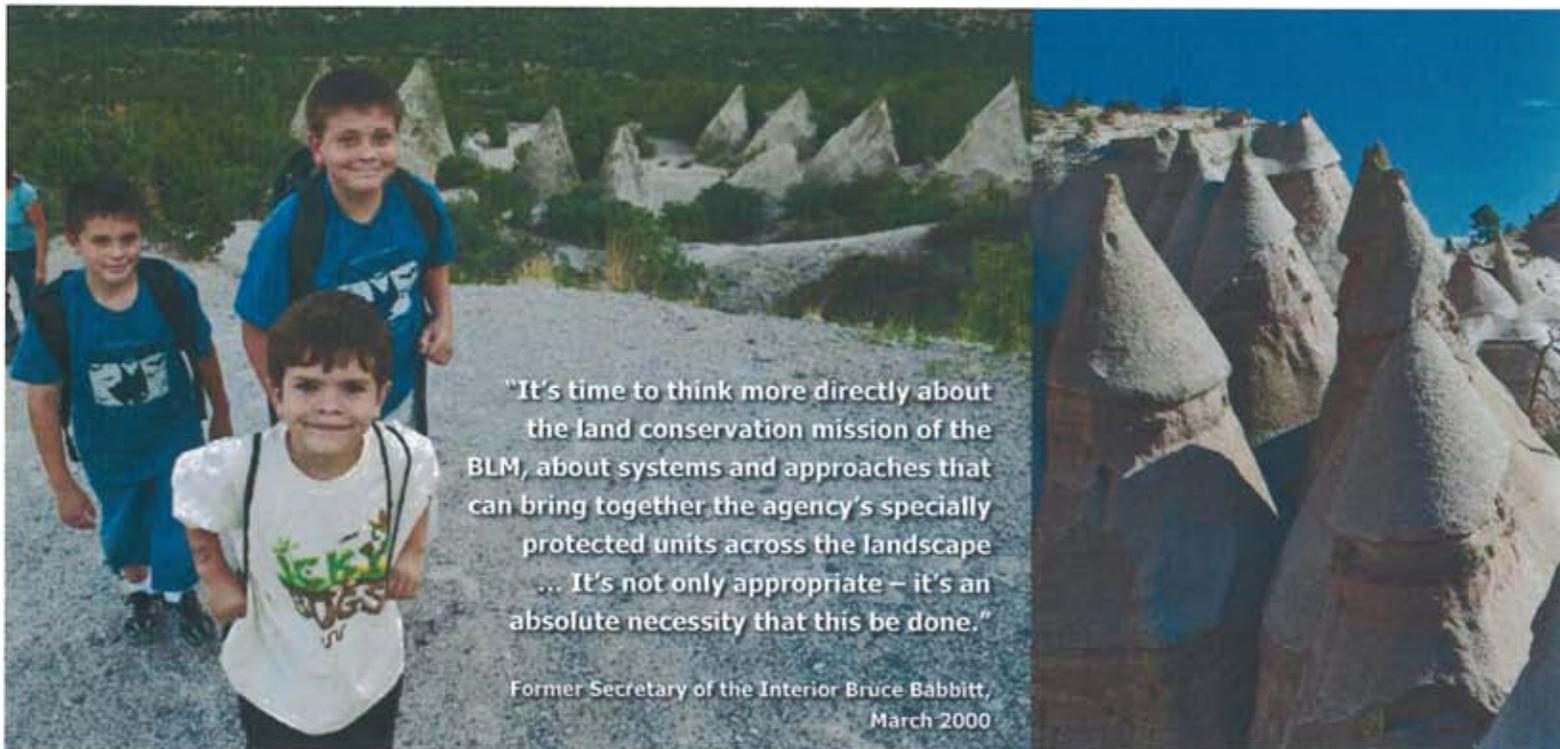
The BLM's NLCS encompasses some of the most scenic, culturally rich, scientifically important and least-known of all public land in America. What sets these lands apart is more than their special designation as part of the NLCS. It is also the inspiration they evoke.

It's the awe visitors experience when they watch the dropping sun wash Sunset Arch in Utah in reds and corals. It's the feeling of peace that creeps over them when they see the morning light on the rugged spires of the Eagletail Mountains of Arizona. It's the exhilaration they experience viewing the Trinity River in California thrashing its way seaward, or breathing in the salt-tinged air at the Yaquina Head Lighthouse on the Oregon coast. It's the sense of history that ignites while hiking through the Upper Missouri River Breaks and realizing the country looks much the same now as when Lewis and Clark passed through more than 200 years ago, or while viewing the intricate pueblo dwellings in Colorado inhabited by Native Americans a millennium ago.

Add it up and take note: The NLCS turns people toward hope – hope for the present, hope for the future, hope that wild places and cultural resources and traditions will continue to exist and inspire; that they will provide open spaces and broaden our understanding, and nudge us toward renewal and refreshment. The NLCS helps to reassure us that the wild country and legacy of those who went before us will carry on, for those who can explore these beautiful places and even for those who only glimpse at their edges. Although he coined the phrase long before the notion of an NLCS was born, author Wallace Stegner's simple words, "the geography of hope," may best capture the significance of the 27 million acres that comprise the system.

Often, NLCS lands are working lands as well. The NLCS is not separate and apart from the mainstream of BLM-managed lands. NLCS land is connected to other efforts and activities – recreation, wildlife, botany and other like disciplines; and linked to minerals, energy, grazing and other uses. NLCS fills a vital niche for the American public. The BLM makes the NLCS better through its commitment to landscape conservation, and the BLM is a better, more complete agency because of the NLCS – and the hope that this system brings.





"It's time to think more directly about the land conservation mission of the BLM, about systems and approaches that can bring together the agency's specially protected units across the landscape ... It's not only appropriate – it's an absolute necessity that this be done."

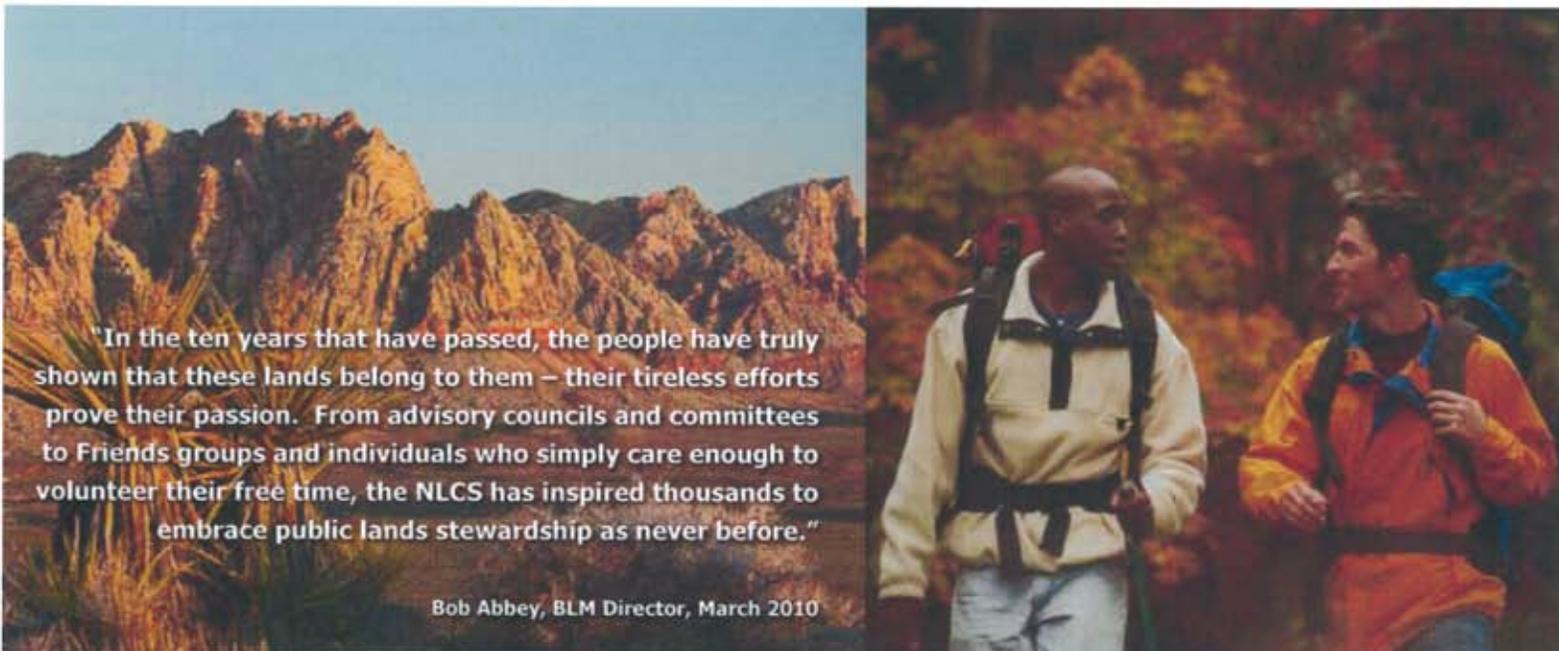
Former Secretary of the Interior Bruce Babbitt,
March 2000

THE BEGINNINGS OF NLCS

The NLCS was created in 2000, but its roots go back further. The beginnings of the NLCS may be traced to 1970, when Congress created the King Range National Conservation Area (NCA) on the northern California coast and gave the BLM responsibility for its management. BLM's authority to protect natural and cultural resources was fortified by passage of the 1976 Federal Land Policy and Management Act (FLPMA) which set the BLM on an interdisciplinary course of multiple-use and sustained-yield management, "... in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource and archeological values."

Former Secretary of the Interior Bruce Babbitt became a believer in BLM's ability to manage land with outstanding values during a trip to Southern California's Mojave Desert in 1993.

Over the next several years following the trip, Secretary Babbitt continued to work with the President, Congress, and local communities to designate additional areas through legislation or presidential proclamation, with one important change. Instead of transferring these special places to another agency, the BLM was to retain stewardship over the designated areas and be given the chance to demonstrate its capability to manage, in concert with the public, the stunning landscapes of the West. The concept of a special BLM system of lands with a dominant conservation mission began to take shape, culminating in a Secretarial Order signed in 2000. In that Order, Secretary Babbitt created the National Landscape Conservation System within BLM to include lands, rivers, and trails designated by acts of Congress or presidential proclamations under authority of the 1906 Antiquities Act. Bipartisan passage of the "Omnibus Public Lands Management Act of 2009" (Appendix 1) permanently established the NLCS "... to conserve, protect and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations." This philosophy continues today under Secretary Ken Salazar and the President's America's Great Outdoors (AGO) initiative which recognizes the importance of the NLCS.



"In the ten years that have passed, the people have truly shown that these lands belong to them – their tireless efforts prove their passion. From advisory councils and committees to Friends groups and individuals who simply care enough to volunteer their free time, the NLCS has inspired thousands to embrace public lands stewardship as never before."

Bob Abbey, BLM Director, March 2010

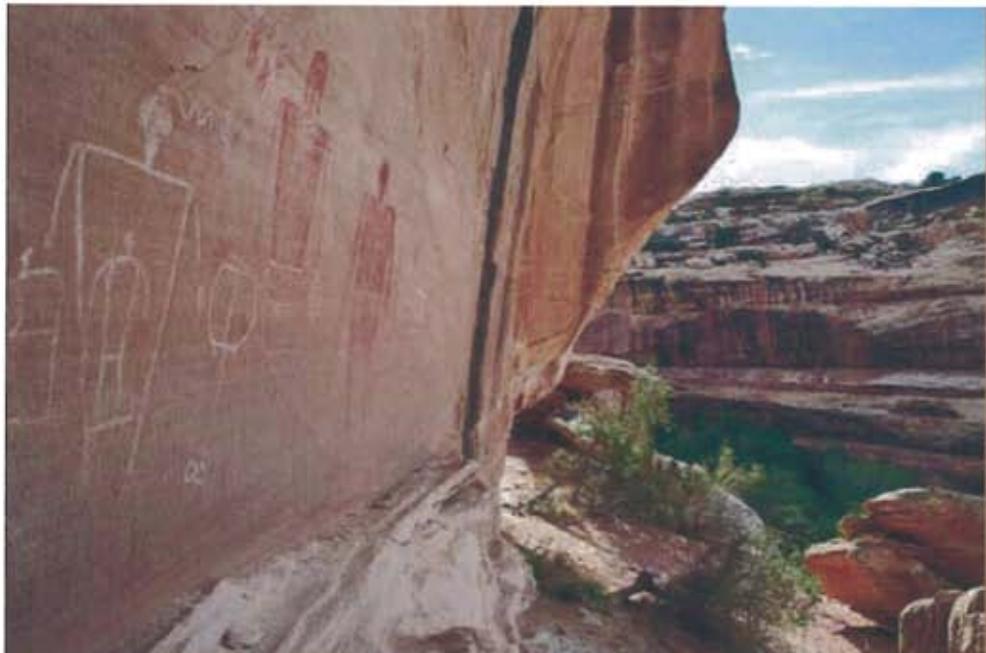
THE NLCS AND BLM: CONSERVATION FOR THE 21ST CENTURY

The BLM is steward to many great American landscapes. Among the 245 million surface acres the agency manages, most are west of the Mississippi River. The BLM also manages 700 million acres of sub-surface mineral estate located throughout the country. The uses of these lands are many – livestock grazing, energy development, minerals, forest products, rights-of-way, Native American traditional uses, recreation, wildlife habitat, and conservation. With that diversity of needs and uses comes a tall order: The BLM is responsible for balancing this formidable mix of practices to sustain the health, diversity, and productivity of public land for present and future generations. All the pieces add up to a dynamic, challenging and rewarding system of public land management.

FLPMA requires that land be managed under the principles of multiple-use and sustained-yield. Multiple-use management is not for the faint of heart. Almost by definition, it entails competition and choices, necessitating the need for clear thinking and sound decisions. It's a huge undertaking to continually assess the compatibility of various uses, all the while keeping in mind that the resources and uses must be sustainable over the long term. Multiple-use does not necessarily translate to management that provides the greatest economic return. Rather, the focus of multiple-use is managing resources in the combination that best meets the current and future needs of the public.

So where does the NLCS fit and how does the balancing act required by multiple-use and sustained yield principles affect the NLCS? The authors of FLPMA included an astute exception: Management activities must abide by those principles, except "...where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law" (FLPMA, as amended, Public Law No. 94-579, Title III, Sec. 302(a)). That means in some places, conservation may be elevated over development or production if a law identifies conservation as the primary use for which the land is designated. On the protection end of the multiple-use spectrum, NLCS areas are designated by act of Congress or presidential proclamation (in accordance with the 1906 Antiquities Act) to conserve, protect, and restore specified natural and cultural values. This strategy carries these ideas forward particularly in Theme 1, which addresses the primacy of conservation, consistent with the designating legislation or presidential proclamation within NLCS areas and Theme 4, which seeks to internally build upon BLM's commitment to conservation. The NLCS, in which conservation and resource protection is the primary purpose, is meant to complement BLM's management of public lands.

Valid existing rights are honored, and the designating legislation or proclamation may specify allowable uses such as grazing, oil and gas development, and recreation or uses that are not allowed. Beyond that, the BLM may consider other uses within the NLCS to the extent they are in harmony with the conservation and protection of NLCS objects and values.



"The establishment of the National Landscape Conservation System was a major step forward in recognizing lands of exceptional beauty, historical value, and cultural significance that are under the jurisdiction of the Bureau of Land Management. Through effective, forward-looking stewardship, the BLM will protect and preserve these treasured landscapes as a legacy for the American people."

Secretary of the Interior Ken Salazar,
March 2010

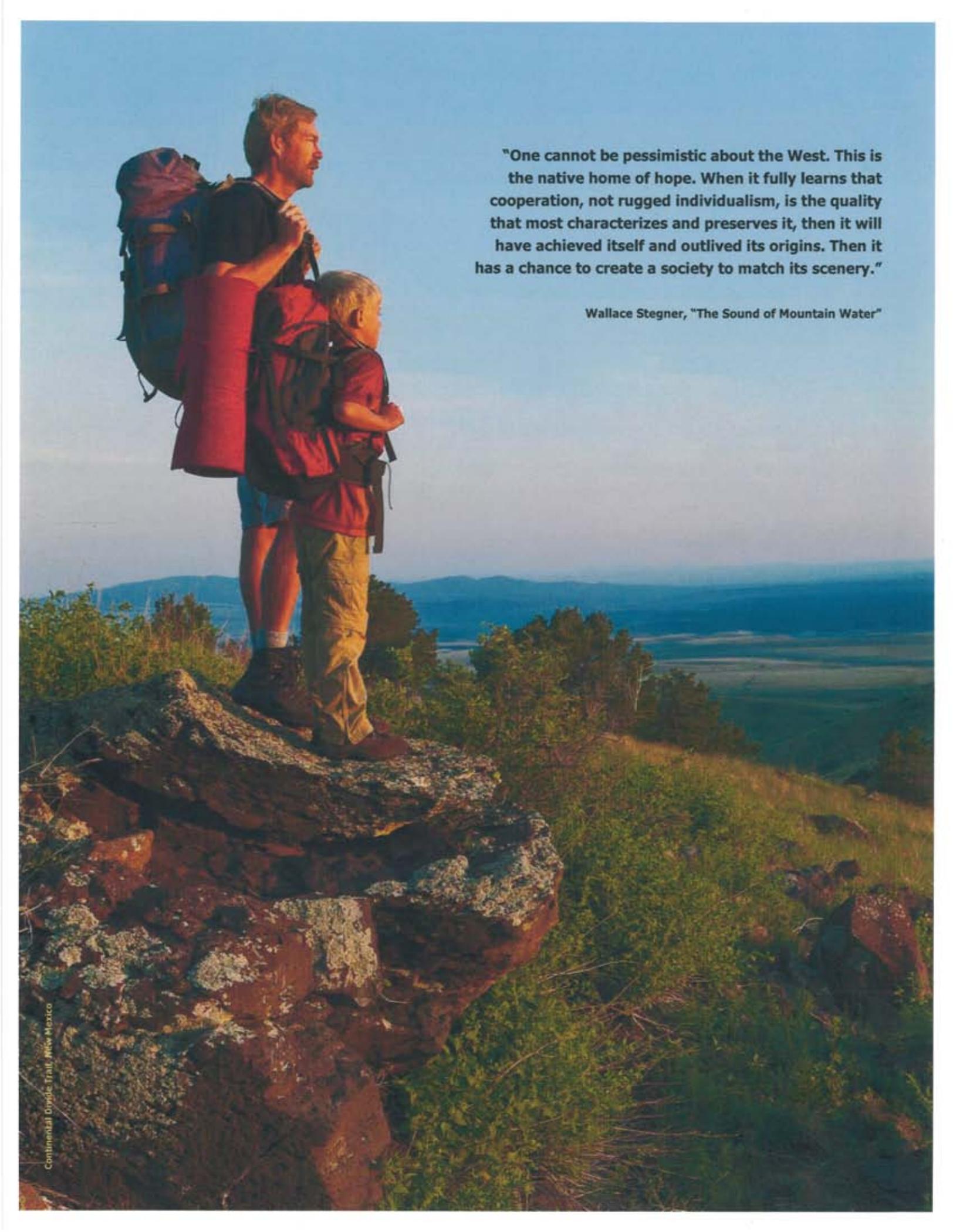
THE NLCS CONSERVATION MODEL: LOOKING FORWARD, IN PARTNERSHIP

The NLCS represents a model in which landscape-scale conservation can be achieved through shared stewardship. To carry out its NLCS mission, the BLM seeks the help of tribes, communities of interest and place, Friends groups, recreationists, ranchers, business interests, universities, and others to assist in managing for conservation in the context of a larger working landscape and to respect the unique and diverse opportunities that result from these national treasures. This strategy emphasizes the importance of shared stewardship in Theme 2, which addresses collaborative management and Theme 3, raising public awareness of the value and benefits of the NLCS.

As the West continues to urbanize, a growing number of citizens are drawing attention to the importance of preserving the last remnants of open space. The future of conservation in America requires us to work in collaboration with tribes, communities, and stakeholders to manage whole landscapes. As Secretary of the Interior Ken Salazar noted in his remarks at the NLCS Summit in 2010, "These truly are America's public lands, established and guided by the voices and helping hands of stakeholders, partners, tribal nations, elected officials and many, many others. Only with the engagement, support, and investment of the American people can our public lands fulfill their potential for our communities and our country."

Among federal agencies, the BLM is well-suited to work in concert with those who understand the importance of conserving America's natural and cultural heritage. That's because of the vastness and geographical range of the public land it manages and the relationships BLM employees have forged through the agency's multiple-use mission. Each working day, employees throughout the organization cultivate relationships with communities; use an interdisciplinary, science-based approach to decision-making; and build collaborative paths to planning and land management. The BLM has a long history of working closely with partners and communities to pursue a shared vision of the future.

That spirit of cooperation will continue and, it is hoped, expand as a result of this strategy. Taking the best cooperative practices from the past and combining them with the best of the present and future will become standard practice for all land within the system. The BLM is continually evolving, as it seeks to be a transformative force in public land management. The NLCS provides hope, optimism, and confidence to both members of the public and those within the BLM who have a hand in managing these areas. Together, they will continue to work toward making the NLCS the premier conservation management system in the nation.

A man and a young boy are hiking on a rocky ridge. Both are wearing large backpacks. The man is on the left, looking towards the right. The boy is on the right, also looking towards the right. They are standing on a rocky outcrop. The background shows a vast landscape with mountains and a valley under a clear blue sky.

"One cannot be pessimistic about the West. This is the native home of hope. When it fully learns that cooperation, not rugged individualism, is the quality that most characterizes and preserves it, then it will have achieved itself and outlived its origins. Then it has a chance to create a society to match its scenery."

Wallace Stegner, "The Sound of Mountain Water"



NLCS STRATEGY THEMES AND GOALS

This strategy reflects the best of the ideas and suggestions offered by the public and BLM employees and incorporates the requirements of Secretarial Order 3308 (Appendix 2), the America's Great Outdoors Report, the Department of the Interior Strategic Plan for 2011-2016, and other sources. The result is a strategy that is integrated and interdisciplinary in nature, will assist in NLCS budget development in the coming years, and will help BLM employees select what work is most important within individual NLCS units. The strategy is organized into four major themes:

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|----------------|--|
| Theme 1 | <i>Ensuring the Conservation, Protection, and Restoration of NLCS Values.</i> Primacy of conservation within the NLCS, how science serves to further conservation, and to provide for compatible use that protects NLCS resources and values. |
| Theme 2 | <i>Collaboratively Managing the NLCS as Part of the Larger Landscape.</i> Building a better conservation model through collaborative management. |
| Theme 3 | <i>Raising Awareness of the Value and Benefits of the BLM's NLCS.</i> Raise public awareness and understanding of the NLCS, cultivate relationships, promote community stewardship of BLM-managed public land, and provide for use and enjoyment of present and future generations. |
| Theme 4 | <i>Building upon BLM's Commitment to Conservation.</i> Promote a model of conservation excellence internally, through improved understanding and fully integrating the NLCS within the BLM. |

The BLM recognizes that many of the goals and actions encompassed by the strategy are contingent upon available funding and resources. The highest priority action items for the next three years are indicated with a red rectangle. ■ An implementation plan for this national strategy will be developed in fiscal year 2012 to help further prioritize the actions listed in the strategy. To help prioritize actions at the field level, each state office will develop a statewide strategy for NLCS areas under its jurisdiction, tiered to this national NLCS strategy. The national and statewide NLCS Strategies will also serve to guide development of implementation plans and strategies associated with NLCS units.



Theme 1

Ensuring the Conservation, Protection, and Restoration of NLCS Values

The NLCS lands are designated by Congress or the President to conserve, protect, and restore their unique values for the benefit of current and future generations. As such, there is an overarching and explicit commitment to conservation and resource protection as the primary objective within these areas. In this theme, we focus on ensuring that BLM management of NLCS lands is guided by the purposes for which the lands were designated and on using science to further conservation, protection, and restoration of these landscapes, while providing opportunities for compatible public use and enjoyment.

Goal 1A

Clearly communicate that the conservation, protection, and restoration of NLCS values is the highest priority in NLCS planning and management, consistent with the designating legislation or presidential proclamation.

1. Provide clear, consistent policy and guidance that affirms the primacy of the designating legislation or proclamation for all parts of the NLCS in planning and management. ■
2. Provide guidance to ensure NLCS values are addressed and managed within BLM land-use plans and environmental review documents for projects. ■
3. Provide land-use plan direction for Monuments and National Conservation Areas (NCA) by developing a stand-alone land-use plan, amending an existing land-use plan, or integrating the unit's planning process into a broader new or revised land-use plan. Each Monument and NCA shall have an independent set of decisions that explicitly apply to that unit.

4. Develop measures and conduct periodic management reviews to assess management effectiveness of Monuments and National Conservation Areas. Apply results of the reviews to adaptively improve management and share best practices.
5. In coordination with other BLM programs, establish conservation priorities for each NLCS unit based on the mandates of the designating legislation or proclamation and coordinate funding to maximize conservation benefits. ■

Goal 1B

Expand understanding of the NLCS values through assessment, inventory, and monitoring.

1. In collaboration with federal and state agencies and other BLM programs, develop or compile, and maintain baseline inventory and geo-referenced data of NLCS values.
2. Conduct boundary assessments and compile geospatial data of NLCS area boundaries. Post boundary signs in high priority areas to inform the public and deter incompatible uses within NLCS lands. ■
3. In partnership with other BLM programs, establish consistent protocols for monitoring NLCS values to better and more quickly inform management decisions and to assess operational effectiveness and performance.
4. Work with partners and volunteers to conduct assessment, inventory, and monitoring of NLCS areas. Ensure that assessment, inventory, and monitoring data are readily available to BLM management and staff, as well as to scientists and the general public. ■

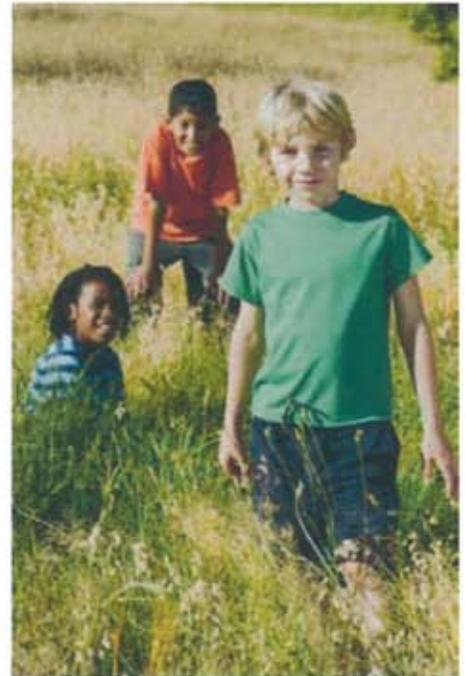
Goal 1C

Provide a scientific foundation for decision-making.

1. In concert with the BLM National Science Strategy, develop and implement science strategies for NLCS areas (with emphasis on Monuments, National Conservation Areas, and areas of special scientific importance), as well as for the system as a whole, to identify research needs and incorporate physical, biological, and social science into management, decision-making, and outreach.
2. Promote the NLCS to universities and research institutions as a major research resource consistent with the protection of NLCS values. Emphasize projects that meet identified NLCS research needs.



3. Participate and more effectively utilize existing national networks such as the Cooperative Ecosystem Studies Unit (CESU) to support research and share scientific information that can be applied to NLCS management.
4. Promote a better understanding of the importance and value of science in decision-making and ensure that research results are readily available to BLM managers, staff, and the public.
5. Establish an NLCS Science Team to facilitate interagency and cross-directorate scientific collaboration, promote science, disseminate research results, and integrate science into NLCS and BLM management. Utilize the sound science and peer-reviewed scientific research developed by the US Forest Service, Fish and Wildlife Service, the National Park Service, and other federal agencies and integrate this research information into the NLCS where appropriate.



Goal 1D

Use the NLCS as an outdoor laboratory and demonstration center for new and innovative management and business processes that aid in the conservation, protection, and restoration of NLCS areas.

1. Enhance the role of science partnerships in resource management and the engagement of the public to assist with scientific work (citizen science).
2. Promote use of the NLCS as an outdoor laboratory for enhancing conservation of natural and cultural resources, consistent with the designating legislation or presidential proclamation. Promote opportunities to share these practices (for example, online forums, publications, training, workshops, conferences) for application on NLCS and other BLM lands.
3. Use the NLCS to showcase emerging technology and innovative management practices.

Goal 1E

Limit discretionary uses to those compatible with the conservation, protection, and restoration of the values for which NLCS lands were designated.

1. Engage stakeholders through the land-use planning process and to identify existing and potential uses that are compatible with the designating legislation or presidential proclamation.
2. Use the best available science to conduct capacity studies, establish specific, measurable, attainable, relevant, and time-specific (SMART) objectives (or similar), and develop monitoring plans for compatible uses to ensure the NLCS values are protected, consistent with the designating legislation or presidential proclamation. Use the monitoring results to adaptively manage the NLCS values.

3. Do not authorize discretionary uses that cannot be managed in a manner compatible with the designating proclamation or legislation. Work with the holders of valid existing rights to limit negative impacts to NLCS values. ■
4. Where NLCS units have a high conservation value in a broader context for a species population or ecosystem health, utilize NLCS units for mitigation for projects occurring outside the units, so that conservation efforts outside NLCS units can build upon conservation efforts within the units in order to conserve the entire species population or ecosystem.
5. Collaborate with partners and stakeholders to complete travel management plans for each Monument and National Conservation Area within five years of completion of the land- use plan. Provide for public access and opportunities (e.g. trails), including the needs of persons with disabilities while protecting resources.

Goal 1F

Manage facilities in a manner that conserves, protects, and restores NLCS values.

1. Consider development of visitor or information centers within local communities to foster stewardship, contribute to the local economy, provide for public safety and enjoyment, and minimize development within NLCS areas.
2. The BLM will only develop facilities, including roads, on NLCS lands where they are required for public health and safety, are necessary for the exercise of valid existing rights, minimize impacts to fragile resources, or further the purposes for which an area was designated.
3. Ensure that accessibility, environmentally friendly building materials, “green” technology, and energy conservation standards are incorporated into all new buildings and facility retrofits. Encourage use of exterior lighting that protects the dark night sky. Implement recycling and other environmental friendly practices in the workplace.
4. Remove abandoned, dilapidated, or unneeded facilities and structures that do not possess cultural or historic significance and restore the areas those facilities occupied.



Theme 2

Collaboratively Managing the NLCS as Part of the Larger Landscape

Recognizing that the NLCS represents a small portion of the land managed by the BLM and other federal, state, tribal, and local government entities, these special conservation areas must be managed within the context of the larger landscape. By establishing connections across boundaries with other jurisdictions, management of NLCS areas will complement conservation areas within the respective jurisdictions of the National Park Service, the Fish and Wildlife Service Refuge System, the U.S. Forest Service, state and local governments, private conservation lands, and other BLM land managed for resource protection through land-use plan designations. Collaborative management is also a major theme in the President's America's Great Outdoors (AGO) Report published February 2011. The BLM is implementing various AGO actions that will further enhance management of NLCS and other BLM lands, such as serving on the America's Great Outdoors Federal Interagency Council on Outdoor Recreation to coordinate recreation management, access, and policies across multiple agencies. Finally, taking a collaborative landscape approach to NLCS management provides better opportunities to promote healthy landscapes and contribute to the local economy and social fabric of the community.

Goal 2A

Emphasize an ecosystem-based approach to manage the NLCS in the context of the surrounding landscape.

1. Use large-scale assessments, such as BLM's Rapid Ecoregional Assessments (REAs), to identify areas where NLCS units are important for resource protection and conservation within a broader landscape context; such as providing for large-scale wildlife corridors and water dependent resources.
2. Maintain or increase habitat connectivity with other important habitat areas to provide for sustainable populations of native species.

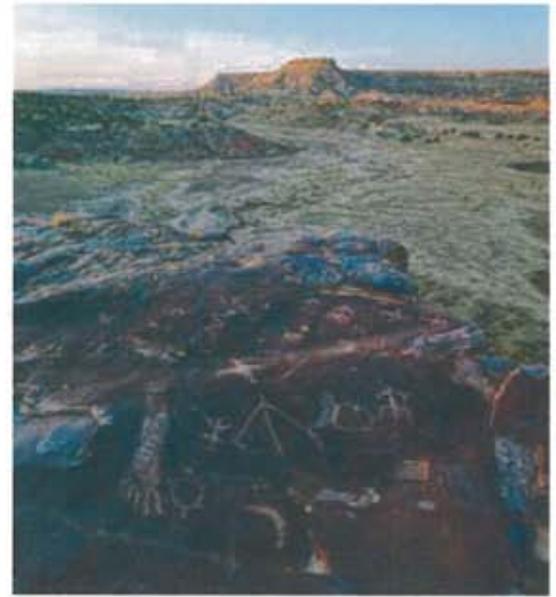


Goal 2B

3. Manage cultural resources within the context of the cultural landscape and adjoining lands to provide the greatest conservation benefit.

Adopt a cross-jurisdictional, community-based approach to landscape-level conservation planning and management.

1. Coordinate across all BLM programs to more efficiently meet common goals, based on a common understanding of the designating legislation or presidential proclamation for a particular NLCS area.
2. Engage tribal, local, state and other federal government agencies and members of the public at the earliest opportunity possible in NLCS planning, management, and resource and geospatial data sharing, consistent with the Federal Advisory Committee Act and the Sunshine in Government provisions in Sec. 313 of FLPMA. To the extent feasible, use existing collaborative forums. ■
3. Coordinate an annual meeting with the National Park Service, Fish and Wildlife Service, and the U.S. Forest Service to share experiences and best management practices related to conservation area management.
4. Work with partners and communities to understand the effects of NLCS management and planning on adjacent lands, including social, economic, and ecological impacts. Participate in local planning and watershed analyses efforts to identify the effects of adjacent land-management on NLCS areas.



Goal 2C

Work with Congress, tribes, other federal and state agencies, and national and local communities to identify and protect lands that are critical to the long-term ecological sustainability of the landscape.

1. Utilize existing large-scale assessments and maps, such as BLM's REAs, wildlife corridor mapping effort, wilderness inventories, and other federal and state agency analyses to inform collaborative planning and land acquisition efforts. Develop a map identifying key habitat linkages among NLCS units and of other land conservation gaps in order to manage NLCS units within the larger-scale ecosystem and meet broad-scale conservation goals. ■
2. Prioritize land acquisitions for possible funding through the Land and Water Conservation Fund. Give higher priority to lands that enhance ecological connectivity and protect nationally significant landscapes that have outstanding cultural, ecological, and scientific values.

3. Serve as an information resource for grassroots efforts interested in exploring possible designations through legislation pertaining to the NLCS and ensure a diversity of viewpoints is brought to the table, including congressional delegations, local elected officials, tribes, chambers of commerce, and other interested members of the public. ■

Goal 2D

Adopt a community-based approach to recreation and visitor services delivery, consistent with the conservation purpose of the NLCS and the socio-economic goals of the local community.

1. Implement regional cooperative approaches to promote domestic and international tourism and to provide sustainable recreational opportunities and visitor services that enhance the natural and cultural heritage of a region and contribute to the local economy. To the extent feasible, utilize existing collaborative forums or regional recreation planning efforts.
2. Encourage partnering in the development and management of visitor and interpretive centers, facilities, and services in gateway communities in order to provide “one-stop shopping” for visitors and tell the story of the landscape and the community. Conduct periodic visitor surveys to assess visitor satisfaction and identify visitor needs.
3. More actively promote use of collaborative/cooperative law enforcement agreements with other federal, state and local agencies to bring in trained auxiliary rangers to provide visitor safety, protect resources, deter criminal activities, and investigate and prosecute crime.



Theme 3

Raising Awareness of the Value and Benefits of the BLM's NLCS

This theme seeks to cultivate a sense of shared stewardship for the BLM-managed public lands and advance the relevance of conservation lands to communities of place and interest. The goals represent a multi-pronged approach to connect diverse groups of people, interests, and government organizations by building strong partnerships, attracting volunteers, engaging youth, and telling our story through education, interpretation, and outreach.

Goal 3A

Launch a long-term public awareness initiative about the BLM's NLCS, including national and local outreach, communications, and media plans.

1. Coordinate with BLM engineering to develop standard guidelines for NLCS signs to promote consistency and public recognition.
2. Use publications, maps, site-specific brochures, websites, social media, and other tools to reach out to the public about the NLCS. Emphasize connections among local NLCS areas to the overall NLCS and to the BLM system of public lands. ■
3. Increase use of the Internet and other available technologies to highlight recreation opportunities, offer reservations, and provide permits to recreation users.
4. Continue to support events that emphasize collaborative outreach and public awareness, such as National Public Lands Day, National Fishing Week, Great Outdoors Week, National Trails Day, and National Tourism Week.
5. Develop a national outreach and media plan that includes development of a brand and tag line for the NLCS as a whole. Promote a better understanding of why the NLCS areas were designated and the resource, social, and economic values of these areas to local communities. Work in collaboration with tribes and partners on outreach and media materials addressing cultural resources and other resource values. ■





Goal 3B

Advance and strengthen partnerships to facilitate shared stewardship and to advance the relevance of the NLCS to communities of interest and place.

1. Develop a partnership strategy that identifies key areas for investment for developing a multi-pronged national program to encourage, expand and streamline developing and sustaining partnerships throughout the BLM. Include strategic applications for enhancing partnerships with NLCS Friends groups and non-traditional partners. ■
2. Develop and provide NLCS staff, partnership program leads, Friends groups, and partners with relevant training and a partnership capacity-building tool box with reference materials and guides, to enhance successful collaboration efforts. ■
3. Grow and foster strategic partnership opportunities, including expanding and further developing community and local area partnerships with non-profit organizations, Friends groups, youth-serving organizations, and other program interest groups. ■
4. Foster, support, and nurture networks of partners and Friends groups to facilitate peer-to-peer capacity-building and learning opportunities through expertise, resource, and idea sharing. ■
5. Through the Wounded Warriors and other veteran assistance programs, reach out to engage military veterans in activities on the NLCS. Where military installations are located in the vicinity of NLCS units, actively pursue partnerships to involve members of the military in activities on NLCS units.

Goal 3C

Expand use of volunteers within the NLCS.

1. Where practicable, plan for the use of volunteers and associated costs as part of the Annual Work Plan.
2. At sites with significant visitation, consider employing a full-time, trained volunteer coordinator to support an active volunteer program consistent with the BLM Volunteer Program National Strategy.
3. Fully utilize Volunteer.gov/gov to conduct targeted recruitment of volunteers.
4. Develop volunteer training programs in collaboration with educational institutions and other partners and provide incentives to expand the use of long-term, higher-skilled volunteers who work across all program areas.
5. Expand opportunities for the public to serve as volunteer docents, manage or maintain recreation sites, assist in research and monitoring efforts, and provide other services. Provide education and interpretation services at visitor centers through volunteers.
6. Host a National Public Lands Day event at all NLCS sites with significant visitation.

Goal 3D

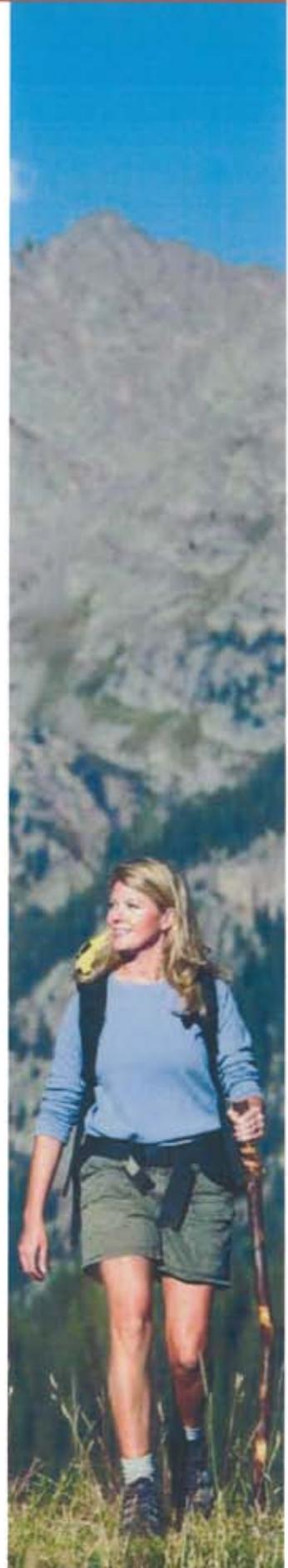
Engage the public in stewardship of the NLCS through education and interpretation.

1. Develop a national strategy that provides a framework for site-specific implementation of interpretation and environmental education, building on existing agency programs such as Hands on the Land, Project Archaeology, and Take it Outside. ■
2. Partner with local schools and educators to provide educational programs addressing NLCS lands and supporting local standards and curricula.
3. Work in partnership with other agencies, educational institutions, and non-profits to provide a variety of distance-learning opportunities addressing NLCS lands for teachers, home-schooled students, inner-city students, and others who may not otherwise visit the public lands.
4. Develop education and interpretation plans for priority areas within the NLCS that are based upon the national strategy.
5. Provide interpretive and educational tools and materials about the NLCS to commercial users (such as outfitters, guides, ranchers, oil and gas developers, etc.) who in turn may help educate their employees and the public about these lands.
6. Continue support for existing programs such as Tread Lightly! and Leave No Trace to foster outdoor ethics and stewardship.

Goal 3E

Recruit and retain well-trained youth from diverse backgrounds for entry-level careers, and engage youth in recreation, education, and stewardship on conservation lands.

1. Identify science and resource priorities that youth – both college-trained interns and youth corps crews – can address through short- or long-term assignments. ■
2. Identify occupations and skills that are needed for entry-level careers in the BLM and work with universities and other partners to train and recruit youth from diverse backgrounds for those occupations.
3. Assign trained mentors who will provide information on the conservation system and on career pathways in conservation lands management and the BLM to all youth working on the public lands.
4. Expand and enhance partnerships to provide youth, especially from underserved audiences, with opportunities to engage in recreation and stewardship on conservation lands and to learn about natural and cultural resources and land management.





Theme 4

Building upon BLM's Commitment to Conservation

This theme outlines goals and actions to improve internal communication and facilitate intra-agency coordination in a way that aligns and fully integrates the NLCS program within the BLM.

Goal 4A

Improve internal communication and understanding of the NLCS and its potential to enhance the BLM as a whole.

1. Develop a communication package that highlights the NLCS vision, mission, and strategy and its role for internal BLM use by managers and program leads at staff meetings throughout state and field offices. ■
2. Capitalize on opportunities to communicate the NLCS vision, mission, and strategy at workshops, leadership team meetings, and new employee orientation and training. Participate in national, regional and state BLM program meetings to facilitate internal communication and more effectively work toward common goals. ■
3. Work with the BLM's National Training Center, the Arthur Carhart Wilderness Training Center, universities, and others to develop training modules that explain NLCS policy and guidance. Incorporate these modules into the various training programs for employees, including training camps at NLCS areas. Provide training to ensure that NLCS values are addressed and managed within BLM land-use plans and environmental review documents for major projects that may affect those values. ■

Goal 4B

Cultivate shared responsibility for the NLCS conservation mandate as an integral part of BLM's multiple-use, sustained-yield mission.

1. Work with the NLCS Management Advisory Team, BLM Executive Leadership Team, Field Committee, and Deputy State Directors to facilitate collaboration and to better integrate NLCS policies and management in the BLM.
2. Integrate NLCS into other BLM program manuals and policies and vice-versa to ensure consistent policy development and interdisciplinary implementation of programs and projects.
3. Develop and maintain an up-to-date implementation plan to help prioritize the actions listed in this national strategy. ■ To help prioritize actions at the field level, state offices will develop a statewide strategy for NLCS areas under their jurisdiction, tiered to this national NLCS strategy.



4. As opportunities arise and funding permits, invite staff throughout the BLM to serve on details in NLCS area offices and Washington D.C. Make NLCS staff available to serve on details outside the conservation lands program.

Goal 4C

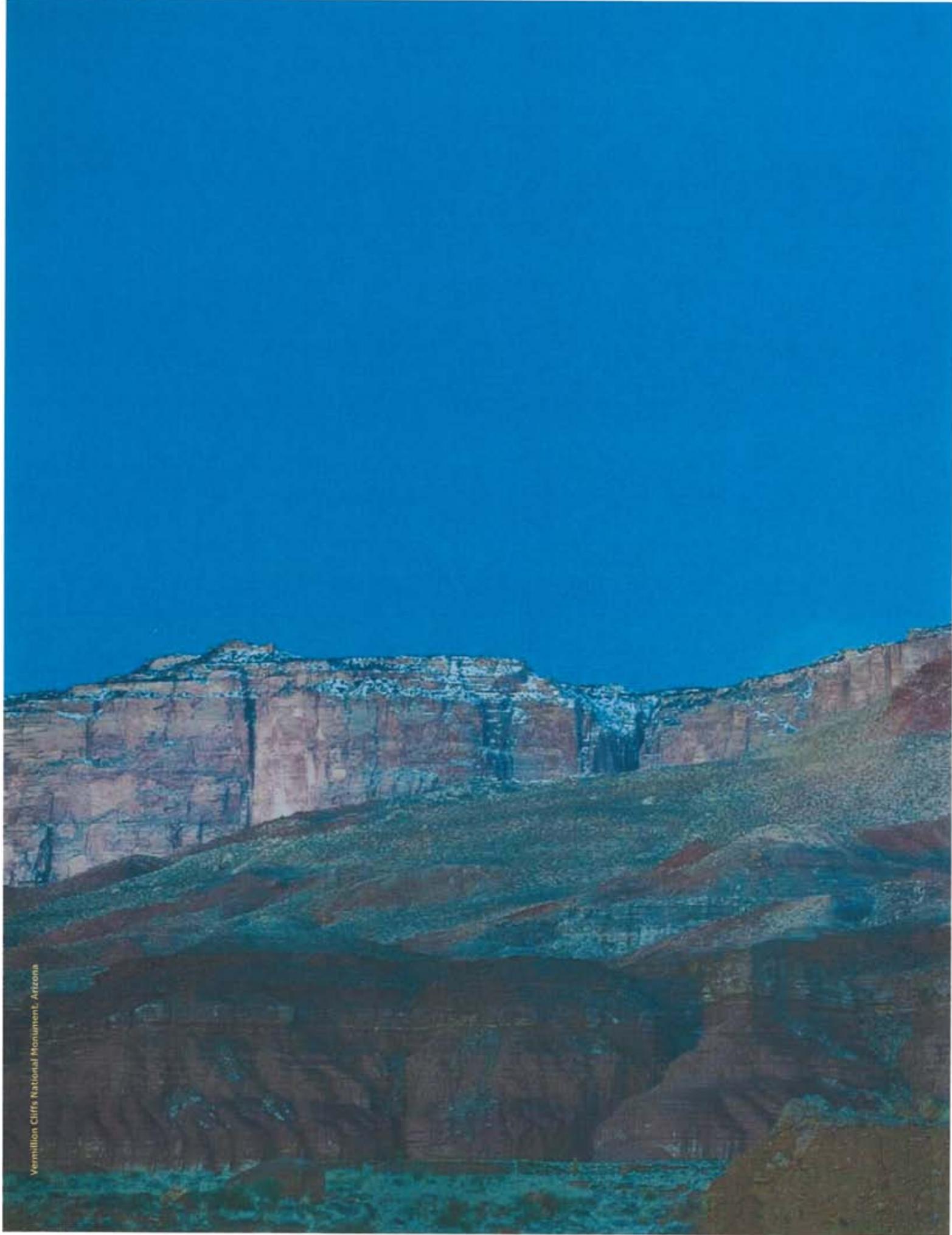
Clearly define, understand, and justify staffing needs, and administratively organize the NLCS areas to operate as a cross-cutting program within the BLM.

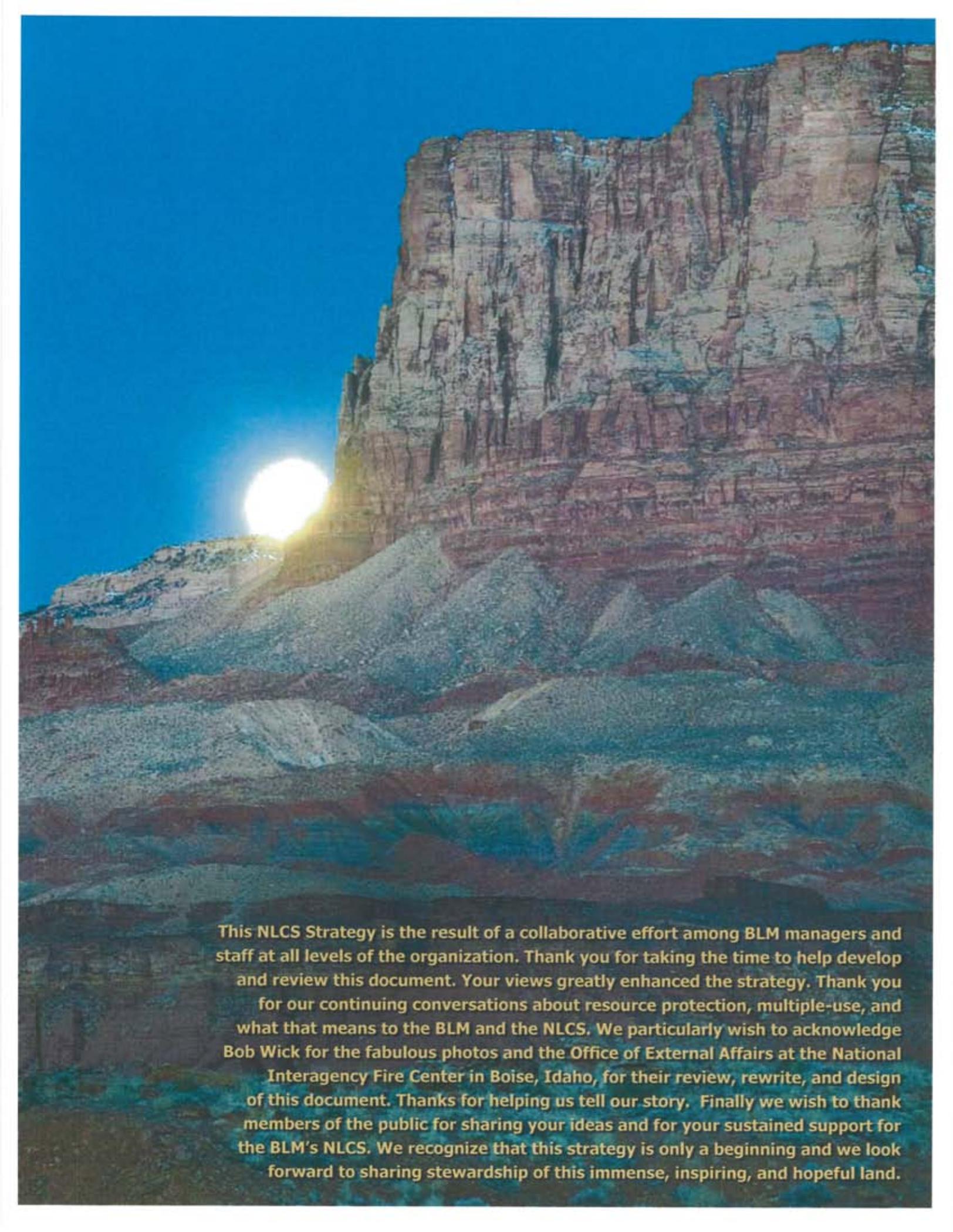
1. Maintain the NLCS as an integral part of the BLM. Assess NLCS workforce needs, identify roles and responsibilities for core staff, and capitalize on the expertise of state, district, and field office staff to assist in accomplishing NLCS work.
2. Identify a manager with decision-making and supervisory authority for each National Monument and NCA whose primary and major duty is to manage the monument or conservation area. A manager may serve more than one monument or conservation area. ■
3. Ensure that all states have a designated lead covering each component of the conservation system. The primary duties include budget development and execution, policy implementation, and support to the field staff. A person may serve as lead for multiple NLCS components. ■

Goal 4D

Ensure the NLCS budget is coordinated with the other BLM programs. Set clear expectations and procedures for interdisciplinary budget development, priority setting, and reporting of accomplishments.

1. Develop and maintain an up-to-date implementation strategy (H-1601-1 Land Use Planning Handbook, Sec. IV.E.) for each conservation area or grouping of areas based on the approved Resource Management Plan. The implementation strategy will serve as the basis for interdisciplinary budget development.
2. Develop and implement consistent standards for measuring and tracking NLCS accomplishments, including education, interpretation, partnerships, and volunteers. Integrate with related BLM programs. Report accomplishments in concert with other BLM programs. ■
3. Promote consistent use of funding codes to improve clarity and transparency in budget development and execution. Find ways to improve budget and performance tracking for NLCS areas that are funded by contributions from multiple subactivities.
4. Expand use of collaborative cost-share projects such as recreation fee collection, cooperative conservation initiatives, and other federal and non-federal programs to achieve management objectives for NLCS lands





This NLCS Strategy is the result of a collaborative effort among BLM managers and staff at all levels of the organization. Thank you for taking the time to help develop and review this document. Your views greatly enhanced the strategy. Thank you for our continuing conversations about resource protection, multiple-use, and what that means to the BLM and the NLCS. We particularly wish to acknowledge Bob Wick for the fabulous photos and the Office of External Affairs at the National Interagency Fire Center in Boise, Idaho, for their review, rewrite, and design of this document. Thanks for helping us tell our story. Finally we wish to thank members of the public for sharing your ideas and for your sustained support for the BLM's NLCS. We recognize that this strategy is only a beginning and we look forward to sharing stewardship of this immense, inspiring, and hopeful land.

GLOSSARY

Citizen Science is a term used for projects or ongoing program of scientific work in which individual volunteers or networks of volunteers, many of whom may have no specific scientific training, perform or manage research-related tasks such as observation, measurement, or computation. (http://en.wikipedia.org/wiki/Citizen_science)

Communities of Place or Interest broadly includes and is not limited to: local communities, gateway communities, national or local interest groups, Friends groups, cultural communities, business interests, and others.

Components of the NLCS include:

National Monuments are areas designated for conservation purposes either by act of Congress or presidential proclamation under authority of the 1906 American Antiquities Act.

National Conservation Areas are areas designated for conservation purposes by act of Congress.

Wilderness Areas are part of the National Wilderness Preservation System established by the 1964 Wilderness Act: *"A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and community of life are untrammelled by man, where man himself is a visitor who does not remain."* Each addition to the National Wilderness Preservation System is specifically designated by act of Congress. Wilderness areas are managed by the BLM, U.S. Forest Service, National Park Service, and U.S. Fish and Wildlife Service.

Wilderness Study Areas are areas with wilderness characteristics designated through the inventory and study processes authorized by Section 603 of FLPMA prior to 2003, or through the planning process authorized by Section 202 of FLPMA.

Wild and Scenic Rivers are rivers or river sections designated either by act of Congress or through the recommendation of a Governor and administrative action by the Secretary of the Interior. These rivers are designated to preserve their free-flowing condition and are not dammed or otherwise impeded. The National Wild and Scenic Rivers System was established through the National Wild and Scenic Rivers Act of 1968.

National Scenic Trails or National Historic Trails are extended trails designated by act of Congress to protect their natural beauty or historic qualities. National scenic and historic trails are components of the National Trails System authorized through the National Trails System Act of 1968.

Other areas designated by act of Congress to be administered for conservation purposes include:

the Steens Mountain Cooperative Management and Protection Area (Oregon);

the Yaquina Head Outstanding Natural Area (Oregon), Piedras Blancas Outstanding Natural Area (California), and Jupiter Inlet Outstanding Natural Area (Florida);

the Headwaters Forest Reserve (California); and

the Conservation Lands of the California Desert, which includes BLM-managed public land within the California Desert Conservation Area managed for conservation purposes.

Conservation is the "...harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment." (Sec. 103(c) FLPMA)

Cultural Landscapes as defined by the World Heritage Committee are distinct geographical areas or properties uniquely representing the combined work of nature and of man. (http://en.wikipedia.org/wiki/Cultural_landscapes)

Implementation Plan: Upon approval of the land use plan, subsequent implementation decisions are put into effect by developing implementation (activity-level or project-specific) plans. An activity-level plan typically describes multiple projects in detail that will lead to on-the-ground action. Activity-level plans are increasingly interdisciplinary and are focused on multiple resource program areas to reflect the shift to a more watershed-based or landscape-based approach to management. [BLM H-1601-1 Land Use Planning Handbook, Section IV. A. (March, 2005)]

An **Implementation Strategy** is a useful tool to facilitate successful implementation of land use plans. An implementation strategy lists prioritized decisions that (1) will help achieve the desired outcomes of one or more land use plans and (2) can be implemented given existing or anticipated resources. Developing implementation strategies enables the BLM to prioritize the preparation of implementation decisions. A well thought-out implementation strategy should prioritize each decision for funding and implementation. The strategy should also be interdisciplinary (not program by program). Developing an implementation strategy creates an important opportunity for continued collaboration with the public, Tribes, state and local governments, and other Federal agencies. [BLM H-1601-1 Land Use Planning Handbook, Section IV. A. (March, 2005)]

Objects and Values. The use of the term "objects" appears in the *American Antiquities Act of 1906* signed by Theodore Roosevelt which gives the President of the United States authority "...to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments..." The term "values" is presented in the *Omnibus Public Lands Management Act of 2009* and often in the establishing legislation for individual NLCS units. Throughout this document, the terms "NLCS resources," "NLCS values," or "NLCS resources and values" are used in reference to NLCS objects and values.

Stakeholder is an all-encompassing term which includes a person, group, organization, elected official, or government agency interested, affected or can be affected by an organization's action. Examples include and are not limited to: recreationists, off-highway coalitions, hunting organizations, ranchers, energy and mineral interests, business interests, Resource Advisory Councils, Friends groups, partners, tourism boards, chambers of commerce, elected officials, schools and universities, and other federal, state, and local government agencies.

Sustainable Recreation are recreational activities that provide for environmental sustainability while fulfilling social and economic needs of present and future generations of Americans.

APPENDIX 1: THE OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Subtitle A—National Landscape

Conservation System

SEC. 2001. DEFINITIONS.

In this subtitle:

- (1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (2) SYSTEM.—The term “system” means the National Landscape Conservation System established by section 2002(a).

PUBLIC LAW 111–11—MAR. 30, 2009 123 STAT. 1095

SEC. 2002. ESTABLISHMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM.

(a) ESTABLISHMENT.—In order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, there is established in the Bureau of Land Management the National Landscape Conservation System.

(b) COMPONENTS.—The system shall include each of the following areas administered by the Bureau of Land Management:

- (1) Each area that is designated as—
 - (A) a national monument;
 - (B) a national conservation area;
 - (C) a wilderness study area;
 - (D) a national scenic trail or national historic trail designated as a component of the National Trails System;
 - (E) a component of the National Wild and Scenic Rivers System; or
 - (F) a component of the National Wilderness Preservation System.

(2) Any area designated by Congress to be administered for conservation purposes, including—

- (A) the Steens Mountain Cooperative Management and Protection Area;
- (B) the Headwaters Forest Reserve;
- (C) the Yaquina Head Outstanding Natural Area;
- (D) public land within the California Desert Conservation Area administered by the Bureau of Land Management for conservation purposes; and
- (E) any additional area designated by Congress for inclusion in the system.

(c) MANAGEMENT.—The Secretary shall manage the system—

- (1) in accordance with any applicable law (including regulations) relating to any component of the system included under subsection (b); and
- (2) in a manner that protects the values for which the components of the system were designated.

(d) EFFECT.—

(1) IN GENERAL.—Nothing in this subtitle enhances, diminishes, or modifies any law or proclamation (including regulations relating to the law or proclamation) under which the components of the system described in subsection (b) were established or are managed, including—

(A) the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(B) the Wilderness Act (16 U.S.C. 1131 et seq.);

(C) the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.);

(D) the National Trails System Act (16 U.S.C. 1241 et seq.); and

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) FISH AND WILDLIFE.—Nothing in this subtitle shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping and recreational shooting on public land managed by the Bureau of

123 STAT. 1096 PUBLIC LAW 111-11—MAR. 30, 2009

Land Management. Nothing in this subtitle shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

SEC. 2003. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

APPENDIX 2: SECRETARIAL ORDER NO. 3308



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3308

Subject: Management of the National Landscape Conservation System

Sec. 1 Purpose. This Secretary's Order (Order) seeks to further the purposes of the *Omnibus Public Land Management Act of 2009* (Act), which established the National Landscape Conservation System (NLCS) under the jurisdiction of the Bureau of Land Management (BLM) in order to conserve, protect, and restore nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations, and the President's initiative on America's Great Outdoors.

Sec. 2 Background. The BLM is the steward of many great American landscapes. As the population in the West continues to grow, there is an ever increasing need to conserve the open spaces that are a unique and priceless part of America's heritage. America's evolving land use needs resulted in the bipartisan passage of the Act. The Act permanently established the NLCS as an integral part of the BLM. The NLCS contains many of our Nation's most treasured landscapes, including scientific, historic and cultural resources, wilderness and wilderness study areas, wild and scenic rivers, national monuments, national conservation areas, and scenic and historic trails, among others.

The BLM has the challenging mission of balancing the myriad competing land and resource uses, and remains committed to making the public lands and resources available for a wide variety of uses. This Order recognizes that conservation of this Nation's rich natural and cultural heritage is an equally important land management objective, and an integral part of the BLM's multiple-use mission. Conservation is a long-term investment that provides quality of life and economic benefits for current and future generations.

Sec. 3 Authority. This Order is issued in accordance with the authorities contained in: Reorganization Plan No. 3 of 1950, as amended, 5 U.S.C. § 301, 43 U.S.C. §§ 1451, 1453; Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1701 *et seq.*; and the Omnibus Public Land Management Act of 2009.

Sec. 4 Policy.

a. The BLM shall ensure that the components of the NLCS are managed to protect the values for which they were designated, including, where appropriate, prohibiting uses that are in conflict with those values. If consistent with such protection, appropriate multiple uses may be allowed, consistent with the applicable law and the relevant designations under which the components were established.

b. The NLCS components shall be managed as an integral part of the larger landscape, in collaboration with the neighboring land owners and surrounding communities, to maintain biodiversity, and promote ecological connectivity and resilience in the face of climate change.

c. Components of the NLCS shall be managed to offer visitors the adventure of experiencing natural, cultural and historic landscapes through self-directed discovery.

d. Science shall be integrated into management decisions concerning NLCS components in order to enhance land and resource stewardship and promote greater understanding of lands and resources through research and education.

e. The NLCS shall serve as a place to build and sustain diverse communities of partners and volunteers dedicated to conserving, protecting, restoring, and interpreting our natural and cultural heritage.

f. The NLCS shall recognize the importance of a diversity of viewpoints when considering management options. Accordingly, the NLCS shall be managed from an interdisciplinary perspective. In so doing, the NLCS shall draw upon the expertise of specialists throughout the BLM, in coordination with the tribes, other Federal, state, and local government agencies, interested local landowners, adjacent communities, and other public and private interests. When seeking these viewpoints, the NLCS must consider the requirements of the Federal Advisory Committee Act, and any other applicable laws and regulations.

g. The NLCS shall endeavor to inspire the next generation of natural resource and public land stewards by engaging youth through education, interpretation, partnerships, and job opportunities.

Sec. 5 Organizational Changes. The BLM shall establish a new directorate, called the National Landscape Conservation System and Community Partnerships, to replace the Office of the National Landscape Conservation System and Community Partnerships. The BLM shall initiate the process to establish this directorate within 120 days of the date of this Order.

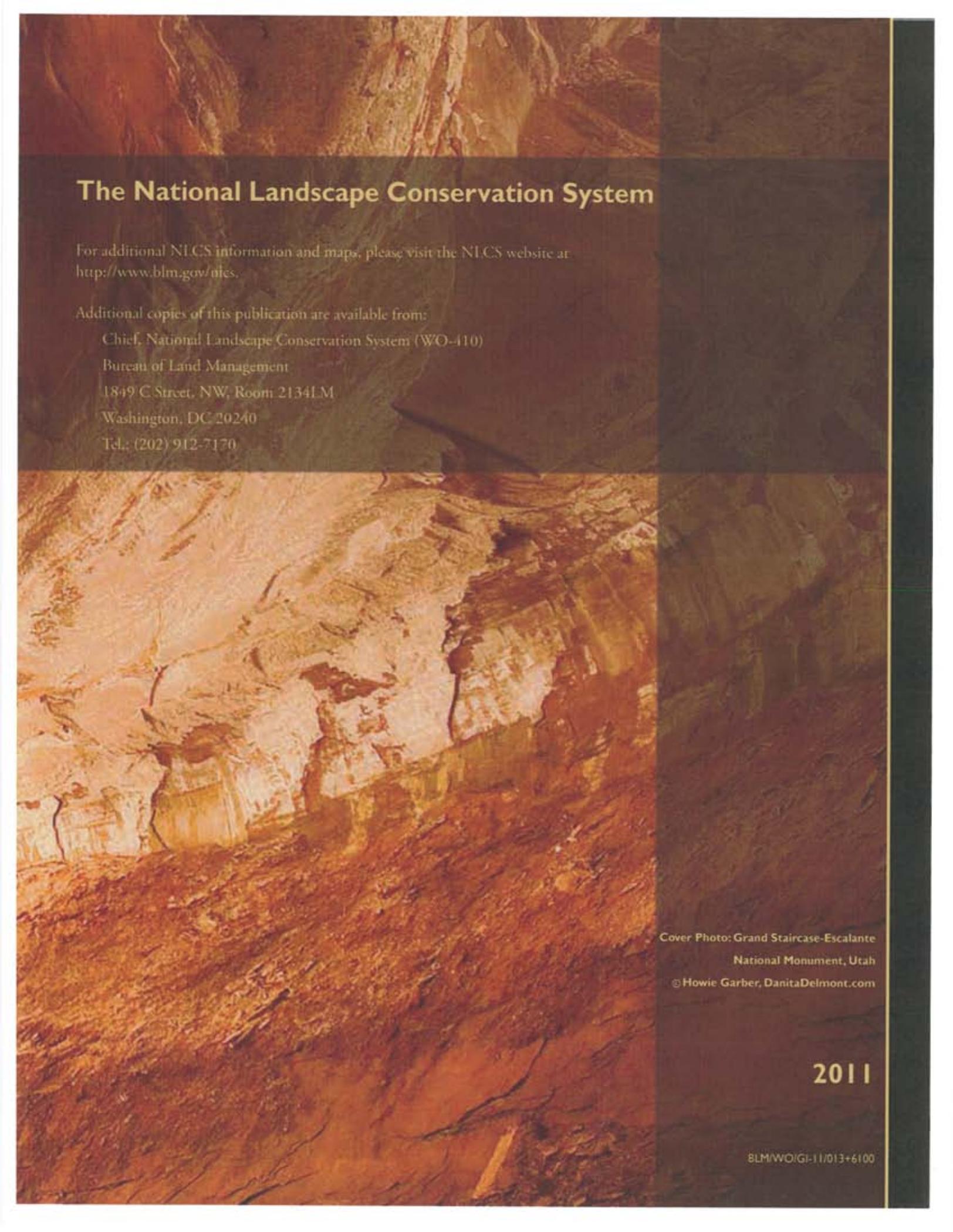
Sec. 6 Implementation. The Director of the BLM is responsible for ensuring implementation of this Order.

Sec. 7 Expiration Date. This Order is effective immediately and will remain in effect until its provisions are converted to the Departmental Manual or until it is amended, superseded, or revoked, whichever occurs first.



Secretary of the Interior

Date: NOV 15 2010



The National Landscape Conservation System

For additional NLCS information and maps, please visit the NLCS website at <http://www.blm.gov/nlcs>.

Additional copies of this publication are available from:

Chief, National Landscape Conservation System (WO-410)

Bureau of Land Management

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2011

BLM/WO/GI-11/013+6100

Cultural, Paleontological, and Tribal Consultation



The vast public lands entrusted to the Bureau of Land Management (BLM) hold some of the most significant evidence of human prehistory and history in the West and Alaska, the once-untamed frontier lands that lend America so much of its self-image. These Western and Alaskan lands also count among the world's very best outdoor laboratories for studying the fossilized remains of plant and animal life, which span from the tens of thousands to the hundreds of millions of years in age.

Long-abandoned archaeological sites and historic landscapes give us important insights into the ways human activities and the environment have linked together through time, how seemingly minor cultural practices can contribute to substantial environmental change. Discovering, studying, and understanding the evidence of past human influences on the land can give the BLM and the public critically important background as we plan how we should be using the same land today and in the future.

More kinds of fossils can be found on the BLM-managed public lands than under any other Federal or state agency's control, and all Americans share in this unique natural legacy. Fossils are the remains and traces of once-living organisms, preserved in rocks of the Earth's crust. They convey the story of origins and endings of extraordinary varieties of ocean-dwelling, fresh-water, and terrestrial creatures, played out over nearly 4 billion years of the Earth's 4.6 billion-year history.

Paleontological Resources

On March 30, 2009, Congress passed the Paleontological Resources Preservation Act (PRPA) (Public Law 111-011). Title VI, Subtitle D on Paleontological Resources Preservation (OPLMA-PRP) requires the Secretaries of the Interior and Agriculture to manage and protect paleontological resources on Federal land using scientific principles and expertise.

The OPLMA-PRP does not change the BLM's basic policy for allowing casual collecting of reasonable amounts of common invertebrate and plant fossils from public lands for personal use without a permit. Nor does the OPLMA-PRP change the prohibition on bartering or selling common invertebrate and plant fossils.

In addition, the OPLMA-PRP does not change BLM's requirement for issuance of a paleontological resources use permit for the collection of vertebrate and other paleontological resources of paleontological interest by qualified researchers.

Tribal Consultation

For BLM, the essential reason for Native American consultation is to identify the cultural values, the religious beliefs, the traditional practices, and the legal rights

of Native American people, which could be affected by BLM actions on Federal lands.

Tribal consultation regarding public-land activities has four essential elements:

- Identifying appropriate tribal governing bodies and individuals from whom to seek input;
- Conferring with appropriate tribal officials and/or individuals and asking for their views regarding land use proposals or other pending BLM actions that might affect traditional tribal activities, practices, or beliefs relating to particular locations on public lands;
- Treating tribal information as a necessary factor in defining the range of acceptable public-land management options; and
- Creating and maintaining a permanent record to show how tribal information was obtained and used in the BLM's decision making process.

Climate Change



Climate change is influencing western lands and resources in many ways. As average temperatures rise, droughts are increasing, snowpack is declining, and water supplies are diminishing in key areas. Arctic permafrost is thawing. Wildfires have become larger and more frequent. Noxious weeds and invasive species are crowding out native plants and wildlife.

These changes undermine the ecological health of BLM-managed lands and impact our quality of life. Healthy public lands produce vital water supplies and natural resources for energy, food, and shelter. They also provide valued recreation opportunities, and places of solitude and beauty, which nurture and replenish our spirit. These core values and benefits are threatened by the environmental changes underway.

The BLM is undertaking two connected initiatives to understand, anticipate, and respond to the effects of climate change on the public lands. These initiatives are Rapid Ecoregional Assessments (REAs), which are currently being prepared, and a proposed landscape approach for managing public lands, which is under development.

Rapid Ecoregional Assessments

The REAs, in summary:

- identify and answer important management questions;
- document key resource values, which are referred to as conservation elements, with a focus on regionally-significant terrestrial habitats, aquatic habitats, and species of concern;
- describe influences from four environmental change agents: climate change, wildfire, invasive species, and development;
- assess the collective effects of projected trends;
- identify and map key opportunities for resource conservation, restoration, and development;
- identify science gaps and data needs; and
- provide a baseline to evaluate and guide future management actions.

REAs are called “rapid” assessments because they synthesize existing information, rather than conduct research or collect new data, and are generally completed within 18 months. This timeframe is relatively “rapid” in comparison to assessments that conduct research or collect new data, or in comparison to the preparation of a BLM land-use plan, which typically takes from 36 to 48 months to complete.

The BLM’s Proposed Landscape Approach

The BLM’s proposed landscape approach builds on land management concepts and experiences that have been evolving for nearly 3 decades. BLM

managers recognized in the early 1980's that western forests and rangelands were beset by widespread wildfires and weed and insect infestations that could no longer be managed effectively by local offices alone, or through traditional management practices. Scientists, land managers, and stakeholders have been working since then to understand these wide-ranging impacts, develop shared strategies, and implement collaborative management efforts. These collective experiences and partnerships underpin the BLM's proposed landscape approach.

A landscape approach examines much larger areas to more fully recognize natural resource conditions and trends, natural and human influences, and opportunities for resource conservation, restoration, and development. The approach seeks to identify important ecological values and patterns of environmental change that may not be evident when managing smaller, local land areas.

A landscape approach informs and enhances local management. The BLM's field offices maintain their central role in managing public lands. They continue to prepare land-use plans, authorize land uses, conduct monitoring, and work with partners and stakeholders to develop and implement local management strategies. The broader perspective provided through a landscape approach will help focus and integrate these local management efforts. A landscape approach also provides an important foundation for developing coordinated management strategies with partner agencies, stakeholders, and American Indian Tribes.

The purpose of these initiatives is to help BLM managers and public land stakeholders understand environmental conditions and trends from a broader landscape perspective, and to use this information to inform, focus, and coordinate management efforts on-the-ground. The REAs and proposed landscape approach offer a way to integrate the BLM's conservation, restoration, and development programs in a cohesive manner. These efforts will help sustain important public land values and meet the Nation's energy needs in an era of climate change and other profound environmental challenges.

In addition to developing strategies for adapting to climate change, the BLM is working to mitigate climate change by reducing greenhouse gas emissions. This is being accomplished in three ways: 1) by siting and developing renewable energy on public lands in an environmentally responsible manner; 2) by exploring the potential to sequester carbon dioxide in geologic formations beneath public lands; and 3) by designing and retrofitting BLM facilities to conserve energy. Taken together, the BLM's climate change adaptation and mitigation efforts provide a constructive framework for addressing climate change and the environmental challenges of the 21st Century.

The Importance of Partnerships to a Landscape Approach

Partnerships are critical to successful resource stewardship. At the local level, partnerships develop shared management strategies, foster public awareness and support, and harness the volunteer assistance needed for effective implementation. Partnerships are equally vital at the broader, landscape level, where the diversity of land ownerships (Federal, Tribal, state, county, municipal, and private) can complicate effective responses to widespread environmental issues, including climate change impacts. The Department of the Interior (DOI) recognizes the importance of resource management partnerships at the local and landscape levels. To

encourage partnerships and expand their role and capacity, the DOI is establishing a national network of Landscape Conservation Cooperatives (LCCs).

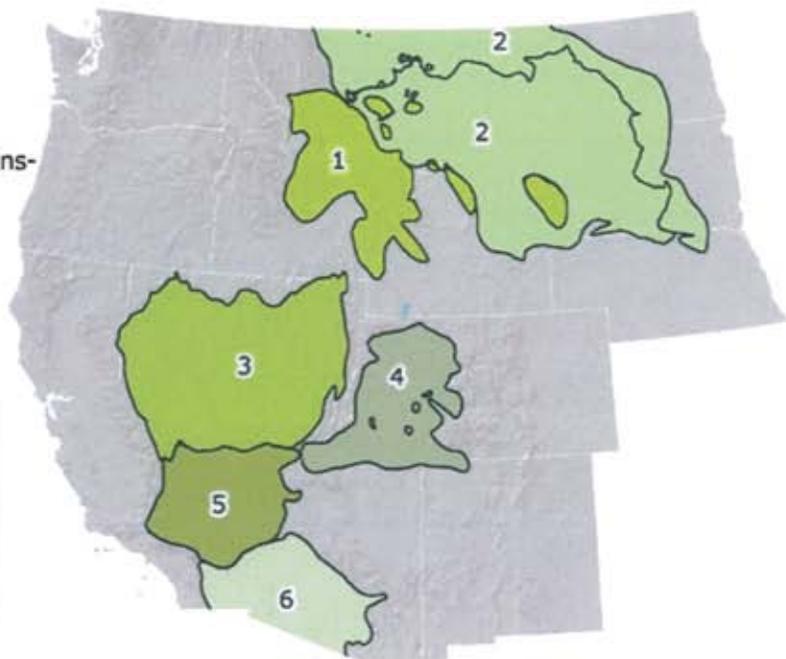
LCCs are management-science partnerships composed of private, state, Tribal, and Federal representatives who will work toward a shared vision of landscape health and sustainability. The LCCs will facilitate collaboration, provide science information and tools needed for developing resource management strategies, and promote coordinated partnership actions at the landscape and local levels. The LCCs and the BLM's proposed landscape approach are complementary efforts that will become more fully integrated as they progress.

Rapid Ecoregional Assessments



The BLM launched seven REAs in 2010. This map shows the general outlines of the ecoregions being assessed.

- 1. Middle Rockies
- 2. Northwestern Glaciated Plains-
Northwestern Great Plains
- 3. Central Basin and Range
- 4. Colorado Plateau
- 5. Mojave Basin and Range
- 6. Sonoran Desert
- 7. Seward Peninsula-Nulato
Hills-Kotzebue Lowlands



**The Federal Land Policy and
Management Act of 1976**
As Amended



**Compiled by
U.S. Department of the Interior
Bureau of Land Management
and
Office of the Solicitor**

Washington, D.C

October 2001

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The Federal Land Policy and
Management Act of 1976
As Amended



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FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

Public Law 94-579
94th Congress

An Act

To establish public land policy; to establish guidelines for its administration; to provide for the management, protection, development, and enhancement of the public lands; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled [italics in original].

Editor's Note

This version of FLPMA was created and updated to include all sections of the Act as originally passed by Congress in 1976; consequently, it is more inclusive and annotated than most. In the text, additions have been italicized and deletions have been removed. Editor's notes are in a different, smaller font, and are framed by brackets "[]."

This document was prepared by the Bureau of Land Management and the Office of the Solicitor. Great care was taken to ensure that all amendments were included correctly and with precision. Nevertheless, we recognize that this document still could contain errors. The user is encouraged to consult the official United States Code if there is any doubt about the accuracy of the information contained herein.

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TITLE I

SHORT TITLE, DECLARATION OF POLICY, AND DEFINITIONS

SHORT TITLE

Sec. 101. [43 U.S.C. 1701 note] This Act may be cited as the "Federal Land Policy and Management Act of 1976".

DECLARATION OF POLICY

Sec. 102. [43 U.S.C. 1701] (a) The Congress declares that it is the policy of the United States that—

(1) the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest;

(2) the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process coordinated with other Federal and State planning efforts;

(3) public lands not previously designated for any specific use and all existing classifications of public lands that were effected by executive action or statute before the date of enactment of this Act be reviewed in accordance with the provisions of this Act;

(4) the Congress exercise its constitutional authority to withdraw or otherwise designate or dedicate Federal lands for specified purposes and that Congress delineate the extent to which the Executive may withdraw lands without legislative action;

(5) in administering public land statutes and exercising discretionary authority granted by them, the Secretary be required to establish comprehensive rules and regulations after considering the

views of the general public; and to structure adjudication procedures to assure adequate third party participation, objective administrative review of initial decisions, and expeditious decision making;

(6) judicial review of public land adjudication decisions be provided by law;

(7) goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of multiple use and sustained yield unless otherwise specified by law;

(8) the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use;

(9) the United States receive fair market value of the use of the public lands and their resources unless otherwise provided for by statute;

(10) uniform procedures for any disposal of public land, acquisition of non-Federal land for public purposes, and the exchange of such lands be established by statute, requiring each disposal, acquisition, and exchange to be consistent with the prescribed mission of the department or agency involved, and reserving to the Congress review of disposals in excess of a specified acreage;

(11) regulations and plans for the protection of public land areas of critical environmental concern be promptly developed;

(12) the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber, and fiber from

the public lands including implementation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 U.S.C. 21a) as it pertains to the public lands; and

(13) the Federal Government should, on a basis equitable to both the Federal and local taxpayer, provide for payments to compensate States and local governments for burdens created as a result of the immunity of Federal lands from State and local taxation.

(b) The policies of this Act shall become effective only as specific statutory authority for their implementation is enacted by this Act or by subsequent legislation and shall then be construed as supplemental to and not in derogation of the purposes for which public lands are administered under other provisions of law.

DEFINITIONS

Sec. 103. [43 U.S.C. 1702] Without altering in any way the meaning of the following terms as used in any other statute, whether or not such statute is referred to in, or amended by, this Act, as used in this Act—

(a) The term “areas of critical environmental concern” means areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards.

(b) The term “holder” means any State or local governmental entity, individual, partnership, corporation, association, or other business entity receiving or using a right-of-way under title V of this Act.

(c) The term “multiple use” means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in

use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.

(d) The term “public involvement” means the opportunity for participation by affected citizens in rule making, decision making, and planning with respect to the public lands, including public meetings or hearings held at locations near the affected lands, or advisory mechanisms, or such other procedures as may be necessary to provide public comment in a particular instance.

(e) The term “public lands” means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except—

(1) lands located on the Outer Continental Shelf; and

(2) lands held for the benefit of Indians, Aleuts, and Eskimos.

(f) The term “right-of-way” includes an easement, lease, permit, or license to occupy, use, or traverse public lands granted for the purpose listed in title V of this Act.

(g) The term “Secretary,” unless specifically designated otherwise, means the Secretary of the Interior.

(h) The term “sustained yield” means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use.

(i) The term “wilderness” as used in section 603 shall have the same meaning as it does in section 2(c) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1131–1136).

(j) The term “withdrawal” means withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws, for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program; or transferring jurisdiction over an area of Federal land, other than “property” governed by the Federal Property and Administrative Services Act, as amended (40 U.S.C. 472) from one department, bureau or agency to another department, bureau or agency.

(k) An “allotment management plan” means a document prepared in consultation with the lessees or permittees involved, which applies to livestock operations on the public lands or on lands within National Forests in the eleven contiguous Western States and which:

(1) prescribes the manner in, and extent to, which livestock operations will be conducted in order to meet the multiple-use, sustained-yield, economic and other needs and objectives as determined for the lands by the Secretary concerned; and

(2) describes the type, location, ownership, and general specifications for the range improvements to be installed and maintained on the lands to meet the livestock grazing and other objectives of land management; and

(3) contains such other provisions relating to livestock grazing and other objectives found by the Secretary concerned to be consistent with the provisions of this Act and other applicable law.

(1) The term “principal or major uses” includes, and is limited to, domestic livestock grazing, fish and wildlife development and utilization, mineral exploration and production, rights-of-way, outdoor recreation, and timber production.

(m) The term “department” means a unit of the executive branch of the Federal Government which is headed by a member of the President’s Cabinet and the term “agency” means a unit of the executive branch of the Federal Government which is not under the jurisdiction of a head of a department.

(n) The term “Bureau” means the Bureau of Land Management.

(o) The term “eleven contiguous Western States” means the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

(p) The term “grazing permit and lease” means any document authorizing use of public lands or lands in National Forests in the eleven contiguous Western States for the purpose of grazing domestic livestock.

[The term “sixteen contiguous Western States,” where changed by P.L. 95-514, refers to: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington and Wyoming. This term is defined by P.L. 95-514 and found in sections 401(b)(1), 402(a) and 403(a).]

TITLE II

LAND USE PLANNING; LAND ACQUISITION AND DISPOSITION

INVENTORY AND IDENTIFICATION

Sec. 201. [43 U.S.C. 1711] (a) The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values (including, but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern. This inventory shall be kept current so as to reflect changes in conditions and to identify new and emerging resource and other values. The preparation and maintenance of such inventory or the identification of such areas shall not, of itself, change or prevent change of the management or use of public lands.

(b) As funds and manpower are made available, the Secretary shall ascertain the boundaries of the public lands; provide means of public identification thereof including, where appropriate, signs and maps; and provide State and local governments with data from the inventory for the purpose of planning and regulating the uses of non-Federal lands in proximity of such public lands.

LAND USE PLANNING

Sec. 202. [43 U.S.C. 1712] (a) The Secretary shall, with public involvement and consistent with the terms and conditions of this Act, develop, maintain, and, when appropriate, revise land use plans which provide by tracts or areas for the use of the public lands. Land use plans shall be developed for the public lands regardless of whether such lands previously have been classified, withdrawn, set aside, or otherwise designated for one or more uses.

(b) In the development and revision of land use plans, the Secretary of Agriculture shall coordinate land use plans for lands in the National Forest

System with the land use planning and management programs of and for Indian tribes by, among other things, considering the policies of approval tribal land resource management programs.

(c) In the development and revision of land use plans, the Secretary shall—

(1) use and observe the principles of multiple use and sustained yield set forth in this and other applicable law;

(2) use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences;

(3) give priority to the designation and protection of areas of critical environmental concern;

(4) rely, to the extent it is available, on the inventory of the public lands, their resources, and other values;

(5) consider present and potential uses of the public lands;

(6) consider the relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values;

(7) weigh long-term benefits to the public against short-term benefits;

(8) provide for compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans; and

(9) to the extent consistent with the laws governing the administration of the public lands, coordinate the land use inventory, planning, and management activities of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and local governments within which the

lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 4601-4 et seq. note], and of or for Indian tribes by, among other things, considering the policies of approved State and tribal land resource management programs. In implementing this directive, the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.

(d) Any classification of public lands or any land use plan in effect on the date of enactment of this Act is subject to review in the land use planning process conducted under this section, and all public lands, regardless of classification, are subject to inclusion in any land use plan developed pursuant to this section. The Secretary may modify or terminate any such classification consistent with such land use plans.

(e) The Secretary may issue management decisions to implement land use plans developed or revised under this section in accordance with the following:

(1) Such decisions, including but not limited to exclusions (that is, total elimination) of one or

more of the principal or major uses made by a management decision shall remain subject to reconsideration, modification, and termination through revision by the Secretary or his delegate, under the provisions of this section, of the land use plan involved.

(2) Any management decision or action pursuant to a management decision that excludes (that is, totally eliminates) one or more of the principal or major uses for two or more years with respect to a tract of land of one hundred thousand acres or more shall be reported by the Secretary to the House of Representatives and the Senate. If within ninety days from the giving of such notice (exclusive of days on which either House has adjourned for more than three consecutive days), the Congress adopts a concurrent resolution of nonapproval of the management decision or action, then the management decision or action shall be promptly terminated by the Secretary. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the management decision or action. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same management decision or action. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be

debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) Withdrawals made pursuant to section 204 of this Act may be used in carrying out management decisions, but public lands shall be removed from or restored to the operation of the Mining Law of 1872, as amended (R.S. 2318-2352; 30 U.S.C. 21 et seq.) or transferred to another department, bureau, or agency only by withdrawal action pursuant to section 204 or other action pursuant to applicable law: *Provided*, That nothing in this section shall prevent a wholly owned Government corporation from acquiring and holding rights as a citizen under the Mining Law of 1872.

(f) The Secretary shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs relating to the management of the public lands.

SALES

Sec. 203. [43 U.S.C. 1713] (a) A tract of the public lands (except land in units of the National Wilderness Preservation System, National Wild and Scenic Rivers Systems, and National System of Trails) may be sold under this Act where, as a result of land use planning required under section 202 of this Act, the Secretary determines that the sale of such tract meets the following disposal criteria:

(1) such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency; or

(2) such tract was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or

(3) disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or fea-

sibly on land other than public land and which outweigh other public objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership.

(b) Where the Secretary determines that land to be conveyed under clause (3) of subsection (a) of this section is of agricultural value and is desert in character, such land shall be conveyed either under the sale authority of this section or in accordance with other existing law.

(c) Where a tract of the public lands in excess of two thousand five hundred acres has been designated for sale, such sale may be made only after the end of the ninety days (not counting days on which the House of Representatives or the Senate has adjourned for more than three consecutive days) beginning on the day the Secretary has submitted notice of such designation to the Senate and the House of Representatives, and then only if the Congress has not adopted a concurrent resolution stating that such House does not approve of such designation. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the designation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same designation. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the

consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(d) Sales of public lands shall be made at a price not less than their fair market value as determined by the Secretary.

(e) The Secretary shall determine and establish the size of tracts of public lands to be sold on the basis of the land use capabilities and development requirements of the lands; and, where any such tract which is judged by the Secretary to be chiefly valuable for agriculture is sold, its size shall be no larger than necessary to support a family-sized farm.

(f) Sales of public lands under this section shall be conducted under competitive bidding procedures to be established by the Secretary. However, where the Secretary determines it necessary and proper in order (1) to assure equitable distribution among purchasers of lands, or (2) to recognize equitable considerations or public policies, including but not limited to, a preference to users, he may sell those lands with modified competitive bidding or without competitive bidding. In recognizing public policies, the Secretary shall give consideration to the following potential purchasers:

- (1) the State in which the land is located;
- (2) the local government entities in such State which are in the vicinity of the land;
- (3) adjoining landowners;
- (4) individuals; and
- (5) any other person.

(g) The Secretary shall accept or reject, in writing, any offer to purchase made through competitive bidding at his invitation no later than thirty days after the receipt of such offer or, in the case of a tract in excess of two thousand five hundred acres, at the end of thirty days after the end of the ninety-day period provided in subsection (c) of this section, whichever is later, unless the offeror waives his right to a decision within such thirty-

day period. Prior to the expiration of such periods the Secretary may refuse to accept any offer or may withdraw any land or interest in land from sale under this section when he determines that consummation of the sale would not be consistent with this Act or other applicable law.

WITHDRAWALS

Sec. 204. [43 U.S.C. 1714] (a) On and after the effective date of this Act the Secretary is authorized to make, modify, extend, or revoke withdrawals but only in accordance with the provisions and limitations of this section. The Secretary may delegate this withdrawal authority only to individuals in the Office of the Secretary who have been appointed by the President, by and with the advice and consent of the Senate.

(b) (1) Within thirty days of receipt of an application for withdrawal, and whenever he proposes a withdrawal on his own motion, the Secretary shall publish a notice in the Federal Register stating that the application has been submitted for filing or the proposal has been made and the extent to which the land is to be segregated while the application is being considered by the Secretary. Upon publication of such notice the land shall be segregated from the operation of the public land laws to the extent specified in the notice. The segregative effect of the application shall terminate upon (a) rejection of the application by the Secretary, (b) withdrawal of lands by the Secretary, or (c) the expiration of two years from the date of the notice.

(2) The publication provisions of this subsection are not applicable to withdrawals under subsection (e) hereof.

(c) (1) On and after the dates of approval of this Act a withdrawal aggregating five thousand acres or more may be made (or such a withdrawal or any other withdrawal involving in the aggregate five thousand acres or more which terminates after such date of approval may be extended) only for a period of not more than twenty years by the Secretary on his own motion or upon request by a department or agency head. The Secretary shall notify both Houses of Congress of such a withdrawal no later than its effective date and the withdrawal shall terminate and become ineffective at

the end of ninety days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) beginning on the day notice of such withdrawal has been submitted to the Senate and the House of Representatives, if the Congress has adopted a concurrent resolution stating that such House does not approve the withdrawal. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the Presidential recommendation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same Presidential recommendation. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(2) With the notices required by subsection (c) (1) of this section and within three months after filing the notice under subsection (e) of this section, the Secretary shall furnish to the committees—

(1) a clear explanation of the proposed use of the land involved which led to the withdrawal;

(2) an inventory and evaluation of the current natural resource uses and values of the site and

adjacent public and nonpublic land and how it appears they will be affected by the proposed use, including particularly aspects of use that might cause degradation of the environment, and also the economic impact of the change in use on individuals, local communities, and the Nation;

(3) an identification of present users of the land involved, and how they will be affected by the proposed use;

(4) an analysis of the manner in which existing and potential resource uses are incompatible with or in conflict with the proposed use, together with a statement of the provisions to be made for continuation or termination of existing uses, including an economic analysis of such continuation or termination;

(5) an analysis of the manner in which such lands will be used in relation to the specific requirements for the proposed use;

(6) a statement as to whether any suitable alternative sites are available (including cost estimates) for the proposed use or for uses such a withdrawal would displace;

(7) a statement of the consultation which has been or will be had with other Federal departments and agencies, with regional, State, and local government bodies, and with other appropriate individuals and groups;

(8) a statement indicating the effect of the proposed uses, if any, on State and local government interests and the regional economy;

(9) a statement of the expected length of time needed for the withdrawal;

(10) the time and place of hearings and of other public involvement concerning such withdrawal;

(11) the place where the records on the withdrawal can be examined by interested parties; and

(12) a report prepared by a qualified mining engineer, engineering geologist, or geologist which shall include but not be limited to information on: general geology, known mineral deposits, past and present mineral production, mining claims, mineral leases, evaluation of future mineral potential, present and potential market demands.

(d) A withdrawal aggregating less than five thousand acres may be made under this subsection by the Secretary on his own motion or upon request by a department or an agency head—

(1) for such period of time as he deems desirable for a resource use; or

(2) for a period of not more than twenty years for any other use, including but not limited to use for administrative sites, location of facilities, and other proprietary purposes; or

(3) for a period of not more than five years to preserve such tract for a specific use then under consideration by the Congress.

(e) When the Secretary determines, or when the *Committee on Natural Resources of the House of Representatives or the Committee on Energy and Natural Resources of the Senate* [P.L. 103-437, 1994] notifies the Secretary, that an emergency situation exists and that extraordinary measures must be taken to preserve values that would otherwise be lost, the Secretary notwithstanding the provisions of subsections (c) (1) and (d) of this section, shall immediately make a withdrawal and file notice of such emergency withdrawal with *both of those Committees* [P.L. 103-437, 1994]. Such emergency withdrawal shall be effective when made but shall last only for a period not to exceed three years and may not be extended except under the provisions of subsection (c) (1) or (d), whichever is applicable, and (b) (1) of this section. The information required in subsection (c) (2) of this subsection shall be furnished the committees within three months after filing such notice.

(f) All withdrawals and extensions thereof, whether made prior to or after approval of this Act, having a specific period shall be reviewed by the Secretary toward the end of the withdrawal period and may be extended or further extended only upon compliance with the provisions of subsection (c) (1) or (d), whichever is applicable, and only if the Secretary determines that the purpose for which the withdrawal was first made requires the extension, and then only for a period no longer than the length of the original withdrawal period. The Secretary shall report on such review and extensions to the *Committee on Natural Resources of the House of Representatives and the Committee*

on Energy and Natural Resources of the Senate. [P.L. 103-437, 1994]

(g) All applications for withdrawal pending on the date of approval of this Act shall be processed and adjudicated to conclusion within fifteen years of the date of approval of this Act, in accordance with the provisions of this section. The segregative effect of any application not so processed shall terminate on that date.

(h) All new withdrawals made by the Secretary under this section (except an emergency withdrawal made under subsection (e) of this section) shall be promulgated after an opportunity for a public hearing.

(i) In the case of lands under the administration of any department or agency other than the Department of the Interior, the Secretary shall make, modify, and revoke withdrawals only with the consent of the head of the department or agency concerned, except when the provisions of subsection (e) of this section apply.

(j) The Secretary shall not make, modify, or revoke any withdrawal created by Act of Congress; make a withdrawal which can be made only by Act of Congress; modify or revoke any withdrawal creating national monuments under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431-433); or modify, or revoke any withdrawal which added lands to the National Wildlife Refuge System prior to the date of approval of this Act or which thereafter adds lands to that System under the terms of this Act. Nothing in this Act is intended to modify or change any provision of the Act of February 27, 1976 (90 Stat. 199; 16 U.S.C. 668dd (a)).

(k) There is hereby authorized to be appropriated the sum of \$10,000,000 for the purpose of processing withdrawal applications pending on the effective date of this Act, to be available until expended.

(l) (1) The Secretary shall, within fifteen years of the date of enactment of this Act, review withdrawals existing on the date of approval of this Act, in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming of (1) all Federal lands other than withdrawals of the public lands

administered by the Bureau of Land Management and of lands which, on the date of approval of this Act, were part of Indian reservations and other Indian holdings, the National Forest System, the National Park System, the National Wildlife Refuge System, other lands administered by the Fish and Wildlife Service or the Secretary through the Fish and Wildlife Service, the National Wild and Scenic Rivers System, and the National System of Trails; and (2) all public lands administered by the Bureau of Land Management and of lands in the National Forest System (except those in wilderness areas, and those areas formally identified as primitive or natural areas or designated as national recreation areas) which closed the lands to appropriation under the Mining Law of 1872 (17 Stat. 91, as amended; 30 U.S.C. 22 et seq.) or to leasing under the Mineral Leasing Act of 1920 (41 Stat. 437, as amended; 30 U.S.C. 181 et seq.).

(2) In the review required by paragraph (1) of this subsection, the Secretary shall determine whether, and for how long, the continuation of the existing withdrawal of the lands would be, in his judgment, consistent with the statutory objectives of the programs for which the lands were dedicated and of the other relevant programs. The Secretary shall report his recommendations to the President, together with statements of concurrence or nonconcurrence submitted by the heads of the departments or agencies which administer the lands. The President shall transmit this report to the President of the Senate and the Speaker of the House of Representatives, together with his recommendations for action by the Secretary, or for legislation. The Secretary may act to terminate withdrawals other than those made by Act of the Congress in accordance with the recommendations of the President unless before the end of ninety days (not counting days on which the Senate and the House of Representatives has adjourned for more than three consecutive days) beginning on the day the report of the President has been submitted to the Senate and the House of Representatives the Congress has adopted a concurrent resolution indicating otherwise. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the

committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the Presidential recommendation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same Presidential recommendation. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) There are hereby authorized to be appropriated not more than \$10,000,000 for the purpose of paragraph (1) of this subsection to be available until expended to the Secretary and to the heads of other departments and agencies which will be involved.

ACQUISITIONS

Sec. 205. [43 U.S.C. 1715] (a) Notwithstanding any other provisions of law, the Secretary, with respect to the public lands and the Secretary of Agriculture, with respect to the acquisition of access over non-Federal lands to units of the National Forest System, are authorized to acquire pursuant to this Act by purchase, exchange, donation, or eminent domain, lands or interests therein: *Provided*, That with respect to the public lands, the Secretary may exercise the power of eminent domain only if necessary to secure access to public lands, and then only if the lands so acquired are

confined to as narrow a corridor as is necessary to serve such purpose. Nothing in this subsection shall be construed as expanding or limiting the authority of the Secretary of Agriculture to acquire land by eminent domain within the boundaries of units of the National Forest System.

(b) Acquisitions pursuant to this section shall be consistent with the mission of the department involved and with applicable departmental land-use plans.

(c) *Except as provided in subsection (e) of this section* [P.L. 99-632, 1986], lands and interests in lands acquired by the Secretary pursuant to this section or section 206 shall, upon acceptance of title, become public lands, and, for the administration of public land laws not repealed by this Act, shall remain public lands. If such acquired lands or interests in lands are located within the exterior boundaries of a grazing district established pursuant to the first section of the Act of June 28, 1934 (48 Stat. 1269, as amended; 43 U.S.C. 315) (commonly known as the "Taylor Grazing Act"), they shall become a part of that district. Lands and interests in lands acquired pursuant to this section which are within boundaries of the National Forest System may be transferred to the Secretary of Agriculture and shall then become National Forest System lands and subject to all the laws, rules, and regulations applicable thereto.

(d) Lands and interests in lands acquired by the Secretary of Agriculture pursuant to this section shall, upon acceptance of title, become National Forest System lands subject to all the laws, rules, and regulations applicable thereto.

(e) *Lands acquired by the Secretary pursuant to this section or section 206* [43 U.S.C. 1716] *in exchange for lands which were vested in the United States pursuant to the provisions of the Act of June 9, 1916 (39 Stat. 218) or reconveyed to the United States pursuant to the provisions of the Act of February 26, 1919 [16 U.S.C. 342] (40 Stat. 1179), shall be considered for all purposes to have the same status as, and shall be administered in accordance with the same provisions of law applicable to, the vested or reconveyed lands exchanged for the lands acquired by the Secretary.* [P.L. 99-632, 1986]

EXCHANGES

Sec. 206. [43 U.S.C. 1716] (a) A tract of public land or interests therein may be disposed of by exchange by the Secretary under this Act and a tract of land or interests therein within the National Forest System may be disposed of by exchange by the Secretary of Agriculture under applicable law where the Secretary concerned determines that the public interest will be well served by making that exchange: *Provided*, That when considering public interest the Secretary concerned shall give full consideration to better Federal land management and the needs of State and local people, including needs for lands for the economy, community expansion, recreation areas, food, fiber, minerals, and fish and wildlife and the Secretary concerned finds that the values and the objectives which Federal lands or interests to be conveyed may serve if retained in Federal ownership are not more than the values of the non-Federal lands or interests and the public objectives they could serve if acquired.

(b) In exercising the exchange authority granted by subsection (a) or by section 205 (a) of this Act, the Secretary *concerned* [P.L. 100-409 §3, Aug. 20, 1988] may accept title to any non-Federal land or interests therein in exchange for such land, or interests therein which he finds proper for transfer out of Federal ownership and which are located in the same State as the non-Federal land or interest to be acquired. For the purposes of this subsection, unsurveyed school sections which, upon survey by the Secretary, would become State lands, shall be considered as "non-Federal lands". The values of the lands exchanged by the Secretary under this Act and by the Secretary of Agriculture under applicable law relating to lands within the National Forest System either shall be equal, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary concerned as the circumstances require so long as payment does not exceed 25 per centum of the total value of the lands or interests transferred out of Federal ownership. *The Secretary concerned and the other party or parties involved in the exchange may mutually agree to waive the requirement for the payment of money to equalize*

values where the Secretary concerned determines that the exchange will be expedited thereby and that the public interest will be better served by such a waiver of cash equalization payments and where the amount to be waived is no more than 3 per centum of the value of the lands being transferred out of Federal ownership or \$15,000, whichever is less, except that the Secretary of Agriculture shall not agree to waive any such requirement for payment of money to the United States. [P.L. 100-409 §9, Aug. 20, 1988] The Secretary concerned shall try to reduce the amount of the payment of money to as small an amount as possible.

(c) Lands acquired by the Secretary by exchange under this section which are within the boundaries of any unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or any other system established by Act of Congress, or the boundaries of the California Desert Conservation Area, or the boundaries of any national conservation area or national recreation area established by Act of Congress, upon acceptance of title by the United States shall immediately be reserved for and become a part of the unit or area within which they are located, without further action by the Secretary, and shall thereafter be managed in accordance with all laws, rules, and regulations applicable to such unit or area. [P.L. 100-409 §3, Aug. 20, 1988]

(d)(1) No later than ninety days after entering into an agreement to initiate an exchange of land or interests therein pursuant to this Act or other applicable law, the Secretary concerned and other party or parties involved in the exchange shall arrange for appraisal (to be completed within a time frame and under such terms as are negotiated by the parties) of the lands or interests therein involved in the exchange in accordance with subsection (f) of this section.

(2) If within one hundred and eighty days after the submission of an appraisal or appraisals for review and approval by the Secretary concerned, the Secretary concerned and the other party or parties involved cannot agree to accept the findings of an appraisal or appraisals, the appraisal

or appraisals shall be submitted to an arbitrator appointed by the Secretary from a list of arbitrators submitted to him by the American Arbitration Association for arbitration to be conducted in accordance with the real estate valuation arbitration rules of the American Arbitration Association. Such arbitration shall be binding for a period of not to exceed two years on the Secretary concerned and the other party or parties involved in the exchange insofar as concerns the value of the lands which were the subject of the appraisal or appraisals.

(3) Within thirty days after the completion of the arbitration, the Secretary concerned and the other party or parties involved in the exchange shall determine whether to proceed with the exchange, modify the exchange to reflect the findings of the arbitration or any other factors, or to withdraw from the exchange. A decision to withdraw from the exchange may be made by either the Secretary concerned or the other party or parties involved.

(4) Instead of submitting the appraisal to an arbitrator, as provided in paragraph (2) of this section, the Secretary concerned and the other party or parties involved in an exchange may mutually agree to employ a process of bargaining or some other process to determine the values of the properties involved in the exchange.

(5) The Secretary concerned and the other party or parties involved in an exchange may mutually agree to suspend or modify any of the deadlines contained in this subsection.

(e) Unless mutually agreed otherwise by the Secretary concerned and the other party or parties involved in an exchange pursuant to this Act or other applicable law, all patents or titles to be issued for land or interests therein to be acquired by the Federal Government and lands or interests therein to be transferred out of Federal ownership shall be issued simultaneously after the Secretary concerned has taken any necessary steps to assure that the United States will receive acceptable title.

(f)(1) Within one year after August 20, 1988, the Secretaries of the Interior and Agriculture shall promulgate new and comprehensive rules and regulations governing exchanges of land and interests

therein pursuant to this Act and other applicable law. Such rules and regulations shall fully reflect the changes in law made by subsections (d) through (i) of this section and shall include provisions pertaining to appraisals of lands and interests therein involved in such exchanges.

(2) The provisions of the rules and regulations issued pursuant to paragraph (1) of this subsection governing appraisals shall reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions: Provided, however, That the provisions of such rules and regulations shall —

(A) ensure that the same nationally approved appraisal standards are used in appraising lands or interest therein being acquired by the Federal Government and appraising lands or interests therein being transferred out of Federal ownership; and

(B) with respect to costs or other responsibilities or requirements associated with land exchanges —

(i) recognize that the parties involved in an exchange may mutually agree that one party (or parties) will assume, without compensation, all or part of certain costs or other responsibilities or requirements ordinarily borne by the other party or parties; and

(ii) also permit the Secretary concerned, where such Secretary determines it is in the public interest and it is in the best interest of consummating an exchange pursuant to this Act or other applicable law, and upon mutual agreement of the parties, to make adjustments to the relative values involved in an exchange transaction in order to compensate a party or parties to the exchange for assuming costs or other responsibilities or requirements which would ordinarily be borne by the other party or parties.

As used in this subparagraph, the term “costs or other responsibilities or requirements” shall include, but not be limited to, costs or other requirements associated with land surveys and appraisals, mineral examinations, title searches, archeological surveys and salvage, removal of

encumbrances, arbitration pursuant to subsection (d) of this section, curing deficiencies preventing highest and best use, and other costs to comply with laws, regulations and policies applicable to exchange transactions, or which are necessary to bring the Federal or non-Federal lands or interests involved in the exchange to their highest and best use for the appraisal and exchange purposes. Prior to making any adjustments pursuant to this subparagraph, the Secretary concerned shall be satisfied that the amount of such adjustment is reasonable and accurately reflects the approximate value of any costs or services provided or any responsibilities or requirements assumed.

(g) Until such time as new and comprehensive rules and regulations governing exchange of land and interests therein are promulgated pursuant to subsection (f) of this section, land exchanges may proceed in accordance with existing laws and regulations, and nothing in the Act shall be construed to require any delay in, or otherwise hinder, the processing and consummation of land exchanges pending the promulgation of such new and comprehensive rules and regulations. Where the Secretary concerned and the party or parties involved in an exchange have agreed to initiate an exchange of land or interests therein prior to the day of enactment of such subsections, subsections (d) through (i) of this section shall not apply to such exchanges unless the Secretary concerned and the party or parties involved in the exchange mutually agree otherwise.

(h)(1) Notwithstanding the provisions of this Act and other applicable laws which require that exchanges of land or interests therein be for equal value, where the Secretary concerned determines it is in the public interest and that the consummation of a particular exchange will be expedited thereby, the Secretary concerned may exchange lands or interests therein which are of approximately equal value in cases where —

(A) the combined value of the lands or interests therein to be transferred from Federal ownership by the Secretary concerned in such exchange is not more than \$150,000; and

(B) the Secretary concerned finds in accordance with the regulations to be promulgated pur-

suant to subsection (f) of this section that a determination of approximately equal value can be made without formal appraisals, as based on a statement of value made by a qualified appraiser and approved by an authorized officer; and

(C) the definition of and procedure for determining "approximately equal value" has been set forth in regulations by the Secretary concerned and the Secretary concerned documents how such determination was made in the case of the particular exchange involved.

(2) As used in this subsection, the term "approximately equal value" shall have the same meaning with respect to lands managed by the Secretary of Agriculture as it does in the Act of January 22, 1983 (commonly known as the "Small Tracts Act").

(i)(1) Upon receipt of an offer to exchange lands or interests in lands pursuant to this Act or other applicable laws, at the request of the head of the department or agency having jurisdiction over the lands involved, the Secretary of the Interior may temporarily segregate the Federal lands under consideration for exchange from appropriation under the mining laws. Such temporary segregation may only be made for a period of not to exceed five years. Upon a decision not to proceed with the exchange or upon deletion of any particular parcel from the exchange offer, the Federal lands involved or deleted shall be promptly restored to their former status under the mining laws. Any segregation pursuant to this paragraph shall be subject to valid existing rights as of the date of such segregation.

(2) All non-Federal lands which are acquired by the United States through exchange pursuant to this Act or pursuant to other laws applicable to lands managed by the Secretary of Agriculture shall be automatically segregated from appropriation under the public land law, including the mining laws, for ninety days after acceptance of title by the United States. Such segregation shall be subject to valid existing rights as of the date of such acceptance of title. At the end of such ninety day period, such segregation shall end and such lands shall be open to operation of the public land

laws and to entry, location, and patent under the mining laws except to the extent otherwise provided by this Act or other applicable law, or appropriate actions pursuant thereto.

[P.L. 100-409 §3, Aug. 20, 1988]

QUALIFIED CONVEYEES

Sec. 207. [43 U.S.C. 1717] No tract of land may be disposed of under this Act, whether by sale, exchange, or donation, to any person who is not a citizen of the United States, or in the case of a corporation, is not subject to the laws of any State or of the United States.

CONVEYANCES

Sec. 208. [43 U.S.C. 1718] The Secretary shall issue all patents or other documents of conveyance after any disposal authorized by this Act. The Secretary shall insert in any such patent or other document of conveyance he issues, except in the case of land exchanges, for which the provisions of subsection 206 (b) of this Act shall apply, such terms, covenants, conditions, and reservations as he deems necessary to insure proper land use and protection of the public interest: *Provided*, That a conveyance of lands by the Secretary, subject to such terms, covenants, conditions, and reservations, shall not exempt the grantee from compliance with applicable Federal or State law or State land use plans: *Provided further*, That the Secretary shall not make conveyances of public lands containing terms and conditions which would, at the time of the conveyance, constitute a violation of any law or regulation pursuant to State and local land use plans, or programs.

RESERVATION AND CONVEYANCE OF MINERALS

Sec. 209. [43 U.S.C. 1719] (a) All conveyances of title issued by the Secretary, except those involving land exchanges provided for in section 206, shall reserve to the United States all minerals in the lands, together with the right to prospect for, mine, and remove the minerals under applicable law and such regulations as the Secretary may prescribe,

except that if the Secretary makes the findings specified in subsection (b) of this section, the minerals may then be conveyed together with the surface to the prospective surface owner as provided in subsection (b).

(b) (1) The Secretary, after consultation with the appropriate department or agency head, may convey mineral interests owned by the United States where the surface is or will be in non-Federal ownership, regardless of which Federal entity may have administered the surface, if he finds (1) that there are no known mineral values in the land, or (2) that the reservation of the mineral rights in the United States is interfering with or precluding appropriate non-mineral development of the land and that such development is a more beneficial use of the land than mineral development.

(2) Conveyance of mineral interests pursuant to this section shall be made only to the existing or proposed record owner of the surface, upon payment of administrative costs and the fair market value of the interests being conveyed.

(3) Before considering an application for conveyance of mineral interests pursuant to this section—

(i) the Secretary shall require the deposit by the applicant of a sum of money which he deems sufficient to cover administrative costs including, but not limited to, costs of conducting an exploratory program to determine the character of the mineral deposits in the land, evaluating the data obtained under the exploratory program to determine the fair market value of the mineral interests to be conveyed, and preparing and issuing the documents of conveyance: *Provided*, That, if the administrative costs exceed the deposit, the applicant shall pay the outstanding amount; and, if the deposit exceeds the administrative costs, the applicant shall be given a credit for or refund of the excess; or

(ii) the applicant, with the consent of the Secretary, shall have conducted, and submitted to the Secretary the results of, such an exploratory program, in accordance with standards promulgated by the Secretary.

(4) Moneys paid to the Secretary for administrative costs pursuant to this subsection shall be paid to the agency which rendered the service and deposited to the appropriation then current.

COORDINATION WITH STATE AND LOCAL GOVERNMENTS

Sec. 210. [43 U.S.C. 1720] At least sixty days prior to offering for sale or otherwise conveying public lands under this Act, the Secretary shall notify the Governor of the State within which such lands are located and the head of the governing body of any political subdivision of the State having zoning or other land use regulatory jurisdiction in the geographical area within which such lands are located, in order to afford the appropriate body the opportunity to zone or otherwise regulate, or change or amend existing zoning or other regulations concerning the use of such lands prior to such conveyance. The Secretary shall also promptly notify such public officials of the issuance of the patent or other document of conveyance for such lands.

OMITTED LANDS

Sec. 211. [43 U.S.C. 1721] Omitted Lands.— (a) The Secretary is hereby authorized to convey to States or their political subdivisions under the Recreation and Public Purposes Act (44 Stat. 741 as amended; 43 U.S.C. 869 et seq.), as amended, but without regard to the acreage limitations contained therein, unsurveyed islands determined by the Secretary to be public lands of the United States. The conveyance of any such island may be made without survey: *Provided, however*, That such island may be surveyed at the request of the applicant State or its political subdivision if such State or subdivision donates money or services to the Secretary for such survey, the Secretary accepts such money or services, and such services are conducted pursuant to criteria established by the Director of the Bureau of Land Management. Any such island so surveyed shall not be conveyed without approval of such survey by the Secretary prior to the conveyance.

(b) (1) The Secretary is authorized to convey to States and their political subdivisions under the Recreation and Public Purposes Act, [43 U.S.C. 869 to 869-4] but without regard to the acreage limitations contained therein, lands other than islands determined by him after survey to be public lands of the United States erroneously or fraudulently omitted from the original surveys (hereinafter referred to as "omitted lands"). Any such conveyance shall not be made without a survey: *Provided*, That the prospective recipient may donate money or services to the Secretary for the surveying necessary prior to conveyance if the Secretary accepts such money or services, such services are conducted pursuant to criteria established by the Director of the Bureau of Land Management, and such survey is approved by the Secretary prior to the conveyance.

(2) The Secretary is authorized to convey to the occupant of any omitted lands which, after survey, are found to have been occupied and developed for a five-year period prior to January 1, 1975, if the Secretary determines that such conveyance is in the public interest and will serve objectives which outweigh all public objectives and values which would be served by retaining such lands in Federal ownership. Conveyance under this subparagraph shall be made at not less than the fair market value of the land, as determined by the Secretary, and upon payment in addition of administrative costs, including the cost of making the survey, the cost of appraisal, and the cost of making the conveyance.

(c) (1) No conveyance shall be made pursuant to this section until the relevant State government, local government, and area wide planning agency designated pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262) [42 U.S.C. 3334] and/or title IV of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098, 1103-4) [31 U.S.C. 6506(a)-(e)] have notified the Secretary as to the consistency of such conveyance with applicable State and local government land use plans and programs.

(2) The provisions of section 210 of this Act shall be applicable to all conveyances under this section.

(d) The final sentence of section 1(c) of the Recreation and Public Purposes Act [43 U.S.C. 869(c)] shall not be applicable to conveyances under this section.

(e) No conveyance pursuant to this section shall be used as the basis for determining the baseline between Federal and State ownership, the boundary of any State for purposes of determining the extent of a State's submerged lands or the line of demarcation of Federal jurisdiction, or any similar or related purpose.

(f) The provisions of this section shall not apply to any lands within the National Forest System, defined in the Act of August 17, 1974 (88 Stat. 476; 16 U.S.C. 1601), the National Park System, the National Wildlife Refuge System, and the National Wild and Scenic Rivers System.

(g) Nothing in this section shall supersede the provisions of the Act of December 22, 1928 (45 Stat. 1069; 43 U.S.C. 1068), as amended, and the Act of May 31, 1962 (76 Stat. 89), or any other Act authorizing the sale of specific omitted lands.

RECREATION AND PUBLIC PURPOSES ACT

Sec. 212. The Recreation and Public Purposes Act of 1926 (44 Stat. 741, as amended; 43 U.S.C. 869 et seq.), as amended, is further amended as follows:

(a) The second sentence of subsection (a) of the first section of that Act (43 U.S.C. 869(a)) is amended to read as follows: "Before the land may be disposed of under this Act it must be shown to the satisfaction of the Secretary that the land is to be used for an established or definitely proposed project, that the land involved is not of national significance nor more than is reasonably necessary for the proposed use, and that for proposals of over 640 acres comprehensive land use plans and zoning regulations applicable to the area in which the public lands to be disposed of are located have been adopted by the appropriate State or local authority. The Secretary shall provide an opportunity for participation by affected citizens in disposals under this Act, including public hearings or

meetings where he deems it appropriate to provide public comments, and shall hold at least one public meeting on any proposed disposal of more than six hundred forty acres under this Act.”

(b) Subsection (b) (i) of the first section of that Act (43 U.S.C. 869(b)) is amended to read as follows:

“(b) Conveyances made in any one calendar year shall be limited as follows:

“(i) For recreational purposes:

“(A) To any State or the State park agency or any other agency having jurisdiction over the State park system of such State designated by the Governor of that State as its sole representative for acceptance of lands under this provision, hereinafter referred to as the State, or to any political subdivision of such State, six thousand four hundred acres, and such additional acreage as may be needed for small road-side parks and rest sites of not more than ten acres each.

“(B) To any nonprofit corporation or nonprofit association, six hundred and forty acres.

“(C) No more than twenty-five thousand six hundred acres may be conveyed for recreational purposes under this Act in any one State per calendar year. Should any State or political subdivision, however, fail to secure, in any one year, six thousand four hundred acres, not counting lands for small roadside parks and rest sites, conveyances may be made thereafter if pursuant to an application on file with the Secretary of the Interior on or before the last day of said year and to the extent that the conveyance would not have exceeded the limitations of said year.”

(c) Section 2(a) of that Act (43 U.S.C. 869-1) is amended by inserting “or recreational purposes” immediately after “historic-monument purposes”.

(d) Section 2(b) of that Act (43 U.S.C. 869-1) is amended by adding “, except that leases of such lands for recreational purposes shall be made without monetary consideration” after the phrase “reasonable annual rental”.

NATIONAL FOREST TOWNSITES

Sec. 213. The Act of July 31, 1958 (72 Stat. 438, 7 U.S.C. 1012a, 16 U.S.C. 478a), is amended to read as follows: “When the Secretary of Agriculture determines that a tract of National Forest System land in Alaska or in the eleven contiguous Western States is located adjacent to or contiguous to an established community, and that transfer of such land would serve indigenous community objectives that outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership, he may, upon application, set aside and designate as a townsite an area of not to exceed six hundred and forty acres of National Forest System land for any one application. After public notice, and satisfactory showing of need therefor by any county, city, or other local governmental subdivision, the Secretary may offer such area for sale to a governmental subdivision at a price not less than the fair market value thereof: *Provided, however,* That the Secretary may condition conveyances of townsites upon the enactment, maintenance, and enforcement of a valid ordinance which assures any land so conveyed will be controlled by the governmental subdivision so that use of the area will not interfere with the protection, management, and development of adjacent or contiguous National Forest System lands.”

UNINTENTIONAL TRESPASS ACT

Sec. 214. [43 U.S.C. 1722] (a) Notwithstanding the provisions of the Act of September 26, 1968 (82 Stat. 870; 43 U.S.C. 1431-1435), hereinafter called the “1968 Act,” with respect to applications under the 1968 Act which were pending before the Secretary as of the effective date of this subsection and which he approves for sale under the criteria prescribed by the 1968 Act, he shall give the right of first refusal to those having a preference right under section 2 of the 1968 Act. The Secretary shall offer such lands to such preference right holders at their fair market value (exclusive of any values added to the land by such holders and their predecessors in interest) as determined by the Secretary as of September 26, 1973.

(b) Within three years after the date of approval of this Act, the Secretary shall notify the filers of applications subject to paragraph (a) of this section whether he will offer them the lands applied for and at what price; that is, their fair market value as of September 26, 1973, excluding any value added to the lands by the applicants or their predecessors in interest. He will also notify the President of the Senate and the Speaker of the House of Representatives of the lands which he has determined not to sell pursuant to paragraph (a) of this section and the reasons therefor. With respect to such lands which the Secretary determined not to sell, he shall take no other action to convey those lands or interests in them before the end of ninety days (not counting days on which the House of Representatives or the Senate has adjourned for more than three consecutive days) beginning on the date the Secretary has submitted such notice to the Senate and House of Representatives. If, during that ninety-day period, the Congress adopts a concurrent resolution stating the length of time such suspension of action should continue, he shall continue such suspension for the specified time period. If the committee to which a resolution has been referred during the said ninety-day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the suspension of action. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same suspension of action. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to

move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(c) Within five years after the date of approval of this Act, the Secretary shall complete the processing of all applications filed under the 1968 Act and hold sales covering all lands which he has determined to sell thereunder.

Sec. 215. [43 U.S.C. 1723] (a) When the sole impediment to consummation of an exchange of lands or interests therein (hereinafter referred to as an exchange) determined to be in the public interest, is the inability of the Secretary of the Interior to revoke, modify, or terminate part or all of a withdrawal or classification because of the order (or subsequent modification or continuance thereof) of the United States District Court for the District of Columbia dated February 10, 1986, in Civil Action No. 85-2238 (National Wildlife Federation v. Robert E. Burford, et al.), the Secretary of the Interior is hereby authorized, notwithstanding such order (or subsequent modification or continuance thereof) to use the authority contained herein, in lieu of other authority provided in this Act including section 204, to revoke, modify, or terminate in whole or in part, withdrawals or classifications to the extent deemed necessary by the Secretary to enable the United States to transfer land or interests therein out of Federal ownership pursuant to an exchange.

(b) REQUIREMENTS. — The authority specified in subsection (a) of this section may be exercised only in cases where —

(1) a particular exchange is proposed to be carried out pursuant to this Act, as amended, or other applicable law authorizing such an exchange;

(2) the proposed exchange has been prepared in compliance with all laws applicable to such exchange;

(3) the head of each Federal agency managing the lands proposed for such transfer has submitted to the Secretary of the Interior a statement of concurrence with the proposed revocation, modification, or termination;

(4) at least sixty days have elapsed since the Secretary of the Interior has published in the Federal Register a notice of the proposed revocation, modification, or termination; and

(5) at least sixty days have elapsed since the Secretary of the Interior has transmitted to the Committee on Natural Resources [P.L. 103-437 1994] of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a report which includes —

(A) a justification for the necessity of exercising such authority in order to complete an exchange;

(B) an explanation of the reasons why the continuation of the withdrawal or a classification or portion thereof proposed for revocation, modification, or termination is no longer necessary for the purposes of the statutory or other program or programs for which the withdrawal or classification was made or other relevant programs;

(C) assurances that all relevant documents concerning the proposed exchange or purchase for which such authority is proposed to be exercised (including documents related to compliance with the National Environmental Policy Act of 1969 and all other applicable provisions of law) are available for public inspection in the office of the Secretary concerned located nearest to the lands proposed for transfer out of Federal ownership in furtherance of such exchange and that the relevant portions of such documents are also available in the offices of the Secretary concerned in Washington, District of Columbia; and

(D) an explanation of the effect of the revocation, modification, or termination of a withdrawal or classification or portion thereof and the transfer of lands out of Federal ownership pursuant to

the particular proposed exchange, on the objectives of the land management plan which is applicable at the time of such transfer to the land to be transferred out of Federal ownership.

(c) LIMITATIONS. — (1) Nothing in this section shall be construed as affirming or denying any of the allegations made by any party in the civil action specified in subsection (a), or as constituting an expression of congressional opinion with respect to the merits of any allegation, contention, or argument made or issue raised by any party in such action, or as expanding or diminishing the jurisdiction of the United States District Court for the District of Columbia.

(2) Except as specifically provided in this section, nothing in this section shall be construed as modifying, terminating, revoking, or otherwise affecting any provision of law applicable to land exchanges, withdrawals, or classifications.

(3) The availability or exercise of the authority granted in subsection (a) may not be considered by the Secretary of the Interior in making a determination pursuant to this Act or other applicable law as to whether or not any proposed exchange is in the public interest.

(d) TERMINATION. — The authority specified in subsection (a) shall expire either (1) on December 31, 1990, or (2) when the Court order (or subsequent modification or continuation thereof) specified in subsection (a) is no longer in effect, whichever occurs first. [P.L. 100-409 1988]

[The termination clause in subsection (d) was satisfied on November 4, 1988, when the Court order specified in subsection (a) was vacated by National Wildlife Federation v. Burford, 699 F. Supp. 327, 332 (D.D.C. 1988). That reversal was upheld in a 1989 Appeals court decision, 878 F.2d 422, and by the Supreme Court in 1990, 497 U.S. 871.]

TITLE III

ADMINISTRATION

BLM DIRECTORATE AND FUNCTIONS

Sec. 301. [43 U.S.C. 1731] (a) The Bureau of Land Management established by Reorganization Plan Numbered 3, of 1946 (5 U.S.C. App. 519) shall have as its head a Director. Appointments to the position of Director shall hereafter be made by the President, by and with the advice and consent of the Senate. The Director of the Bureau shall have a broad background and substantial experience in public land and natural resource management. He shall carry out such functions and shall perform such duties as the Secretary may prescribe with respect to the management of lands and resources under his jurisdiction according to the applicable provisions of this Act and any other applicable law.

(b) Subject to the discretion granted to him by Reorganization Plan Numbered 3 of 1950 (43 U.S.C. 1451 note), the Secretary shall carry out through the Bureau all functions, powers, and duties vested in him and relating to the administration of laws which, on the date of enactment of this section, were carried out by him through the Bureau of Land Management established by section 403 of Reorganization Plan Numbered 3 of 1946. The Bureau shall administer such laws according to the provisions thereof existing as of the date of approval of this Act as modified by the provisions of this Act or by subsequent law.

(c) In addition to the Director, there shall be an Associate Director of the Bureau and so many Assistant Directors, and other employees, as may be necessary, who shall be appointed by the Secretary subject to the provisions of title 5, United States Code [5 U.S.C. 101 et seq.], governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title [5 U.S.C. 5101 et seq., 5331] relating to classification and General Schedule pay rates.

(d) Nothing in this section shall affect any regulation of the Secretary with respect to the administration of laws administered by him through the Bureau on the date of approval of this section.

MANAGEMENT OF USE, OCCUPANCY, AND DEVELOPMENT

Sec. 302. [43 U.S.C. 1732] (a) The Secretary shall manage the public lands under principles of multiple use and sustained yield, in accordance with the land use plans developed by him under section 202 of this Act when they are available, except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.

(b) In managing the public lands, the Secretary shall, subject to this Act and other applicable law and under such terms and conditions as are consistent with such law, regulate, through easements, permits, leases, licenses, published rules, or other instruments as the Secretary deems appropriate, the use, occupancy, and development of the public lands, including, but not limited to, long-term leases to permit individuals to utilize public lands for habitation, cultivation, and the development of small trade or manufacturing concerns: *Provided*, That unless otherwise provided for by law, the Secretary may permit Federal departments and agencies to use, occupy, and develop public lands only through rights-of-way under section 507 of this Act, withdrawals under section 204 of this Act, and, where the proposed use and development are similar or closely related to the programs of the Secretary for the public lands involved, cooperative agreements under subsection (b) of section 307 of this Act: *Provided further*, That nothing in this Act shall be construed as authorizing the Secretary concerned to require Federal permits to hunt and fish on public lands or on lands in the National Forest System and adjacent waters or as

enlarging or diminishing the responsibility and authority of the States for management of fish and resident wildlife. However, the Secretary concerned may designate areas of public land and of lands in the National Forest System where, and establish periods when, no hunting or fishing will be permitted for reasons of public safety, administration, or compliance with provisions of applicable law. Except in emergencies, any regulations of the Secretary concerned relating to hunting and fishing pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department. Nothing in this Act shall modify or change any provision of Federal law relating to migratory birds or to endangered or threatened species. Except as provided in section 314, section 603, and subsection (f) of section 601 of this Act and in the last sentence of this paragraph, no provision of this section or any other section of this Act shall in any way amend the Mining Law of 1872 or impair the rights of any locators or claims under that Act, including, but not limited to, rights of ingress and egress. In managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.

(c) The Secretary shall insert in any instrument providing for the use, occupancy, or development of the public lands a provision authorizing revocation or suspension, after notice and hearing, of such instrument upon a final administrative finding of a violation of any term or condition of the instrument, including, but not limited to, terms and conditions requiring compliance with regulations under Acts applicable to the public lands and compliance with applicable State or Federal air or water quality standard or implementation plan: *Provided*, That such violation occurred on public lands covered by such instrument and occurred in connection with the exercise of rights and privileges granted by it: *Provided further*, That the Secretary shall terminate any such suspension no later than the date upon which he determines the cause of said violation has been rectified: *Provided further*, That the Secretary may order an immediate temporary suspension prior to a hearing or final administrative finding if he determines that such a suspension is necessary to protect health or

safety or the environment: *Provided further*, That, where other applicable law contains specific provisions for suspension, revocation, or cancellation of a permit, license, or other authorization to use, occupy, or develop the public lands, the specific provisions of such law shall prevail.

(d) (1) *The Secretary of the Interior, after consultation with the Governor of Alaska, may issue to the Secretary of Defense or to the Secretary of a military department within the Department of Defense or to the Commandant of the Coast Guard a nonrenewable general authorization to utilize public lands in Alaska (other than within a conservation system unit or the Steese National Conservation Area or the White Mountains National Recreation Area) for purposes of military maneuvering, military training, or equipment testing not involving artillery firing, aerial or other gunnery, or other use of live ammunition or ordnance.*

(2) *Use of public lands pursuant to a general authorization under this subsection shall be limited to areas where such use would not be inconsistent with the plans prepared pursuant to section 202. Each such use shall be subject to a requirement that the using department shall be responsible for any necessary cleanup and decontamination of the lands used, and to such other terms and conditions (including but not limited to restrictions on use of off-road or all-terrain vehicles) as the Secretary of the Interior may require to —*

(A) *minimize adverse impacts on the natural, environmental, scientific, cultural, and other resources and values (including fish and wildlife habitat) of the public lands involved; and*

(B) *minimize the period and method of such use and the interference with or restrictions on other uses of the public lands involved.*

(3) (A) *A general authorization issued pursuant to this subsection shall not be for a term of more than three years and shall be revoked in whole or in part, as the Secretary of the Interior finds necessary, prior to the end of such term upon a determination by the Secretary of the Interior that there has been a failure to comply with its terms and conditions or that activities pursuant to such an authorization have had or might have a significant*

adverse impact on the resources or values of the affected lands.

(B) Each specific use of a particular area of public lands pursuant to a general authorization under this subsection shall be subject to specific authorization by the Secretary and to appropriate terms and conditions, including such as are described in paragraph (2) of this subsection.

(4) Issuance of a general authorization pursuant to this subsection shall be subject to the provisions of section 202(f) of this Act, section 810 of the Alaska National Interest Lands Conservation Act, and all other applicable provisions of law. The Secretary of a military department (or the Commandant of the Coast Guard) requesting such authorization shall reimburse the Secretary of the Interior for the costs of implementing this paragraph. An authorization pursuant to this subsection shall not authorize the construction of permanent structures or facilities on the public lands.

(5) To the extent that public safety may require closure to public use of any portion of the public lands covered by an authorization issued pursuant to this subsection, the Secretary of the military department concerned or the Commandant of the Coast Guard shall take appropriate steps to notify the public concerning such closure and to provide appropriate warnings of risks to public safety.

(6) For purposes of this subsection, the term "conservation system unit" has the same meaning as specified in section 102 of the Alaska National Interest Lands Conservation Act [16 U.S.C. 3102]. [P.L. 100-586, 1988]

ENFORCEMENT AUTHORITY

Sec. 303. [43 U.S.C. 1733] (a) The Secretary shall issue regulations necessary to implement the provisions of this Act with respect to the management, use, and protection of the public lands, including the property located thereon. Any person who knowingly and willfully violates any such regulation which is lawfully issued pursuant to this Act shall be fined no more than \$1,000 or imprisoned no more than twelve months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate judge [P.L. 101-650, 1990] designated for that

purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18 of the United States Code.

(b) At the request of the Secretary, the Attorney General may institute a civil action in any United States district court for an injunction or other appropriate order to prevent any person from utilizing public lands in violation of regulations issued by the Secretary under this Act.

(c) (1) When the Secretary determines that assistance is necessary in enforcing Federal laws and regulations relating to the public lands or their resources he shall offer a contract to appropriate local officials having law enforcement authority within their respective jurisdictions with the view of achieving maximum feasible reliance upon local law enforcement officials in enforcing such laws and regulations. The Secretary shall negotiate on reasonable terms with such officials who have authority to enter into such contracts to enforce such Federal laws and regulations. In the performance of their duties under such contracts such officials and their agents are authorized to carry firearms; execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view, or for a felony if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; search without warrant or process any person, place, or conveyance according to any Federal law or rule of law; and seize without warrant or process any evidentiary item as provided by Federal law. The Secretary shall provide such law enforcement training as he deems necessary in order to carry out the contracted for responsibilities. While exercising the powers and authorities provided by such contract pursuant to this section, such law enforcement officials and their agents shall have all the immunities of Federal law enforcement officials.

(2) The Secretary may authorize Federal personnel or appropriate local officials to carry out his law enforcement responsibilities with respect to the public lands and their resources.

Such designated personnel shall receive the training and have the responsibilities and authority provided for in paragraph (1) of this subsection.

(d) In connection with the administration and regulation of the use and occupancy of the public lands, the Secretary is authorized to cooperate with the regulatory and law enforcement officials of any State or political subdivision thereof in the enforcement of the laws or ordinances of such State or subdivision. Such cooperation may include reimbursement to a State or its subdivision for expenditures incurred by it in connection with activities which assist in the administration and regulation of use and occupancy of the public lands.

(e) Nothing in this section shall prevent the Secretary from promptly establishing a uniformed desert ranger force in the California Desert Conservation Area established pursuant to section 601 of this Act for the purpose of enforcing Federal laws and regulations relating to the public lands and resources managed by him in such area. The officers and members of such ranger force shall have the same responsibilities and authority as provided for in paragraph (1) of subsection (c) of this section.

(f) Nothing in this Act shall be construed as reducing or limiting the enforcement authority vested in the Secretary by any other statute.

(g) The use, occupancy, or development of any portion of the public lands contrary to any regulation of the Secretary or other responsible authority, or contrary to any order issued pursuant to any such regulation, is unlawful and prohibited.

SERVICE CHARGES, REIMBURSEMENT PAYMENTS, AND EXCESS PAYMENTS

Sec. 304. [43 U.S.C. 1734] (a) Notwithstanding any other provision of law, the Secretary may establish reasonable filing and service fees and reasonable charges, and commissions with respect to applications and other documents relating to the public lands and may change and abolish such fees, charges, and commissions.

(b) The Secretary is authorized to require a deposit of any payments intended to reimburse the United States for reasonable costs with respect to applications and other documents relating to such lands. The moneys received for reasonable costs under this subsection shall be deposited with the Treasury in a special account and are hereby authorized to be appropriated and made available until expended. As used in this section "reasonable costs" include, but are not limited to, the costs of special studies; environmental impact statements; monitoring construction, operation, maintenance, and termination of any authorized facility; or other special activities. In determining whether costs are reasonable under this section, the Secretary may take into consideration actual costs (exclusive of management overhead), the monetary value of the rights or privileges sought by the applicant, the efficiency to the government processing involved, that portion of the cost incurred for the benefit of the general public interest rather than for the exclusive benefit of the applicant, the public service provided, and other factors relevant to determining the reasonableness of the costs.

(c) In any case where it shall appear to the satisfaction of the Secretary that any person has made a payment under any statute relating to the sale, lease, use, or other disposition of public lands which is not required or is in excess of the amount required by applicable law and the regulations issued by the Secretary, the Secretary, upon application or otherwise, may cause a refund to be made from applicable funds.

[43 U.S.C. 1734a] *In Fiscal Year 1997 and thereafter, all fees, excluding mining claim fees, in excess of the fiscal year 1996 collections established by the Secretary of the Interior under the authority of section 1734 of this title for processing, recording, or documenting authorizations to use public lands or public land natural resources (including cultural, historical, and mineral) and for providing specific services to public land users, and which are not presently being covered into any Bureau of Land Management appropriation accounts, and not otherwise dedicated by law for a specific distribution, shall be made immediately available for program operations in this account and remain available until expended.* [P.L. 104-208, 1996]

DEPOSITS AND FORFEITURES

Sec. 305. [43 U.S.C. 1735] (a) Any moneys received by the United States as a result of the forfeiture of a bond or other security by a resource developer or purchaser or permittee who does not fulfill the requirements of his contract or permit or does not comply with the regulations of the Secretary; or as a result of a compromise or settlement of any claim whether sounding in tort or in contract involving present or potential damage to the public lands shall be credited to a separate account in the Treasury and are hereby authorized to be appropriated and made available, until expended as the Secretary may direct, to cover the cost to the United States of any improvement, protection, or rehabilitation work on those public lands which has been rendered necessary by the action which has led to the forfeiture, compromise, or settlement.

(b) Any moneys collected under this Act in connection with lands administered under the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a-1181j), shall be expended for the benefit of such land only.

(c) If any portion of a deposit or amount forfeited under this Act is found by the Secretary to be in excess of the cost of doing the work authorized under this Act, the Secretary, upon application or otherwise, may cause a refund of the amount in excess to be made from applicable funds.

[43 U.S.C. 1735 note. P.L. 106-291, 2000, defines the conditions under which excess repair funds may be used to repair other lands. P.L. 106-291 was intended to clarify, but did not amend 43 U.S.C. 1735. It should be consulted when relevant (see Title I, "Service Charges, Deposits, And Forfeitures").]

WORKING CAPITAL FUND

Sec. 306. [43 U.S.C. 1736] (a) There is hereby established a working capital fund for the management of the public lands. This fund shall be available without fiscal year limitation for expenses necessary for furnishing, in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377, as amended), [40 U.S.C. 471 note] and regulations promulgated thereunder, supplies and

equipment services in support of Bureau programs, including but not limited to, the purchase or construction of storage facilities, equipment yards, and related improvements and the purchase, lease, or rent of motor vehicles, aircraft, heavy equipment, and fire control and other resource management equipment within the limitations set forth in appropriations made to the Secretary for the Bureau.

(b) The initial capital of the fund shall consist of appropriations made for that purpose together with the fair and reasonable value at the fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the fund. The Secretary is authorized to make such subsequent transfers to the fund as he deems appropriate in connection with the functions to be carried on through the fund.

(c) The fund shall be credited with payments from appropriations, and funds of the Bureau, other agencies of the Department of the Interior, other Federal agencies, and other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities, supplies, equipment, and services (including depreciation and accrued annual leave). Such payments may be made in advance in connection with firm orders, or by way of reimbursement.

(d) There is hereby authorized to be appropriated a sum not to exceed \$3,000,000 as initial capital of the working capital fund.

[43 U.S.C. 1736a] *There is hereby established in the Treasury of the United States a special fund to be derived hereafter [October 5, 1992] from the Federal share of moneys received from the disposal of salvage timber prepared for sale from the lands under the jurisdiction of the Bureau of Land Management, Department of the Interior. The money in this fund shall be immediately available to the Bureau of Land Management without further appropriation, for the purposes of planning and preparing salvage timber for disposal, the administration of salvage timber sales, and subsequent site preparation and reforestation.* [P.L. 102-381, 1992]

STUDIES, COOPERATIVE AGREEMENTS, AND CONTRIBUTIONS

Sec. 307. [43 U.S.C. 1737] (a) The Secretary may conduct investigations, studies, and experiments, on his own initiative or in cooperation with others, involving the management, protection, development, acquisition, and conveying of the public lands.

(b) Subject to the provisions of applicable law, the Secretary may enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands.

(c) The Secretary may accept contributions or donations of money, services, and property, real, personal, or mixed, for the management, protection, development, acquisition, and conveying of the public lands, including the acquisition of rights-of-way for such purposes. He may accept contributions for cadastral surveying performed on federally controlled or intermingled lands. Moneys received hereunder shall be credited to a separate account in the Treasury and are hereby authorized to be appropriated and made available until expended, as the Secretary may direct, for payment of expenses incident to the function toward the administration of which the contributions were made and for refunds to depositors of amounts contributed by them in specific instances where contributions are in excess of their share of the cost.

(d) The Secretary may recruit, without regard to the civil service classification laws, rules, or regulations, the services of individuals contributed without compensation as volunteers for aiding in or facilitating the activities administered by the Secretary through the Bureau of Land Management.

(e) In accepting such services of individuals as volunteers, the Secretary —

(1) shall not permit the use of volunteers in hazardous duty or law enforcement work, or in policymaking processes or to displace any employee; and

(2) may provide for services or costs incidental to the utilization of volunteers, including

transportation, supplies, lodging, subsistence, recruiting, training, and supervision.

(f) Volunteers shall not be deemed employees of the United States except for the purposes of — [P.L. 98-540, 1984]

(1) the tort claims provisions of title 28;

(2) subchapter 1 of chapter 81 of title 5; and

(3) claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, in which case the provisions of 31 U.S.C. 3721 shall apply. [P.L. 101-286, 1990]

(g) Effective with fiscal years beginning after September 30, 1984, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of subsection (d), but not more than \$250,000 may be appropriated for any one fiscal year. [P.L. 98-540, 1984]

CONTRACTS FOR SURVEYS AND RESOURCE PROTECTION

Sec. 308. [43 U.S.C. 1738] (a) The Secretary is authorized to enter into contracts for the use of aircraft, and for supplies and services, prior to the passage of an appropriation therefor, for airborne cadastral survey and resource protection operations of the Bureau. He may renew such contracts annually, not more than twice, without additional competition. Such contracts shall obligate funds for the fiscal years in which the costs are incurred.

(b) Each such contract shall provide that the obligation of the United States for the ensuing fiscal years is contingent upon the passage of an applicable appropriation, and that no payment shall be made under the contract for the ensuing fiscal years until such appropriation becomes available for expenditure.

ADVISORY COUNCILS AND PUBLIC PARTICIPATION

Sec. 309. [43 U.S.C. 1739] (a) The Secretary shall [P.L. 95-514, 1978] establish advisory councils of not less than ten and not more than fifteen members appointed by him from among persons who are representative of the various major citizens' interests concerning the problems relating to land use

planning or the management of the public lands located within the area for which an advisory council is established. At least one member of each council shall be an elected official of general purpose government serving the people of such area. To the extent practicable there shall be no overlap or duplication of such councils.

Appointments shall be made in accordance with rules prescribed by the Secretary. The establishment and operation of an advisory council established under this section shall conform to the requirements of the Federal Advisory Committee Act (86 Stat. 770; 5 U. S.C. App. 1).

(b) Notwithstanding the provisions of subsection (a) of this section, each advisory council established by the Secretary under this section shall meet at least once a year with such meetings being called by the Secretary.

(c) Members of advisory councils shall serve without pay, except travel and per diem will be paid each member for meetings called by the Secretary.

(d) An advisory council may furnish advice to the Secretary with respect to the land use planning, classification, retention, management, and disposal of the public lands within the area for which the advisory council is established and such other matters as may be referred to it by the Secretary.

(e) In exercising his authorities under this Act, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for, and the management of, the public lands.

RULES AND REGULATIONS

Sec. 310. [43 U.S.C. 1740] The Secretary, with respect to the public lands, shall promulgate rules and regulations to carry out the purposes of this Act and of other laws applicable to the public lands, and the Secretary of Agriculture, with respect to lands within the National Forest System, shall promulgate rules and regulations to carry out the purposes

of this Act. The promulgation of such rules and regulations shall be governed by the provisions of chapter 5 of title 5 of the United States Code, without regard to section 553 (a) (2). Prior to the promulgation of such rules and regulations, such lands shall be administered under existing rules and regulations concerning such lands to the extent practical.

PUBLIC LANDS PROGRAM REPORT

Sec. 311. [43 U.S.C. 1741] (a) For the purpose of providing information that will aid Congress in carrying out its oversight responsibilities for public lands programs and for other purposes, the Secretary shall prepare a report in accordance with subsections (b) and (c) and submit it to the Congress no later than one hundred and twenty days after the end of each fiscal year beginning with the report for fiscal year 1979.

(b) A list of programs and specific information to be included in the report as well as the format of the report shall be developed by the Secretary after consulting with the *Committee on Natural Resources of the House of Representatives* and the *Committee on Energy and Natural Resources of the Senate* [P.L. 103-437, 1994] and shall be provided to the committees prior to the end of the second quarter of each fiscal year.

(c) The report shall include, but not be limited to, program identification information, program evaluation information, and program budgetary information for the preceding current and succeeding fiscal years.

SEARCH AND RESCUE

Sec. 312. [43 U.S.C. 1742] Where in his judgment sufficient search, rescue, and protection forces are not otherwise available, the Secretary is authorized in cases of emergency to incur such expenses as may be necessary (a) in searching for and rescuing, or in cooperating in the search for and rescue of, persons lost on the public lands, (b) in protecting or rescuing, or in cooperating in the protection and rescue of, persons or animals endangered by an act of God, and (c) in transporting deceased persons

or persons seriously ill or injured to the nearest place where interested parties or local authorities are located.

SUNSHINE IN GOVERNMENT

Sec. 313. [43 U.S.C. 1743] (a) Each officer or employee of the Secretary and the Bureau who—

(1) performs any function or duty under this Act; and

(2) has any known financial interest in any person who (A) applies for or receives any permit, lease, or right-of-way under, or (B) applies for or acquires any land or interests therein under, or (C) is otherwise subject to the provisions of, this Act, shall, beginning on February 1, 1977, annually file with the Secretary a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) The Secretary shall—

(1) act within ninety days after the date of enactment of this Act—

(A) to define the term “known financial interests” for the purposes of subsection (a) of this section; and

(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Secretary of such statements; and

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) In the rules prescribed in subsection (b) of this section, the Secretary may identify specific positions within the Department of the Interior which are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined

not more than \$2,500 or imprisoned not more than one year, or both.

RECORDATION OF MINING CLAIMS AND ABANDONMENT

Sec. 314. [43 U.S.C. 1744] (a) The owner of an unpatented lode or placer mining claim located prior to the date of this Act shall, within the three-year period following the date of the approval of this Act and prior to December 31 of each year thereafter, file the instruments required by paragraphs (1) and (2) of this subsection. The owner of an unpatented lode or placer mining claim located after the date of this Act shall, prior to December 31 of each year following the calendar year in which the said claim was located, file the instruments required by paragraphs (1) and (2) of this subsection:

(1) File for record in the office where the location notice or certificate is recorded either a notice of intention to hold the mining claim (including but not limited to such notices as are provided by law to be filed when there has been a suspension or deferment of annual assessment work), an affidavit of assessment work performed thereon, on a detailed report provided by the Act of September 2, 1958 (72 Stat. 1701; 30 U.S.C. 28-1), relating thereto.

(2) File in the office of the Bureau designated by the Secretary a copy of the official record of the instrument filed or recorded pursuant to paragraph (1) of this subsection, including a description of the location of the mining claim sufficient to locate the claimed lands on the ground.

(b) The owner of an unpatented lode or placer mining claim or mill or tunnel site located prior to the date of approval of this Act shall, within the three-year period following the date of approval of this Act, file in the office of the Bureau designated by the Secretary a copy of the official record of the notice of location or certificate of location, including a description of the location of the mining claim or mill or tunnel site sufficient to locate the claimed lands on the ground. The owner of an unpatented lode or placer mining claim or mill or tunnel site located after the date of approval of this Act shall, within ninety days after the date of

location of such claim, file in the office of the Bureau designated by the Secretary a copy of the official record of the notice of location or certificate of location, including a description of the location of the mining claim or mill or tunnel site sufficient to locate the claimed lands on the ground.

(c) The failure to file such instruments as required by subsections (a) and (b) shall be deemed conclusively to constitute an abandonment of the mining claim or mill or tunnel site by the owner; but it shall not be considered a failure to file if the instrument is defective or not timely filed for record under other Federal laws permitting filing or recording thereof, or if the instrument is filed for record by or on behalf of some but not all of the owners of the mining claim or mill or tunnel site.

(d) Such recordation or application by itself shall not render valid any claim which would not be otherwise valid under applicable law. Nothing in this section shall be construed as a waiver of the assessment and other requirements of such law.

RECORDABLE DISCLAIMERS OF INTEREST IN LAND

Sec. 315. [43 U.S.C. 1745] (a) After consulting with any affected Federal agency, the Secretary is authorized to issue a document of disclaimer of interest or interests in any lands in any form suitable for recordation, where the disclaimer will help remove a cloud on the title of such lands and where he determines (1) a record interest of the United States in lands has terminated by operation of law or is otherwise invalid; or (2) the lands lying between the meander line shown on a plat of survey approved by the Bureau or its predecessors and the actual shoreline of a body of water are not lands of the United States; or (3) accreted, relicted, or avulsed lands are not lands of the United States.

(b) No document or disclaimer shall be issued pursuant to this section unless the applicant therefor has filed with the Secretary an application in writing and notice of such application setting forth the grounds supporting such application has been published in the Federal Register at least ninety

days preceding the issuance of such disclaimer and until the applicant therefor has paid to the Secretary the administrative costs of issuing the disclaimer as determined by the Secretary. All receipts shall be deposited to the then-current appropriation from which expended.

(c) Issuance of a document of disclaimer by the Secretary pursuant to the provisions of this section and regulations promulgated hereunder shall have the same effect as a quit-claim deed from the United States.

CORRECTION OF CON- VEYANCE DOCUMENTS

Sec. 316. [43 U.S.C. 1746] The Secretary may correct patents or documents of conveyance issued pursuant to section 208 of this Act or to other Acts relating to the disposal of public lands where necessary in order to eliminate errors. In addition, the Secretary may make corrections of errors in any documents of conveyance which have heretofore been issued by the Federal Government to dispose of public lands.

MINERAL REVENUES

Sec. 317. [30 U.S.C. 181] (a) Section 35 of the Act of February 25, 1920 (41 Stat. 437, 450; 30 U.S.C. 181, 191), as amended, is further amended to read as follows: "All money received from sales, bonuses, royalties, and rentals of the public lands under the provisions of this Act and the Geothermal Steam Act of 1970 [30 U.S.C. 1001 note.], notwithstanding the provisions of section 20 thereof, shall be paid into the Treasury of the United States; 50 per centum thereof shall be paid by the Secretary of the Treasury as soon as practicable after March 31 and September 30 of each year to the State other than Alaska within the boundaries of which the leased lands or deposits are or were located; said moneys paid to any of such States on or after January 1, 1976, to be used by such State and its subdivisions, as the legislature of the State may direct giving priority to those subdivisions of the State socially or economically impacted by development of minerals leased under this Act, for (i) planning, (ii) construction and maintenance of

public facilities, and (iii) provision of public service; and excepting those from Alaska, 40 per centum thereof shall be paid into, reserved, appropriated, as part of the reclamation fund created by the Act of Congress known as the Reclamation Act [43 U.S.C. 391 note.], approved June 17, 1902, and of those from Alaska as soon as practicable after March 31 and September 30 of each year, 90 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof: *Provided*, That all moneys which may accrue to the United States under the provisions of this Act and the Geothermal Steam Act of 1970 [30 U.S.C. 1001 note.] from lands within the naval petroleum reserves shall be deposited in the Treasury as 'miscellaneous receipts', as provided by the Act of June 4, 1920 (41 Stat. 813), as amended June 30, 1938 (52 Stat. 1252). All moneys received under the provisions of this Act and the Geothermal Steam Act of 1970 not otherwise disposed of by this section shall be credited to miscellaneous receipts."

(b) Funds now held pursuant to said section 35 [30 U.S.C. 191 note.] by the States of Colorado and Utah separately from the Department of the Interior oil shale test leases known as C-A; C-B; U-A and U-B shall be used by such States and subdivisions as the legislature of each State may direct giving priority to those subdivisions socially or economically impacted by the development of minerals leased under this Act for (1) planning, (2) construction and maintenance of public facilities, and (3) provision of public services.

[43 U.S.C. 1747](c)(1) *The Secretary is authorized to make loans to States and their political subdivisions in order to relieve social or economic impacts occasioned by the development of minerals leased in such States pursuant to the Act of February 25, 1920, as amended [30 U.S.C. 181 et seq.]. Such loans shall be confined to the uses specified for the 50 per centum of mineral leasing revenues to be received by such States and subdivisions pursuant to section 35 of such Act [30 U.S.C. 191].*

(2) *The total amount of loans outstanding pursuant to this subsection for any State and political subdivisions thereof in any year shall be not more than the anticipated mineral leasing revenues to*

be received by that State pursuant to section 35 of the Act of February 25, 1920, as amended [30 U.S.C. 191], for the ten years following.

(3) *The Secretary, after consultation with the Governors of the affected States, shall allocate such loans among the States and their political subdivisions in a fair and equitable manner, giving priority to those States and subdivisions suffering the most severe impacts.*

(4) *Loans made pursuant to this subsection shall be subject to such terms and conditions as the Secretary determines necessary to assure the achievement of the purpose of this subsection. The Secretary shall promulgate such regulations as may be necessary to carry out the provisions of this subsection no later than three months after August 20, 1978.*

(5) *Loans made pursuant to this subsection shall bear interest equivalent to the lowest interest rate paid on an issue of at least \$1,000,000 of tax exempt bonds of such State or any agency thereof within the preceding calendar year.*

(6) *Any loan made pursuant to this subsection shall be secured only by a pledge of the revenues received by the State or the political subdivision thereof pursuant to section 35 of the Act of February 25, 1920, as amended [30 U.S.C. 191], and shall not constitute an obligation upon the general property or taxing authority of such unit of government.*

(7) *Notwithstanding any other provision of law, loans made pursuant to this subsection may be used for the non-Federal share of the aggregate cost of any project or program otherwise funded by the Federal Government which requires a non-Federal share for such project or program and which provides planning or public facilities otherwise eligible for assistance under this subsection.*

(8) *Nothing in this subsection shall be construed to preclude any forbearance for the benefit of the borrower including loan restructuring, which may be determined by the Secretary as justified by the failure of anticipated mineral development or related revenues to materialize as expected when the loan was made pursuant to this subsection.*

(9) *Recipients of loans made pursuant to this subsection shall keep such records as the Secretary shall prescribe by regulation, including records which fully disclose the disposition of the proceeds of such assistance and such other records as the Secretary may require to facilitate an effective audit. The Secretary and the Comptroller General of the United States or their duly authorized representatives shall have access, for the purpose of audit, to such records.*

(10) *No person in the United States shall, on the grounds of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or part with funds made available under this subsection.*

(11) *All amounts collected in connection with loans made pursuant to this subsection, including interest payments or repayments of principal on loans, fees, and other moneys, derived in connection with this subsection, shall be deposited in the Treasury as miscellaneous receipts. [P.L. 95-352, 1978]*

APPROPRIATION AUTHORIZATION

Sec. 318. [43 U.S.C. 1748] (a) There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes and provisions of this Act, but no amounts shall be appropriated to carry out after *October 1, 2002* [P.L. 104-333, 1996], any program, function, or activity of the Bureau under this or any other Act unless such sums are specifically authorized to be appropriated as of October 21, 1976, or are authorized to be appropriated in accordance with the provisions of subsection (b) of this section.

(b) Consistent with section 607 of the Congressional Budget Act of 1974 [31 U.S.C. 1110], beginning May 15, 1977, and not later than May 15 of each second even numbered year thereafter, the Secretary shall submit to the Speaker of the House of Representatives and the President of the Senate a request for the authorization of appropriations for all programs, functions, and activities of the Bureau to be carried out during the four-fiscal-year period beginning on October 1 of the calendar year following the calendar year in which such request is submitted. The Secretary shall include in his request, in addition to the information contained in his budget request and justification statement to the Office of Management and Budget, the funding levels which he determines can be efficiently and effectively utilized in the execution of his responsibilities for each such program, function, or activity, notwithstanding any budget guidelines or limitations imposed by any official or agency of the executive branch.

(c) Nothing in this section shall apply to the distribution of receipts of the Bureau from the disposal of lands, natural resources, and interests in lands in accordance with applicable law, nor to the use of contributed funds, private deposits for public survey work, and townsite trusteeships, nor to fund allocations from other Federal agencies, reimbursements from both Federal and non-Federal sources, and funds expended for emergency firefighting and rehabilitation.

(d) In exercising the authority to acquire by purchase granted by subsection (a) of section 205 of this Act, the Secretary may use the Land and Water Conservation Fund to purchase lands which are necessary for proper management of public lands which are primarily of value for outdoor recreation purposes.

TITLE IV

RANGE MANAGEMENT

GRAZING FEES

Sec. 401. [43 U.S.C. 1751] (a) The Secretary of Agriculture and the Secretary of the Interior shall jointly cause to be conducted a study to determine the value of grazing on the lands under their jurisdiction in the eleven Western States with a view to establishing a fee to be charged for domestic livestock grazing on such lands which is equitable to the United States and to the holders of grazing permits and leases on such lands. In making such study, the Secretaries shall take into consideration the costs of production normally associated with domestic livestock grazing in the eleven Western States, differences in forage values, and such other factors as may relate to the reasonableness of such fees. The Secretaries shall report the result of such study to the Congress not later than one year from and after the date of approval of this Act, together with recommendations to implement a reasonable grazing fee schedule based upon such study. If the report required herein has not been submitted to the Congress within one year after the date of approval of this Act, the grazing fee charge then in effect shall not be altered and shall remain the same until such report has been submitted to the Congress. Neither Secretary shall increase the grazing fee in the 1977 grazing year.

(b) (1) Congress finds that a substantial amount of the Federal range lands is deteriorating in quality, and that installation of additional range improvements could arrest much of the continuing deterioration and could lead to substantial betterment of forage conditions with resulting benefits to wildlife, watershed protection, and livestock production. Congress therefore directs that 50 per centum or \$10,000,000 *per annum, whichever is greater* [P.L. 95-514, 1978] of all moneys received by the United States as fees for grazing domestic livestock on public lands (other than from ceded Indian lands) under the Taylor Grazing Act (48

Stat. 1269; 43 U.S.C. 315 et seq.) and the Act of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181d), and on lands in National Forests in the *sixteen* [P.L. 95-514, 1978] contiguous Western States under the provisions of this section shall be credited to a separate account in the Treasury, one-half of which is authorized to be appropriated and made available for use in the district, region, or national forest from which such moneys were derived, as the respective Secretary may direct after consultation with district, regional, or national forest user representatives, for the purpose of on-the-ground range rehabilitation, protection, and improvements on such lands, and the remaining one-half shall be used for on-the-ground range rehabilitation, protection, and improvements as the Secretary concerned directs. Any funds so appropriated shall be in addition to any other appropriations made to the respective Secretary for planning and administration of the range betterment program and for other range management. Such rehabilitation, protection, and improvements shall include all forms of range land betterment including, but not limited to, seeding and reseeding, fence construction, weed control, water development, and fish and wildlife habitat enhancement as the respective Secretary may direct after consultation with user representatives. The annual distribution and use of range betterment funds authorized by this paragraph shall not be considered a major Federal action requiring a detailed statement pursuant to section 4332(c) of title 42 of the United States Code.

(2) The first clause of section 10 (b) of the Taylor Grazing Act (48 Stat. 1269), as amended by the Act of August 6, 1947 (43 U.S.C. 315i), [43 U.S.C. 1751] is hereby repealed. All distributions of moneys made under section (b) (1) of this section shall be in addition to distributions made under section 10 of the Taylor Grazing Act [43 U.S.C. 315] and shall not apply to distribution of moneys made under section 11 of that Act [43 U.S.C. 315]. The

remaining moneys received by the United States as fees for grazing domestic livestock on the public lands shall be deposited in the Treasury as miscellaneous receipts.

(3) Section 3 of the Taylor Grazing Act, [43 U.S.C. 315b] as amended (43 U.S.C. 315), is further amended by—

(a) Deleting the last clause of the first sentence thereof, which begins with “and in fixing,” deleting the comma after “time,” and adding to that first sentence the words “in accordance with governing law.”

(b) Deleting the second sentence thereof.

GRAZING LEASES AND PERMITS

Sec. 402. [43 U.S.C. 1752] (a) Except as provided in subsection (b) of this section, permits and leases for domestic livestock grazing on public lands issued by the Secretary under the Act of June 28, 1934 (48 Stat. 1269, as amended; 43 U.S.C. 315 et seq.) or the Act of August 28, 1937 (50 Stat. 874, as amended; 43 U.S.C. 1181a-1181j), or by the Secretary of Agriculture, with respect to lands within National Forests in the *sixteen* [P.L. 95-914, 1978] contiguous Western States, shall be for a term of ten years subject to such terms and conditions the Secretary concerned deems appropriate and consistent with the governing law, including, but not limited to, the authority of the Secretary concerned to cancel, suspend, or modify a grazing permit or lease, in whole or in part, pursuant to the terms and conditions thereof, or to cancel or suspend a grazing permit or lease for any violation of a grazing regulation or of any term or condition of such grazing permit or lease.

(b) Permits or leases may be issued by the Secretary concerned for a period shorter than ten years where the Secretary concerned determines that—

- (1) the land is pending disposal; or
- (2) the land will be devoted to a public purpose prior to the end of ten years; or
- (3) it will be in the best interest of sound land management to specify a shorter term: *Provided*,

That the absence from an allotment management plan of details the Secretary concerned would like to include but which are undeveloped shall not be the basis for establishing a term shorter than ten years: *Provided further*, That the absence of completed land use plans or court ordered environmental statements shall not be the sole basis for establishing a term shorter than ten years unless the Secretary determines on a case-by-case basis that the information to be contained in such land use plan or court ordered environmental impact statement is necessary to determine whether a shorter term should be established for any of the reasons set forth in items (1) through (3) of this subsection. [P.L. 95-914, 1978]

(c) So long as (1) the lands for which the permit or lease is issued remain available for domestic livestock grazing in accordance with land use plans prepared pursuant to section 202 of this Act or section 5 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (88 Stat. 477; 16 U.S.C. 1601), (2) the permittee or lessee is in compliance with the rules and regulations issued and the terms and conditions in the permit or lease specified by the Secretary concerned, and (3) the permittee or lessee accepts the terms and conditions to be included by the Secretary concerned in the new permit or lease, the holder of the expiring permit or lease shall be given first priority for receipt of the new permit or lease.

(d) *All permits and leases for domestic livestock grazing issued pursuant to this section may incorporate an allotment management plan developed by the Secretary concerned. However, nothing in this subsection shall be construed to supersede any requirement for completion of court ordered environmental impact statements prior to development and incorporation of allotment management plans. If the Secretary concerned elects to develop an allotment management plan for a given area, he shall do so in careful and considered consultation, cooperation and coordination with the lessees, permittees, and landowners involved, the district grazing advisory boards established pursuant to section 403 of the Federal Land Policy and Management Act (43 U.S.C. 1753), and any State or States having lands within the area to be*

covered by such allotment management plan. Allotment management plans shall be tailored to the specific range condition of the area to be covered by such plan, and shall be reviewed on a periodic basis to determine whether they have been effective in improving the range condition of the lands involved or whether such lands can be better managed under the provisions of subsection (e) of this section. The Secretary concerned may revise or terminate such plans or develop new plans from time to time after such review and careful and considered consultation, cooperation and coordination with the parties involved. As used in this subsection, the terms "court ordered environmental impact statement" and "range condition" shall be defined as in the "Public Rangelands Improvement Act of 1978(43 U.S.C. 1901 et seq.)". [P.L. 95-514, 1978]

(e) In [P.L. 95-514, 1978] all cases where the Secretary concerned has not completed an allotment management plan or determines that an allotment management plan is not necessary for management of livestock operations and will not be prepared, the Secretary concerned shall incorporate in grazing permits and leases such terms and conditions as he deems appropriate for management of the permitted or leased lands pursuant to applicable law. The Secretary concerned shall also specify therein the numbers of animals to be grazed and the seasons of use and that he may reexamine the condition of the range at any time and, if he finds on reexamination that the conditions of the range requires adjustment in the amount or other aspect of grazing use, that the permittee or lessee shall adjust his use to the extent the Secretary concerned deems necessary. Such readjustment shall be put into full force and effect on the date specified by the Secretary concerned.

(f) Allotment management plans shall not refer to livestock operations or range improvements on non-Federal lands except where the non-Federal lands are intermingled with, or, with the consent of the permittee or lessee involved, associated with, the Federal lands subject to the plan. The Secretary concerned under appropriate regulations shall grant to lessees and permittees the right of appeal from decisions which specify the terms and conditions of allotment management plans. The

preceding sentence of this subsection shall not be construed as limiting any other right of appeal from decisions of such officials.

(g) Whenever a permit or lease for grazing domestic livestock is canceled in whole or in part, in order to devote the lands covered by the permit or lease to another public purpose, including disposal, the permittee or lessee shall receive from the United States a reasonable compensation for the adjusted value, to be determined by the Secretary concerned, of his interest in authorized permanent improvements placed or constructed by the permittee or lessee on lands covered by such permit or lease, but not to exceed the fair market value of the terminated portion of the permittee's or lessee's interest therein. Except in cases of emergency, no permit or lease shall be canceled under this subsection without two years' prior notification.

(h) Nothing in this Act shall be construed as modifying in any way law existing on the date of approval of this Act with respect to the creation of right, title, interest or estate in or to public lands or lands in National Forests by issuance of grazing permits and leases.

GRAZING ADVISORY BOARDS

Sec. 403. [43 U.S.C. 1753] (a) For each Bureau district office and National Forest headquarters office in the *sixteen* [P.L. 95-514, 1978] contiguous Western States having jurisdiction over more than five hundred thousand acres of lands subject to commercial livestock grazing (hereinafter in this section referred to as "office"), the Secretary and the Secretary of Agriculture, upon the petition of a simple majority of the livestock lessees and permittees under the jurisdiction of such office, shall establish and maintain at least one grazing advisory board of not more than fifteen advisers.

(b) The function of grazing advisory boards established pursuant to this section shall be to offer advice and make recommendations to the head of the office involved concerning the development of allotment management plans and the utilization of range-betterment funds.

(c) The number of advisers on each board and the number of years an adviser may serve shall be

determined by the Secretary concerned in his discretion. Each board shall consist of livestock representatives who shall be lessees or permittees in the area administered by the office concerned and shall be chosen by the lessees and permittees in the area through an election prescribed by the Secretary concerned.

(d) Each grazing advisory board shall meet at least once annually.

(e) Except as may be otherwise provided by this section, the provisions of the Federal Advisory Committee Act (86 Stat. 770; 5 U.S. C. App. 1) shall apply to grazing advisory boards.

(f) The provisions of this section shall expire December 31, 1985.

MANAGEMENT OF CERTAIN HORSES AND BURROS

Sec. 404. Sections 9 and 10 of the Act of December 15, 1971 (85 Stat. 649, 651; 16 U.S.C. 1331, 1339-1340) are renumbered as sections 10 and 11, respectively, and the following new section is inserted after section 8:

“Sec. 9. [16 U.S.C. 1338a] In administering this Act, the Secretary may use or contract for the use of helicopters or, for the purpose of transporting captured animals, motor vehicles. Such use shall be undertaken only after a public hearing and under the direct supervision of the Secretary or of a duly authorized official or employee of the Department. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.”

[16 U.S.C. 1338a Note: Subsequent amendments were made to this section in 1996 concerning management of the National Park System.]

TITLE V

RIGHTS-OF-WAY

AUTHORIZATION TO GRANT RIGHTS-OF-WAY

Sec. 501. [43 U.S.C. 1761] (a) The Secretary, with respect to the public lands (*including public lands, as defined in section 103(e) of this Act, which are reserved from entry pursuant to section 24 of the Federal Power Act (16 U.S.C. 818)*) [P.L. 102-486, 1992] and, the Secretary of Agriculture, with respect to lands within the National Forest System (except in each case land designated as wilderness), are authorized to grant, issue, or renew rights-of-way over, upon, under, or through such lands for—

- (1) reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other facilities and systems for the impoundment, storage, transportation, or distribution of water;
- (2) pipelines and other systems for the transportation or distribution of liquids and gases, other than water and other than oil, natural gas, synthetic liquid or gaseous fuels, or any refined product produced therefrom, and for storage and terminal facilities in connection therewith;
- (3) pipelines, slurry and emulsion systems, and conveyor belts for transportation and distribution of solid materials, and facilities for the storage of such materials in connection therewith;
- (4) systems for generation, transmission, and distribution of electric energy, except that the applicant shall also comply with all applicable requirements of the *Federal Energy Regulatory Commission under the Federal Power Act, including part I thereof* (41 Stat. 1063, 16 U.S.C. 791a-825r) [P.L. 102-486, 1992];
- (5) systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication;
- (6) roads, trails, highways, railroads, canals, tunnels, tramways, airways, livestock driveways, or other means of transportation except where

such facilities are constructed and maintained in connection with commercial recreation facilities on lands in the National Forest System; or

(7) such other necessary transportation or other systems or facilities which are in the public interest and which require rights-of-way over, upon, under, or through such lands.

(b) (1) The Secretary concerned shall require, prior to granting, issuing, or renewing a right-of-way, that the applicant submit and disclose those plans, contracts, agreements, or other information reasonably related to the use, or intended use, of the right-of-way, including its effect on competition, which he deems necessary to a determination, in accordance with the provisions of this Act, as to whether a right-of-way shall be granted, issued, or renewed and the terms and conditions which should be included in the right-of-way.

(2) If the applicant is a partnership, corporation, association, or other business entity, the Secretary concerned, prior to granting a right-to-way pursuant to this title, shall require the applicant to disclose the identity of the participants in the entity, when he deems it necessary to a determination, in accordance with the provisions of this title, as to whether a right-of-way shall be granted, issued, or renewed and the terms and conditions which should be included in the right-of-way. Such disclosures shall include, where applicable: (A) the name and address of each partner; (B) the name and address of each share-holder owning 3 per centum or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote; and (C) the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and, in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting

stock of that entity owned, directly or indirectly, by the affiliate.

(3) *The Secretary of Agriculture shall have the authority to administer all rights-of-way granted or issued under authority of previous Acts with respect to lands under the jurisdiction of the Secretary of Agriculture, including rights-of-way granted or issued pursuant to authority given to the Secretary of the Interior by such previous Acts.* [P.L. 99-545, 1986]

(c) (1) *Upon receipt of a written application pursuant to paragraph (2) of this subsection from an applicant meeting the requirements of this subsection, the Secretary of Agriculture shall issue a permanent easement, without a requirement for reimbursement, for a water system as described in subsection (a)(1) of this section, traversing Federal lands within the National Forest System ('National Forest Lands'), constructed and in operation or placed into operation prior to October 21, 1976, if—*

(A) *the traversed National Forest lands are in a State where the appropriation doctrine governs the ownership of water rights;*

(B) *at the time of submission of the application the water system is used solely for agricultural irrigation or livestock watering purposes;*

(C) *the use served by the water system is not located solely on Federal lands;*

(D) *the originally constructed facilities comprising such system have been in substantially continuous operation without abandonment;*

(E) *the applicant has a valid existing right, established under applicable State law, for water to be conveyed by the water system;*

(F) *a recordable survey and other information concerning the location and characteristics of the system as necessary for proper management of National Forest lands is provided to the Secretary of Agriculture by the applicant for the easement; and*

(G) *the applicant submits such application on or before December 31, 1996.*

(2) (A) *Nothing in this subsection shall be construed as affecting any grants made by any*

previous Act. To the extent any such previous grant of right-of-way is a valid existing right, it shall remain in full force and effect unless an owner thereof notifies the Secretary of Agriculture that such owner elects to have a water system on such right-of-way governed by the provision of this subsection and submits a written application for issuance of an easement pursuant to this subsection, in which case upon the issuance of an easement pursuant to this subsection such previous grant shall be deemed to have been relinquished and shall terminate.

(B) *Easements issued under the authority of this subsection shall be fully transferable with all existing conditions and without the imposition of fees or new conditions or stipulations at the time of transfer. The holder shall notify the Secretary of Agriculture within sixty days of any address change of the holder or change in ownership of the facilities.*

(C) *Easements issued under the authority of this subsection shall include all changes or modifications to the original facilities in existence as of October 21, 1976, the date of enactment of this Act.*

(D) *Any future extension or enlargement of facilities after October 21, 1976, shall require the issuance of a separate authorization, not authorized under this subsection.*

(3) (A) *Except as otherwise provided in this subsection, the Secretary of Agriculture may terminate or suspend an easement issued pursuant to this subsection in accordance with the procedural and other provisions of section 506 [43 U.S.C. 1768] of this Act. An easement issued pursuant to this subsection shall terminate if the water system for which such easement was issued is used for any purpose other than agricultural irrigation or livestock watering use. For purposes of subparagraph (D) of paragraph (1) of this subsection, non-use of a water system for agricultural irrigation or livestock watering purposes for any continuous five-year period shall constitute a rebuttable presumption of abandonment of the facilities comprising such system.*

(B) *Nothing in this subsection shall be deemed to be an assertion by the United States of any right*

or claim with regard to the reservation, acquisition, or use of water. Nothing in this subsection shall be deemed to confer on the Secretary of Agriculture any power or authority to regulate or control in any manner the appropriation, diversion, or use of water for any purpose (nor to diminish any such power to authority of such Secretary under applicable law) or to require the conveyance or transfer to the United States of any right or claim to the appropriation, diversion, or use of water.

(C) Except as otherwise provided in this subsection, all rights-of-way issued pursuant to this subsection are subject to all conditions and requirements of this Act.

(D) In the event a right-of-way issued pursuant to this subsection is allowed to deteriorate to the point of threatening persons or property and the holder of the right-of-way, after consultation with the Secretary of Agriculture, refuses to perform the repair and maintenance necessary to remove the threat to persons or property, the Secretary shall have the right to undertake such repair and maintenance on the right-of-way and to assess the holder for the costs of such repair and maintenance, regardless of whether the Secretary had required the holder to furnish a bond or other security pursuant to subsection (i) of this section. [P.L. 99-545, 1986]

(d) With respect to any project or portion thereof that was licensed pursuant to, or granted an exemption from, part I of the Federal Power Act [16 U.S.C. 791a et seq.] which is located on lands subject to a reservation under section 24 of the Federal Power Act [16 U.S.C. 818] and which did not receive a permit, right-of-way or other approval under this section prior to enactment of this subsection, no such permit, right-of-way, or other approval shall be required for continued operation, including continued operation pursuant to section 15 of the Federal Power Act [16 U.S.C. 808], of such project unless the Commission determines that such project involves the use of any additional public lands or National Forest lands not subject to such reservation. [P.L. 102-486, 1992]

COST-SHARE ROAD AUTHORIZATION

Sec. 502. [43 U.S.C. 1762] (a) The Secretary, with respect to the public lands, is authorized to provide for the acquisition, construction, and maintenance of roads within and near the public lands in locations and according to specifications which will permit maximum economy in harvesting timber from such lands tributary to such roads and at the same time meet the requirements for protection, development, and management of such lands for utilization of the other resources thereof.

Financing of such roads may be accomplished (1) by the Secretary utilizing appropriated funds, (2) by requirements on purchasers of timber and other products from the public lands, including provisions for amortization of road costs in contracts, (3) by cooperative financing with other public agencies and with private agencies or persons, or (4) by a combination of these methods: *Provided*, That, where roads of a higher standard than that needed in the harvesting and removal of the timber and other products covered by the particular sale are to be constructed, the purchaser of timber and other products from public lands shall not, except when the provisions of the second proviso of this subsection apply, be required to bear that part of the costs necessary to meet such higher standard, and the Secretary is authorized to make such arrangements to this end as may be appropriate: *Provided further*, That when timber is offered with the condition that the purchaser thereof will build a road or roads in accordance with standards specified in the offer, the purchaser of the timber will be responsible for paying the full costs of construction of such roads.

(b) Copies of all instruments affecting permanent interests in land executed pursuant to this section shall be recorded in each county where the lands are located.

(c) The Secretary may require the user or users of a road, trail, land, or other facility administered by him through the Bureau, including purchasers of Government timber and other products, to maintain such facilities in a satisfactory condition commensurate with the particular use requirements

of each. Such maintenance to be borne by each user shall be proportionate to total use. The Secretary may also require the user or users of such a facility to reconstruct the same when such reconstruction is determined to be necessary to accommodate such use. If such maintenance or reconstruction cannot be so provided or if the Secretary determines that maintenance or reconstruction by a user would not be practical, then the Secretary may require that sufficient funds be deposited by the user to provide his portion of such total maintenance or reconstruction. Deposits made to cover the maintenance or reconstruction of roads are hereby made available until expended to cover the cost to the United States of accomplishing the purposes for which deposited:

Provided, That deposits received for work on adjacent and overlapping areas may be combined when it is the most practicable and efficient manner of performing the work, and cost thereof may be determined by estimates: *And provided further*, That unexpended balances upon accomplishment of the purpose for which deposited shall be transferred to miscellaneous receipts or refunded.

(d) Whenever the agreement under which the United States has obtained for the use of, or in connection with, the public lands a right-of-way or easement for a road or an existing road or the right to use an existing road provides for delayed payments to the Government's grantor, any fees or other collections received by the Secretary for the use of the road may be placed in a fund to be available for making payments to the grantor.

RIGHT-OF-WAY CORRIDORS

Sec. 503. [43 U.S.C. 1763] In order to minimize adverse environmental impacts and the proliferation of separate rights-of-way, the utilization of rights-of-way in common shall be required to the extent practical, and each right-of-way or permit shall reserve to the Secretary concerned the right to grant additional rights-of-way or permits for compatible uses on or adjacent to rights-of-way granted pursuant to this Act. In designating right-of-way corridors and in determining whether to require that rights-of-way be confined to them, the Secretary concerned shall take into consideration

national and State land use policies, environmental quality, economic efficiency, national security, safety, and good engineering and technological practices. The Secretary concerned shall issue regulations containing the criteria and procedures he will use in designating such corridors. Any existing transportation and utility corridors may be designated as transportation and utility corridors pursuant to this subsection without further review.

GENERAL PROVISIONS

Sec. 504. [43 U.S.C. 1764] (a) The Secretary concerned shall specify the boundaries of each right-of-way as precisely as is practical. Each right-of-way shall be limited to the ground which the Secretary concerned determines (1) will be occupied by facilities which constitute the project for which the right-of-way is granted, issued, or renewed, (2) to be necessary for the operation or maintenance of the project, (3) to be necessary to protect the public safety, and (4) will do no unnecessary damage to the environment. The Secretary concerned may authorize the temporary use of such additional lands as he determines to be reasonably necessary for the construction, operation, maintenance, or termination of the project or a portion thereof, or for access thereto.

(b) Each right-of-way or permit granted, issued, or renewed pursuant to this section shall be limited to a reasonable term in light of all circumstances concerning the project. In determining the duration of a right-of-way the Secretary concerned shall, among other things, take into consideration the cost of the facility, its useful life, and any public purpose it serves. The right-of-way shall specify whether it is or is not renewable and the terms and conditions applicable to the renewal.

(c) Rights-of-way shall be granted, issued, or renewed pursuant to this title under such regulations or stipulations, consistent with the provisions of this title or any other applicable law, and shall also be subject to such terms and conditions as the Secretary concerned may prescribe regarding extent, duration, survey, location, construction, maintenance, transfer or assignment, and termination.

(d) The Secretary concerned prior to granting or issuing a right-of-way pursuant to this title for a new project which may have a significant impact on the environment, shall require the applicant to submit a plan of construction, operation, and rehabilitation for such right-of-way which shall comply with stipulations or with regulations issued by that Secretary, including the terms and conditions required under section 505 of this Act.

(e) The Secretary concerned shall issue regulations with respect to the terms and conditions that will be included in rights-of-way pursuant to section 505 of this title. Such regulations shall be regularly revised as needed. Such regulations shall be applicable to every right-of-way granted or issued pursuant to this title and to any subsequent renewal thereof, and may be applicable to rights-of-way not granted or issued, but renewed pursuant to this title.

(f) Mineral and vegetative materials, including timber, within or without a right-of-way, may be used or disposed of in connection with construction or other purposes only if authorization to remove or use such materials has been obtained pursuant to applicable laws or *for emergency repair work necessary for those rights-of-way authorized under section 501(c) of this Act.* [P.L. 99-545, 1986]

(g) *The holder of a right-of-way shall pay in advance the fair market value thereof, as determined by the Secretary granting, issuing, or renewing such right-of-way. The Secretary concerned may require either annual payment or a payment covering more than one year at a time except that private individuals may make at their option either annual payments or payments covering more than one year if the annual fee is greater than one hundred dollars. The Secretary concerned may waive rentals where a right-of-way is granted, issued or renewed in consideration of a right-of-way conveyed to the United States in connection with a cooperative cost share program between the United States and the holder.* [P.L. 99-545, 1986] The Secretary concerned may, by regulation or prior to promulgation of such regulations, as a condition of a right-of-way, require an applicant for or holder of a right-of-way to reimburse

the United States for all reasonable administrative and other costs incurred in processing an application for such right-of-way and in inspection and monitoring of construction, operation, and termination of the facility pursuant to such right-of-way: *Provided, however,* That the Secretary concerned need not secure reimbursement in any situation where there is in existence a cooperative cost share right-of-way program between the United States and the holder of a right-of-way. Rights-of-way may be granted, issued, or renewed to a Federal, State, or local government or any agency or instrumentality thereof, to nonprofit associations or nonprofit corporations which are not themselves controlled or owned by profit making corporations or business enterprises, or to a holder where he provides without or at reduced charges a valuable benefit to the public or to the programs of the Secretary concerned, or to a holder in connection with the authorized use or occupancy of Federal land for which the United States is already receiving compensation for such lesser charge, including free use as the Secretary concerned finds equitable and in the public interest. Such rights-of-way issued at less than fair market value are not assignable except with the approval of the Secretary issuing the right-of-way. The moneys received for reimbursement of reasonable costs shall be deposited with the Treasury in a special account and are hereby authorized to be appropriated and made available until expended. *Rights-of-way shall be granted, issued, or renewed, without rental fees, for electric or telephone facilities, eligible for financing pursuant to the Rural Electrification Act of 1936, as amended [7 U.S.C. 901 et seq.], determined without regard to any application requirement under that Act,* [P.L. 104-333, 1996] *or any extensions from such facilities: Provided, That nothing in this sentence shall be construed to affect the authority of the Secretary granting, issuing, or renewing the right-of-way to require reimbursement of reasonable administrative and other costs pursuant to the second sentence of this subsection.* [P.L. 98-300, 1984]

[43 U.S.C. 1764 Note: effective date shall apply with respect to rights-of-way leases held on or after the date of enactment of this Act. [P.L. 104-333, 1996]]

(h) (1) The Secretary concerned shall promulgate regulations specifying the extent to which holders of rights-of-way under this title shall be liable to the United States for damage or injury incurred by the United States caused by the use and occupancy of the rights-of-way. The regulations shall also specify the extent to which such holders shall indemnify or hold harmless the United States for liabilities, damages, or claims caused by their use and occupancy of the rights-of-way.

(2) Any regulation or stipulation imposing liability without fault shall include a maximum limitation on damages commensurate with the foreseeable risks or hazards presented. Any liability for damage or injury in excess of this amount shall be determined by ordinary rules of negligence.

(i) Where he deems it appropriate, the Secretary concerned may require a holder of a right-of-way to furnish a bond, or other security, satisfactory to him to secure all or any of the obligations imposed by the terms and conditions of the right-of-way or by any rule or regulation of the Secretary concerned.

(j) The Secretary concerned shall grant, issue, or renew a right-of-way under this title only when he is satisfied that the applicant has the technical and financial capability to construct the project for which the right-of-way is requested, and in accord with the requirements of this title.

TERMS AND CONDITIONS

SEC. 505. [43 U.S.C. 1765] Each right-of-way shall contain—

(a) terms and conditions which will (i) carry out the purposes of this Act and rules and regulations issued thereunder; (ii) minimize damage to scenic and esthetic values and fish and wildlife habitat and otherwise protect the environment; (iii) require compliance with applicable air and water quality standards established by or pursuant to applicable Federal or State law; and (iv) require compliance with State standards for public health and safety, environmental protection, and siting, construction, operation, and maintenance of or for rights-of-way for similar purposes if those

standards are more stringent than applicable Federal standards; and

(b) such terms and conditions as the Secretary concerned deems necessary to (i) protect Federal property and economic interests; (ii) manage efficiently the lands which are subject to the right-of-way or adjacent thereto and protect the other lawful users of the lands adjacent to or traversed by such right-of-way; (iii) protect lives and property; (iv) protect the interests of individuals living in the general area traversed by the right-of-way who rely on the fish, wildlife, and other biotic resources of the area for subsistence purposes; (v) require location of the right-of-way along a route that will cause least damage to the environment, taking into consideration feasibility and other relevant factors; and (vi) otherwise protect the public interest in the lands traversed by the right-of-way or adjacent thereto.

SUSPENSION OR TERMINATION OF RIGHTS-OF-WAY

Sec. 506. [43 U.S.C. 1766] Abandonment of a right-of-way or noncompliance with any provision of this title, condition of the right-of-way, or applicable rule or regulation of the Secretary concerned may be grounds for suspension or termination of the right-of-way if, after due notice to the holder of the right-of-way, and with respect to easements, an appropriate administrative proceeding pursuant to section 554 of title 5 of the United States Code, the Secretary concerned determines that any such ground exists and that suspension or termination is justified. No administrative proceeding shall be required where the right-of-way by its terms provides that it terminates on the occurrence of a fixed or agreed-upon condition, event, or time. If the Secretary concerned determines that an immediate temporary suspension of activities within a right-of-way for violation of its terms and conditions is necessary to protect public health or safety or the environment, he may abate such activities prior to an administrative proceeding. Prior to commencing any proceeding to suspend or terminate a right-of-way the Secretary concerned shall give written notice to the holder of the grounds for

such action and shall give the holder a reasonable time to resume use of the right-of-way or to comply with this title, condition, rule, or regulation as the case may be. Failure of the holder of the right-of-way to use the right-of-way for the purpose for which it was granted, issued, or renewed, for any continuous five-year period, shall constitute a rebuttable presumption of abandonment of the right-of-way, except that where the failure of the holder to use the right-of-way for the purpose for which it was granted, issued, or renewed for any continuous five-year period is due to circumstances not within the holder's control, the Secretary concerned is not required to commence proceedings to suspend or terminate the right-of-way.

RIGHTS-OF-WAY FOR FEDERAL AGENCIES

Sec. 507. [43 U.S.C. 1767] (a) The Secretary concerned may provide under applicable provisions of this title for the use of any department or agency of the United States a right-of-way over, upon, under or through the land administered by him, subject to such terms and conditions as he may impose.

(b) Where a right-of-way has been reserved for the use of any department or agency of the United States, the Secretary shall take no action to terminate, or otherwise limit, that use without the consent of the head of such department or agency.

CONVEYANCE OF LANDS

Sec. 508. [43 U.S.C. 1768] If under applicable law the Secretary concerned decides to transfer out of Federal ownership any lands covered in whole or in part by a right-of-way, including a right-of-way granted under the Act of November 16, 1973 (87 Stat. 576; 30 U.S.C. 185), the lands may be conveyed subject to the right-of-way; however, if the Secretary concerned determines that retention of Federal control over the right-of-way is necessary to assure that the purposes of this title will be carried out, the terms and conditions of the right-of-way complied with, or the lands protected, he shall (a) reserve to the United States that portion of the lands which lies within the boundaries of the right-

of-way, or (b) convey the lands, including that portion within the boundaries of the right-of-way, subject to the right-of-way and reserving to the United States the right to enforce all or any of the terms and conditions of the right-of-way, including the right to renew it or extend it upon its termination and to collect rents.

EXISTING RIGHTS-OF-WAY

Sec. 509. [43 U.S.C. 1769] (a) Nothing in this title shall have the effect of terminating any right-of-way or right-of-use heretofore issued, granted, or permitted. However, with the consent of the holder thereof, the Secretary concerned may cancel such a right-of-way or right-of-use and in its stead issue a right-of-way pursuant to the provisions of this title.

(b) When the Secretary concerned issues a right-of-way under this title for a railroad and appurtenant communication facilities in connection with a realignment of a railroad on lands under his jurisdiction by virtue of a right-of-way granted by the United States, he may, when he considers it to be in the public interest and the lands involved are not within an incorporated community and are of approximately equal value, notwithstanding the provisions of this title, provide in the new right-of-way the same terms and conditions as applied to the portion of the existing right-of-way relinquished to the United States with respect to the payment of annual rental, duration of the right-of-way, and the nature of the interest in lands granted. The Secretary concerned or his delegate shall take final action upon all applications for the grant, issue, or renewal of rights-of-way under subsection (b) of this section no later than six months after receipt from the applicant of all information required from the applicant by this title.

EFFECT ON OTHER LAWS

Sec. 510. [43 U.S.C. 1770] (a) Effective on and after the date of approval of this Act, no right-of-way for the purposes listed in this title shall be granted, issued, or renewed over, upon, under, or through such lands except under and subject to the provisions, limitations, and conditions of this title:

Provided, That nothing in this title shall be construed as affecting or modifying the provisions of the Act of October 13, 1964 (78 Stat. 1089; 16 U.S.C. 532-538) and in the event of conflict with, or inconsistency between, this title and the Act of October 13, 1964, the latter shall prevail: *Provided further*; That nothing in this Act should be construed as making it mandatory that, with respect to forest roads, the Secretary of Agriculture limit rights-of-way grants or their term of years or require disclosure pursuant to Section 501 (b) or impose any other condition contemplated by this Act that is contrary to present practices of that Secretary under the Act of October 13, 1964. Any pending application for a right-of-way under any other law on the effective date of this section shall be considered as an application under this title. The Secretary concerned may require the applicant to submit any additional information he deems necessary to comply with the requirements of this title.

(b) Nothing in this title shall be construed to preclude the use of lands covered by this title for highway purposes pursuant to sections 107 and 317 of title 23 of the United States Code.

(c) (1) Nothing in this title shall be construed as exempting any holder of a right-of-way issued under this title from any provision of the antitrust laws of the United States.

(2) For the purposes of this subsection, the term "antitrust laws" includes the Act of July 2, 1890 (26 Stat. 15 U.S.C. 1 et seq.); the Act of October 15, 1914 (38 Stat. 730, 15 U.S.C. 12 et seq.); the Federal Trade Commission Act (38 Stat. 717; 15 U.S.C. 41 et seq.); and sections 73 and 74 of the Act of August 27, 1894. [15 U.S.C. 8, 9]

COORDINATION OF APPLICATIONS

Sec. 511. [43 U.S.C. 1771] Applicants before Federal departments and agencies other than the Department of the Interior or Agriculture seeking a license, certificate, or other authority for a project which involve a right-of-way over, upon, under, or through public land or National Forest System lands must simultaneously apply to the Secretary concerned for the appropriate authority to use public lands or National Forest System lands and submit to the Secretary concerned all information furnished to the other Federal department or agency.

TITLE VI

DESIGNATED MANAGEMENT AREAS

CALIFORNIA DESERT CONSERVATION AREA

Sec. 601. [43 U.S.C. 1781] (a) The Congress finds that—

(1) the California desert contains historical, scenic, archeological, environmental, biological, cultural, scientific, educational, recreational, and economic resources that are uniquely located adjacent to an area of large population;

(2) the California desert environment is a total ecosystem that is extremely fragile, easily scarred, and slowly healed;

(3) the California desert environment and its resources, including certain rare and endangered species of wildlife, plants, and fishes, and numerous archeological and historic sites, are seriously threatened by air pollution, inadequate Federal management authority, and pressures of increased use, particularly recreational use, which are certain to intensify because of the rapidly growing population of southern California;

(4) the use of all California desert resources can and should be provided for in a multiple use and sustained yield management plan to conserve these resources for future generations, and to provide present and future use and enjoyment, particularly outdoor recreation uses, including the use, where appropriate, of off-road recreational vehicles;

(5) the Secretary has initiated a comprehensive planning process and established an interim management program for the public lands in the California desert; and

(6) to insure further study of the relationship of man and the California desert environment, preserve the unique and irreplaceable resources, including archeological values, and conserve the use of the economic resources of the California desert, the public must be provided more opportunity to participate in such planning and management, and additional management authority must

be provided to the Secretary to facilitate effective implementation of such planning and management.

(b) It is the purpose of this section to provide for the immediate and future protection and administration of the public lands in the California desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality.

(c) (1) For the purpose of this section, the term "California desert" means the area generally depicted on a map entitled "California Desert Conservation Area—Proposed" dated April 1974, and described as provided in subsection (c) (2).

(2) As soon as practicable after the date of approval of this Act, the Secretary shall file a revised map and a legal description of the California Desert Conservation Area with the Committees on Interior and Insular Affairs of the United States Senate and the House of Representatives, and such map and description shall have the same force and effect as if included in this Act. Correction of clerical and typographical errors in such legal description and a map may be made by the Secretary. To the extent practicable, the Secretary shall make such legal description and map available to the public promptly upon request.

(d) The Secretary, in accordance with section 202 of this Act, shall prepare and implement a comprehensive, long-range plan for the management, use, development, and protection of the public lands within the California Desert Conservation Area. Such plan shall take into account the principles of multiple use and sustained yield in providing for resource use and development, including, but not limited to, maintenance of environmental quality, rights-of-way, and mineral development. Such plan shall be completed and implementation thereof initiated on or before September 30, 1980.

(e) During the period beginning on the date of approval of this Act and ending on the effective

date of implementation of the comprehensive, long-range plan, the Secretary shall execute an interim program to manage, use, and protect the public lands, and their resources now in danger of destruction, in the California Desert Conservation Area, to provide for the public use of such lands in an orderly and reasonable manner such as through the development of campgrounds and visitor centers, and to provide for a uniformed desert ranger force.

(f) Subject to valid existing rights, nothing in this Act shall affect the applicability of the United States mining laws on the public lands within the California Desert Conservation Area, except that all mining claims located on public lands within the California Desert Conservation Area shall be subject to such reasonable regulations as the Secretary may prescribe to effectuate the purposes of this section. Any patent issued on any such mining claim shall recite this limitation and continue to be subject to such regulations. Such regulations shall provide for such measures as may be reasonable to protect the scenic, scientific, and environmental values of the public lands of the California Desert Conservation Area against undue impairment, and to assure against pollution of the streams and waters within the California Desert Conservation Area.

(g) (1) The Secretary, within sixty days after the date of approval of this Act, shall establish a California Desert Conservation Area Advisory Committee (hereinafter referred to as "advisory committee") in accordance with the provisions of section 309 of this Act.

(2) It shall be the function of the advisory committee to advise the Secretary with respect to the preparation and implementation of the comprehensive, long-range plan required under subsection (d) of this section.

(h) The Secretary of Agriculture and the Secretary of Defense shall manage lands within their respective jurisdictions located in or adjacent to the California Desert Conservation Area, in accordance with the laws relating to such lands and wherever practicable, in a manner consonant with the purpose of this section. The Secretary, the Secretary of Agriculture, and the Secretary of

Defense are authorized and directed to consult among themselves and take cooperative actions to carry out the provisions of this subsection, including a program of law enforcement in accordance with applicable authorities to protect the archeological and other values of the California Desert Conservation Area and adjacent lands.

(i) The Secretary shall report to the Congress no later than two years after the date of approval of this Act, and annually thereafter, on the progress in, and any problems concerning, the implementation of this section, together with any recommendations, which he may deem necessary, to remedy such problems.

(j) There are authorized to be appropriated for fiscal years 1977 through 1981 not to exceed \$40,000,000 for the purpose of this section, such amount to remain available until expended.

KING RANGE

Sec. 602. Section 9 of the Act of October 21, 1970 (84 Stat. 1067), [16 U.S.C. 460y-8] is amended by adding a new subsection (c), as follows:

"(c) In addition to the lands described in subsection (a) of this section, the land identified as the Punta Gorda Addition and the Southern Additions on the map entitled 'King Range National Conservation Area Boundary Map No. 2,' dated July 29, 1975, is included in the survey and investigation area referred to in the first section of this Act."

BUREAU OF LAND MANAGEMENT WILDERNESS STUDY

Sec. 603. [43 U.S.C. 1782] (a) Within fifteen years after the date of approval of this Act, the Secretary shall review those roadless areas of five thousand acres or more and roadless islands of the public lands, identified during the inventory required by section 201(a) of this Act as having wilderness characteristics described in the Wilderness Act of September 3, 1964 (78 Stat. 890; 16 U.S.C. 1131 et seq.) and shall from time to time report to the President his recommendation as to the suitability

or nonsuitability of each such area or island for preservation as wilderness: *Provided*, That prior to any recommendations for the designation of an area as wilderness the Secretary shall cause mineral surveys to be conducted by the *United States Geological Survey* [P.L. 102-154, 1991] and the *United States Bureau of Mines* [P.L. 102-285, 1992] to determine the mineral values, if any, that may be present in such areas: *Provided further*, That the Secretary shall report to the President by July 1, 1980, his recommendations on those areas which the Secretary has prior to November 1, 1975, formally identified as natural or primitive areas. The review required by this subsection shall be conducted in accordance with the procedure specified in section 3(d) of the Wilderness Act.

(b) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to designation as wilderness of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress.

(c) During the period of review of such areas and until Congress has determined otherwise, the Secretary shall continue to manage such lands according to his authority under this Act and other applicable law in a manner so as not to impair the suitability of such areas for preservation as wilderness, subject, however, to the continuation of existing mining and grazing uses and mineral leasing in the manner and degree in which the same was being conducted on October 21, 1976:

Provided, That, in managing the public lands the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources or to afford environmental protection. Unless previously withdrawn from appropriation under the mining laws, such lands shall continue to be subject to such appropriation during the period of review unless withdrawn by the Secretary under the procedures of section 204 of this Act for reasons other than preservation of their wilderness character.

Once an area has been designated for preservation as wilderness, the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.] which apply to national forest wilderness areas shall apply with respect to the administration and use of such designated area, including mineral surveys required by section 4(d)(2) of the Wilderness Act, [16 U.S.C. 1133(d)(2)] and mineral development, access, exchange of lands, and ingress and egress for mining claimants and occupants.

43 U.S.C. 1783. Yaquina Head Outstanding Natural Area [P.L. 96-199, §119, 1980]

(a) In order to protect the unique scenic, scientific, educational, and recreational values of certain lands in and around Yaquina Head, in Lincoln County, Oregon, there is hereby established, subject to valid existing rights, the Yaquina Head Outstanding Natural Area (hereinafter referred to as the "area"). The boundaries of the area are those shown on the map entitled "Yaquina Head Area", dated July 1979, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State Office of the Bureau of Land Management in the State of Oregon.

(b)(1) The Secretary of the Interior (hereinafter referred to as the "Secretary") shall administer the Yaquina Head Outstanding Natural Area in accordance with the laws and regulations applicable to the public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1702) [43 U.S.C. 1702(e)], in such a manner as will best provide for—

(A) the conservation and development of the scenic, natural, and historic values of the area;

(B) the continued use of the area for purposes of education, scientific study, and public recreation which do not substantially impair the purposes for which the area is established; and

(C) protection of the wildlife habitat of the area.

(2) The Secretary shall develop a management plan for the area which accomplishes the purposes and is consistent with the provisions of this section. This plan shall be developed in accordance

with the provisions of section 202 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1712).

(3) Notwithstanding any other provision of this section, the Secretary is authorized to issue permits or to contract for the quarrying of materials from the area in accordance with the management plan for the area on condition that the lands be reclaimed and restored to the satisfaction of the Secretary. Such authorization to quarry shall require payment of fair market value for the materials to be quarried, as established by the Secretary, and shall also include any terms and conditions which the Secretary determines necessary to protect the values of such quarry lands for purposes of this section.

(c) The reservation of lands for lighthouse purposes made by Executive order of June 8, 1866, of certain lands totaling approximately 18.1 acres, as depicted on the map referred to in subsection (a) of this section, is hereby revoked. The lands referred to in subsection (a) of this section are hereby restored to the status of public lands as defined in section 103(e) of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1702) [43 U.S.C. 1702(e)], and shall be administered in accordance with the management plan for the area developed pursuant to subsection (b) of this section, except that such lands are hereby withdrawn from settlement, sale, location, or entry, under the public land laws, including the mining laws (30 U.S.C., ch. 2), leasing under the mineral leasing laws (30 U.S.C. 181 et seq.), and disposals under the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, 602).

(d) The Secretary shall, as soon as possible but in no event later than twenty-four months following the date of enactment of this section [March 5, 1980], acquire by purchase, exchange, donation, or condemnation all or any part of the lands and waters and interests in lands and waters within the area referred to in subsection (a) of this section which are not in Federal ownership except that State land shall not be acquired by purchase or condemnation. Any lands or interests acquired by the Secretary pursuant to this section shall become public lands as defined in the Federal Land Policy and Management Act of 1976, as amended [43 U.S.C.

1701 et seq.]. Upon acquisition by the United States, such lands are automatically withdrawn under the provisions of subsection (c) of this section except that lands affected by quarrying operations in the area shall be subject to disposals under the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, 602). Any lands acquired pursuant to this subsection shall be administered in accordance with the management plan for the area developed pursuant to subsection (b) of this section.

(e) The Secretary is authorized to conduct a study relating to the use of lands in the area for purposes of wind energy research. If the Secretary determines after such study that the conduct of wind energy research activity will not substantially impair the values of the lands in the area for purposes of this section, the Secretary is further authorized to issue permits for the use of such lands as a site for installation and field testing of an experimental wind turbine generating system. Any permit issued pursuant to this subsection shall contain such terms and conditions as the Secretary determines necessary to protect the values of such lands for purposes of this section.

(f) The Secretary shall develop and administer, in addition to any requirements imposed pursuant to subsection (b) (3) of this section, a program for the reclamation and restoration of all lands affected by quarrying operations in the area acquired pursuant to subsection (d) of this section. All revenues received by the United States in connection with quarrying operations authorized by subsection (b) (3) of this section shall be deposited in a separate fund account which shall be established by the Secretary of the Treasury. Such revenues are hereby authorized to be appropriated to the Secretary as needed for reclamation and restoration of any lands acquired pursuant to subsection (d) of this section. After completion of such reclamation and restoration to the satisfaction of the Secretary, any unexpended revenues in such fund shall be returned to the general fund of the United States Treasury.

(g) There are hereby authorized to be appropriated in addition to that authorized by subsection (f) of this section, such sums as may be necessary to carry out the provisions of this section.

43 U.S.C. 1784. Lands in Alaska; Bureau of Land Management Land Reviews. [P.L. 96-487, title XIII, §1320, 1980]

Notwithstanding any other provision of law, section 1782 of the Federal Land Policy and Management Act of 1976 shall not apply to any lands in Alaska. However, in carrying out his duties under sections 1711 and 1712 of this title and other applicable laws, the Secretary may identify areas in Alaska which he determines are suitable as wilderness and may, from time to time, make recommendations to the Congress for inclusion of any such areas in the National Wilderness Preservation System, pursuant to the provisions of the Wilderness Act [16 U.S.C. 1131 et seq.]. In the absence of congressional action relating to any such recommendation of the Secretary, the Bureau of Land Management shall manage all such areas which are within its jurisdiction in accordance with the applicable land use plans and applicable provisions of law.

43 U.S.C. 1785. Fossil Forest Research Natural Area. [P.L. 98-603, title I, §103, 1984; P.L. 104-333, div. I, title X, §1022, 1996]

(a) Establishment. — To conserve and protect natural values and to provide scientific knowledge, education, and interpretation for the benefit of future generations, there is established the Fossil Forest Research Natural Area (referred to in this section as the "Area"), consisting of the approximately 2,770 acres in the Farmington District of the Bureau of Land Management, New Mexico, as generally depicted on a map entitled "Fossil Forest", dated June 1983.

(b) Map and Legal Description. —

(1) In General. — As soon as practicable after the date of enactment of this paragraph [November 12, 1996], the Secretary of the Interior shall file a map and legal description of the Area with the Committee on Energy and Natural Resources of the Senate and the Committee on [P.L. 106-176, 2000] Resources of the House of Representatives.

(2) Force and Effect. — The map and legal description described in paragraph (1) shall have the same force and effect as if included in this Act.

(3) Technical Corrections. — The Secretary of the Interior may correct clerical, typographical, and cartographical errors in the map and legal description subsequent to filing the map pursuant to paragraph (1).

(4) Public Inspection. — The map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior.

(c) Management. —

(1) In General. — The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the Area—

(A) to protect the resources within the Area; and

(B) in accordance with this Act, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable provisions of law.

(2) Mining. —

(A) Withdrawal. — Subject to valid existing rights, the lands within the Area are withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral leasing, geothermal leasing, and mineral material sales.

(B) Coal Preference Rights. — The Secretary of the Interior is authorized to issue coal leases in New Mexico in exchange for any preference right coal lease application within the Area. Such exchanges shall be made in accordance with applicable existing laws and regulations relating to coal leases after a determination has been made by the Secretary that the applicant is entitled to a preference right lease and that the exchange is in the public interest.

(C) Oil and Gas Leases. — Operations on oil and gas leases issued prior to the date of enactment of this paragraph [November 12, 1996], shall be subject to the applicable provisions of Group 3100 of title 43, Code of Federal Regulations (including section 3162.5-1), and such other terms, stipulations, and conditions as the Secretary of the Interior considers necessary to avoid significant disturbance of the land surface or impairment of

the natural, educational, and scientific research values of the Area in existence on the date of enactment of this paragraph [November 12, 1996].

(3) Grazing. — Livestock grazing on lands within the Area may not be permitted.

(d) Inventory. — Not later than 3 full fiscal years after the date of enactment of this subsection [November 12, 1996], the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall develop a baseline inventory of all categories of fossil resources within the Area. After the inventory is developed, the Secretary shall conduct monitoring surveys at intervals specified in the management plan developed for the Area in accordance with subsection (e).

(e) Management Plan. —

(1) In General. — Not later than 5 years after the date of enactment of this act [November 12, 1996], the Secretary of the Interior shall develop and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on [P.L. 106-176, 2000] Resources of the House of Representatives a management plan that describes the appropriate use of the Area consistent with this subsection [P.L. 106-176, 2000].

(2) Contents. — The management plan shall include—

(A) a plan for the implementation of a continuing cooperative program with other agencies and groups for—

(i) laboratory and field interpretation; and

(ii) public education about the resources and values of the Area (including vertebrate fossils);

(B) provisions for vehicle management that are consistent with the purpose of the Area and that provide for the use of vehicles to the minimum extent necessary to accomplish an individual scientific project;

(C) procedures for the excavation and collection of fossil remains, including botanical fossils, and the use of motorized and mechanical equipment to the minimum extent necessary to accomplish an individual scientific project; and

(D) mitigation and reclamation standards for activities that disturb the surface to the detriment of scenic and environmental values.

TITLE VII

EFFECT ON EXISTING RIGHTS; REPEAL OF EXISTING LAWS; SEVERABILITY

EFFECT ON EXISTING RIGHTS

Sec. 701. [43 U.S.C. 1701 note] (a) Nothing in this Act, or in any amendment made by this Act, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act.

(b) Notwithstanding any provision of this Act, in the event of conflict with or inconsistency between this Act and the Acts of August 28, 1937 (50 Stat. 874; 43 U.S.C. 1181a-1181j), and May 24, 1939 (53 Stat. 753), insofar as they relate to management of timber resources, and disposition of revenues from lands and resources, the latter Acts shall prevail.

(c) All withdrawals, reservations, classifications, and designations in effect as of the date of approval of this Act shall remain in full force and effect until modified under the provisions of this Act or other applicable law.

(d) Nothing in this Act, or in any amendments made by this Act, shall be construed as permitting any person to place, or allow to be placed, spent oil shale, overburden, or byproducts from the recovery of other minerals found with oil shale, on any Federal land other than Federal land which has been leased for the recovery of shale oil under the Act of February 25, 1920 (41 Stat. 437, as amended; 30 U.S.C. 181 et seq.).

(e) Nothing in this Act shall be construed as modifying, revoking, or changing any provision of the Alaska Native Claims Settlement Act (85 Stat. 688, as amended; 43 U.S.C. 1601 et seq.).

(f) Nothing in this Act shall be deemed to repeal any existing law by implication.

(g) Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States or—

(1) as affecting in any way any law governing appropriation or use of, or Federal right to, water on public lands;

(2) as expanding or diminishing Federal or State jurisdiction, responsibility, interests, or rights in water resources development or control;

(3) as displacing, superseding, limiting, or modifying any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States or of two or more States and the Federal Government;

(4) as superseding, modifying, or repealing, except as specifically set forth in this Act, existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of water resources or to exercise licensing or regulatory functions in relation thereto;

(5) as modifying the terms of any interstate compact; or

(6) as a limitation upon any State criminal statute or upon the police power of the respective States, or as derogating the authority of a local police officer in the performance of his duties, or as depriving any State or political subdivision thereof of any right it may have to exercise civil and criminal jurisdiction on the national resource lands; or as amending, limiting, or infringing the existing laws providing grants of lands to the States.

(h) All actions by the Secretary concerned under this Act shall be subject to valid existing rights.

(i) The adequacy of reports required by this Act to be submitted to the Congress or its committees shall not be subject to judicial review.

(j) Nothing in this Act shall be construed as affecting the distribution of livestock grazing revenues to local governments under the Granger-Thye Act (64 Stat. 85, 16 U.S.C. 580h), under the

Act of May 23, 1908 (35 Stat. 260, as amended; 16 U.S.C. 500), under the Act of March 4, 1913 (37 Stat. 843, as amended; 16 U.S.C. 501), and under the Act of June 20, 1910 (36 Stat. 557).

REPEAL OF LAWS RELATING TO HOMESTEADING AND SMALL TRACTS

Sec. 702. Effective on and after the date of approval of this Act, the following statutes or parts of statutes are repealed except the effective date shall be on and after the tenth anniversary of the date of approval of this Act insofar as the listed homestead laws apply to public lands in Alaska:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Homesteads:				
Revised Statute 2289				
Mar. 3, 1891	561	5	26:1097	161, 171, 161, 162.
Revised Statute 2290				
Revised Statute 2295				
Revised Statute 2291				
June 6, 1912	153		37:123	164, 169, 218
May 14, 1880	89		21:141	166, 185, 202, 223.
June 6, 1900	821		31:683	166, 223.
Aug. 9, 1912	280		37:267	
Apr. 6, 1914	51		38:312	167.
Mar. 1, 1921	90		41:1193	
Oct. 17, 1914	325		38:740	168.
Revised Statute				
Mar. 31, 1881	153		21:511	169.
Oct. 22, 1914	335		38:766	170.
Revised Statute 2292				
June 8, 1880	136		21:166	172.
Revised Statute				
Mar. 3, 1891				
Mar. 3, 1891	561	6	26:1098	
June 3, 1896	312	2	29:197	
Revised Statute 2288				
Mar. 3, 1891	561	3	26:1097	174.
Mar. 3, 1905	1424		36:991	
Revised Statute 2296				
				175.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Apr. 28, 1922	155		42:502	
May 17, 1900	479	1	31:179	179.
Jan. 26, 1901	180		31:740	180.
Sept. 5, 1914	294		38:712	182.
Revised Statute 2300				
				183.
Aug. 31, 1918	166	8	40:957	
Sept. 13, 1918	173		40:960	
Revised Statute 2302				
				184, 201.
July 26, 1892	251		27:270	185.
Feb. 14, 1920	76		41:434	186.
Jan. 21, 1922	32		42:358	
Dec. 28, 1922	19		42:1067	
June 12, 1930	471		46:580	
Feb. 25, 1925	326		43:081	187.
June 21, 1934	690		48:1185	187a.
May 22, 1902	821	2	32:203	187b.
June 5, 1900	716		31:27	188, 217.
Mar. 3, 1875	131	15	18:420	189.
July 4, 1884	180	Only last paragraph of sec. 1.	23:96	190.
Mar. 1, 1933	160	1	47:1418	190a.

The following words only: "Provided, That no further allotments of lands to Indians on the public domain shall be made in San Juan County, Utah, nor shall further Indian homesteads be made in said county under the Act of July 4, 1884 (23 Stat. 96; U.S.C. title 48, sec. 190)."

Revised Statutes				
2310, 2311				
				191.
June 13, 1902	1080		32:384	203.
Mar. 3, 1879	191		20:472	204.
July 1, 1879	60		21:46	205.
May 6, 1886	88		24:22	206.
Aug. 21, 1916	361		39:518	207.
June 3, 1924	240		43:357	208.
Revised Statute 2298				
				211.
Aug. 30, 1890	837		26:391	212.

The following words only: "No person who shall after the passage of this act, enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate, under all of said laws, but his limitation shall not operate to curtail

the right of any person who has heretofore made entry or settlement on the public lands, or whose occupation, entry or settlement, is validated by this act:"

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Mar. 3, 1891	561	17	26:1101	

The following words only: "and that the provision of 'An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes,' which reads as follows, viz: 'No person who shall after the passage of this act enter upon any of the public lands with a view to occupation, entry or settlement under any of the land laws shall be permitted to acquire title to more than three hundred and twenty acres in the aggregate under all said laws,' shall be construed to include in the maximum amount of lands the title to which is permitted to be acquired by one person only agricultural lands and not to include lands entered or sought to be entered under mineral land laws."

Apr. 28, 1904	1776		33:527	213.
Aug. 3, 1950	521		64:398	
Mar. 2, 1889	381	6	25:854	214.
Feb. 20, 1917	98		39:925	215.
Mar. 4, 1921	162	1	41:1433	216.
Feb. 19, 1909	160		35:639	218.
June 13, 1912	166		37:132	
Mar. 3, 1915	84		38:953	
Mar. 3, 1915	91		38:957	
Mar. 4, 1915	150	2	38:1163	
July 3, 1916	220		39:344	
Feb. 11, 1913	39		37:666	218, 219.
June 17, 1910	298		36:531	219.
Mar. 3, 1915	91		38:957	
Sept. 5, 1916	440		39:724	
Aug. 10, 1917	52	10	40:275	
Mar. 4, 1915	150	1	38:1162	220.
Mar. 4, 1923	245	1	42:1445	222.
Apr. 28, 1904	1801		33:547	224.
Mar. 2, 1907	2527		34:1224	
May 29, 1908	220	7	35:466	
Aug. 24, 1912	371		37:499	
Aug. 22, 1914	270		38:704	231.
Feb. 25, 1919	21		40:1153	
July 3, 1916	214		39:341	232.
Sept. 29, 1919	64		41:288	233.
Apr. 6, 1922	122		42:491	233, 272, 273.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Mar. 2, 1889	381	3	25:854	234.
Dec. 29, 1894	14		28:599	
July 1, 1879	63	1	21:48	235.
Dec. 20, 1917	6		40:430	236.
July 24, 1919	126	Next to last paragraph only.	41:271	237.
Mar. 2, 1932	69		47:59	237a.
May 21, 1934	320		48:787	237b.
May 25, 1935	135		49:286	237c.
Aug. 19, 1935	560		49:659	237d.
Mar. 31, 1938	57		52:149	
Apr. 20, 1936	239		49:1235	237e.
July 30, 1956	778	1, 2, 4	70:715	237f,g,h.
Mar. 1, 1921	102		41:1202	238.
Apr. 7, 1922	125		42:492	
Revised Statute				239.
June 16, 1898	458		30:473	240.
Aug. 29, 1916	420		39:671	
Apr. 7, 1930	108		46:144	243.
Mar. 3, 1933	198		47:1424	243a.
Mar. 3, 1879	192		20:472	251.
Mar. 2, 1889	381	7	25:855	252.
June 3, 1878	152		20:91	253.
Revised Statute 2294				254.
May 26, 1890	355		26:121	
Mar. 11, 1902	182		32:63	
Mar. 4, 1904	394		33:59	
Feb. 23, 1923	105		42:1281	
Revised Statute 2293				255.
Oct. 6, 1917	86		40:391	
Mar. 4, 1913	149	Only last paragraph of section headed "Public Land Service."	37:925	256.
May 13, 1932	178		47:153	256a.
June 16, 1933	99		48:274	
June 26, 1935	419		49:504	
June 16, 1937	361		50:303	
Aug. 27, 1935	770		49:909	256b.
Sept. 30, 1890	J. Res. 59		26:684	261.
June 16, 1880	244		21:287	263.
Apr. 18, 1904	25		33:589	
Revised Statute 2304				271.
Mar. 1, 1901	674		31:847	271, 272.
Revised Statute 2305				272.
Feb. 25, 1919	37		40:1161	272a.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Dec. 28, 1922	19		42:1067	
Revised				
Statute 2306				274.
Mar. 3, 1893	208		27:593	275.
The following words only: "And provided further: That where soldier's additional homestead entries have been made or initiated upon certificate of the Commissioner of the General Land Office of the right to make such entry, and there is no adverse claimant, and such certificate is found erroneous or invalid for any cause, the purchaser thereunder, on making proof of such purchase, may perfect his title by payment of the Government price for the land: but no person shall be permitted to acquire more than one hundred and sixty acres of public land through the location of any such certificate."				
Aug. 18, 1894	301	Only last paragraph of section headed "Surveying the Public Lands."	28:397	276.
Revised				
Statute 2309				277.
Revised				
Statute 2307				278.
Sept. 21, 1922	357		42:990	
Sept. 27, 1944	421		58:747	279-283.
June 25, 1946	474		60:308	279.
May 31, 1947	88		61:123	279, 280, 282.
June 18, 1954	306		68:253	279, 282.
June 3, 1948	399		62:305	283, 284.
Dec. 29, 1916	9	1 - 8	39:862	291-298.
Feb. 28, 1931	328		46:1454	291.
June 9, 1933	53		48:119	291.
June 6, 1924	274		46:469	292.
Oct. 25, 1918	195		40:1016	293.
Sept. 29, 1919	63		41:287	294, 295.
Mar. 4, 1923	245	2	42:1445	302.
Aug. 21, 1916	361		39:518	1075.
Aug. 28, 1937	876	3	50:875	1181c.
2. Small tracts:				
June 1, 1938	317		52:609	682a-e.
June 8, 1954	270		68:239	
July 14, 1945	298		59: 467	

REPEAL OF LAWS RELATED TO DISPOSAL

Sec. 703. (a) Effective on and after the tenth anniversary of the date of approval of this Act, the statutes and parts of statutes listed below as "Alaska Settlement Laws," and effective on and after the date of approval of this Act, the remainder of the following statutes and parts of statutes are hereby repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Sale and Disposal laws:				
Mar. 3, 1891	561	9	26: 1099	671.
Revised				
Statute 2354				673.
Revised				
Statute 2355				674.
May 18, 1898	344	2	30:418	675.
Revised				
Statute 2365				676.
Revised				
Statute 2357				678.
June 15, 1880	227	3, 4	21:238	679-680.
Mar. 2, 1889	381	4	25:854	681.
Mar. 1, 1907	2286		34:1052	682.
Revised				
Statute 2361				688.
Revised				
Statute 2362				689.
Revised				
Statute 2363				690.
Revised				
Statute 2368				691.
Revised				
Statute 2366				692.
Revised				
Statute 2369				693.
Revised				
Statute 2370				694.
Revised				
Statute 2371				695.
Revised				
Statute 2374				696.
Revised				
Statute 2372				697.
Feb. 24, 1909	181		35:645	
May 21, 1926	353	The	44:591	
2 provisos only.				

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Revised Statute 2375				698.
Revised Statute 2376				699.
Mar. 2, 1889	381	1	25:854	700.
2. Townsite Reservation and Sale:				
Revised Statute 2380				711.
Revised Statute 2381				712.
Revised Statute 2382				713.
Aug. 24, 1954	904		68:792	
Revised Statute 2383				714.
Revised Statute 2384				715.
Revised Statute 2386				717.
Revised Statute 2387				718.
Revised Statute 2388				719.
Revised Statute 2389				720.
Revised Statute 2391				721.
Revised Statute 2392				722.
Revised Statute 2393				723.
Revised Statute 2394				724.
Mar. 3, 1877	113	1, 3, 4	19:392	725-727.
Mar. 3, 1891	561	16	26:1101	728.
July 9, 1914	138		38:454	730.
Feb. 9, 1903	531		32:820	731.
3. Drainage Under State Laws:				
May 20, 1908	181	1-7	35:171	1021-1027.
Mar. 3, 1919	113		40:1321	1028.
May 1, 1958 P.L. 85-387			72:99	1029-1034.
Jan. 17, 1920	47		41:392	1041-1048.
4. Abandoned Military Reservation:				
July 5, 1884	214	5	23:104	1074.
Aug. 21, 1916	361		39:518	1075.
Mar. 3, 1893	208		27:593	1076.

The following words only: "Provided, That the President is hereby authorized by proclamation to withhold from sale and grant for public use to the municipal corporation in which the same is

situated all or any portion of any abandoned military reservation not exceeding twenty acres in one place."

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Aug. 23, 1894	314		23:491	1077, 1078.
Feb. 11, 1903	543		32:822	1079.
Feb. 15, 1895	92		28:664	1080, 1077.
Apr. 23, 1904	1496		33:306	1081.
5. Public Lands; Oklahoma:				
May 2, 1890	182	Last paragraph of sec. 18 and secs. 20, 21, 22, 24, 27.	26:90	1091-1094, 1096, 1097.
Mar. 3, 1891	543	16	26:1026	1098.
Aug. 7, 1946	772	1,2	60:872	1100-1101.
Aug. 3, 1955	498	1-8	69:445	1102-1102g.
May 14, 1890	207		26:109	1111-1117.
Sept. 1, 1893 J. Res. 4			28:11	1118.
May 11, 1896	168	1,2	29:116	1119.
Jan. 18, 1897	62	1-3, 5, 7	29:490	1131-1134.
June 23, 1897	8		30:105	
Mar. 1, 1899	328		30:966	
6. Sales of Isolated Tracts:				
Revised Statute 2455				1171.
Feb. 26, 1895	133		28:687	
June 27, 1906	3554		34:517	
Mar. 28, 1912	67		37:77	
Mar. 9, 1928	164		45:253	
June 28, 1934	865	14	48:1274	
July 30, 1947	383		61:630	
Apr. 24, 1928	428		45:457	1171a.
May 23, 1930	313		46:377	1171b.
Feb. 4, 1919	13		40:1055	1172.
May 10, 1920	178		41:595	1173.
Aug. 11, 1921	62		42:159	1175.
May 19, 1926	337		44:566	1176.
Feb. 14, 1931	170		46:1105	1177.
7. Alaska Special Laws:				
Mar. 3, 1891	561	11	26:1099	732.
May 25, 1926	379		44:629	733-736.
May 29, 1963 P.L. 88-34			77:52	
July 24, 1947	305		61:414	738.
Aug. 17, 1961 P.L. 87-147			75:384	270-13.
Oct. 3, 1962 P.L. 87-742			76:740	
July 19, 1963 P.L. 86-66			77:80	687b-5.
May 14, 1898	299	1	30:409	270.
Mar. 3, 1903	1002		32:1028	
Apr. 29, 1950	137	1	64:94	
Aug. 3, 1955	496		69:444	270, 687a-2
Apr. 29, 1950	137	2-5	64:95	270-5, 260-6, 270-7, 687a-1.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
July 11, 1956	571	2	70:529	270-7.
July 8, 1916	228		39:352	270-8, 270-9.
June 28, 1918	110		40:632	270-10, 270-14.
July 11, 1956	571	1	70:528	
8. Alaska Settlement Laws:				
Mar. 8, 1922	96	1	42:415	270-11.
Aug. 23, 1958	P.L.	1,4	72:730	
		85-725		
Apr. 13, 1926	121		44:243	270-15.
Apr. 29, 1950	134	3	64:93	270-16, 270-17.
May 14, 1898	299	10	30:413	270-4, 687a to 687a-5.
Mar. 3, 1927	323		44:1364	
May 26, 1934	357		48:809	
Aug. 23, 1958	P.L.	3	72:730	
		85-725		
Mar. 3, 1891	561	13	26:1100	687a-6.
Aug. 30, 1949	521		63:679	687b to 687b-4.
9. Pittman Underground Water Act:				
Sept. 22, 1922	400		42:1012	356.

(c) [43 U.S.C. 270-12, 270-12 note] Effective on and after the tenth anniversary of the date of approval of this Act, section 2 of the Act of March 8, 1922 (42 Stat. 415, 416), as amended by section 2 of the Act of August 23, 1958 (72 Stat. 730), is further amended to read:

"The coal, oil, or gas deposits reserved to the United States in accordance with the Act of March 8, 1922 (42 Stat. 415; 43 U.S.C. 270-11 et seq.), as added to by the Act of August 17, 1961 (75 Stat. 384; 43 U.S.C. 270-13), and amended by the Act of October 3, 1962 (76 Stat. 740; 43 U.S.C. 270-13), shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine or remove the coal or to drill for and remove the oil or gas under the laws of the United States shall have the right at all times to enter upon the lands patented under the Act of March 8, 1922, as amended, and in accordance with the provisions hereof, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands

by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove oil and gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further*, That nothing in this Act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase."

(d) Section 3 of the Act of August 30, 1949 (63 Stat. 679; 43 U.S.C. 687b et seq.), [43 U.S.C. 687b-2] is amended to read:

"Notwithstanding the provisions of any Act of Congress to the contrary, any person who prospects for, mines, or removes any minerals from any land disposed of under the Act of August 30, 1949 (63 Stat. 679), shall be liable for any damage that may be caused to the value of the land and tangible improvements thereon by such prospecting for, mining, or removal of minerals. Nothing in this section shall be construed to impair any vested right in existence on August 30, 1949."

REPEAL OF WITHDRAWAL LAWS

Sec. 704. (a) Effective on and after the date of approval of this Act, the implied authority of the President to make withdrawals and reservations resulting from acquiescence of the Congress (*U.S. v. Midwest Oil Co.*, 236 U.S. 459) and the following statutes and parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Oct. 2, 1888	1069		25: 527	662.

Only the following portion under the section headed U.S. Geological Survey: The last sentence of

the paragraph relating to investigation of irrigable lands in the arid region, including the proviso at the end thereof.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Mar. 3, 1891	561	24	26: 1103	16 U.S.C. 471.
Mar. 1, 1893	183	21	27: 510	33 U.S.C. 681.
Aug. 18, 1894	301	4	28: 422	641.

Only that portion of the first sentence of the second paragraph beginning with "and the Secretary of the Interior" and ending with "shall not be approved."

May 14, 1898	299	10	30: 413	687a-4.
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Only the fifth proviso of the first paragraph.

June 17, 1902	1093	3	32: 388	416.
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Only that portion of section three preceding the first proviso.

Apr. 16, 1906	1631	1	34: 116	561.
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Only the words "withdraw from public entry any lands needed for townsite purposes", and also after the word "case", the word "and."

June 27, 1906	3559	4	34: 520	561.
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Only the words "withdraw and."

Mar. 15, 1910	96		36: 237	643.
June 25, 1910	421	1, 2	36: 847	141, 142, 16 U.S.C. 471(a).

All except the second and third provisos.

June 25, 1914	431	13	36: 858	148.
Mar. 12, 1914	37	1	38: 305	975b.

Only that portion which authorizes the President to withdraw, locate, and dispose of lands for townsites.

Oct. 5, 1914	316	1	38: 727	569(a).
June 9, 1916	137	2	39: 219	

Under "Class One," only the words "withdrawal and."

Dec. 29, 1916	9	10	39: 865	300.
June 7, 1924	348	9	43: 655	16 U.S.C. 471.
Aug. 19, 1935	561	"Sec. 4"	49: 661	22 U.S.C. 277c.

In "Sec. 4," only paragraph "c" except the proviso thereof.

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Mar. 3, 1927	299	4	44: 1347	25 U.S.C. 389d.

Only the proviso thereof.

May 24, 1928	729	4	45: 729	49 U.S.C. 214.
Dec. 21, 1928	42	9	45: 1063	617h.
Mar. 6, 1946	58		69: 36	617h.

First sentence only.

June 16, 1934	557	"Sec. 40(a)"	48: 977	30 U.S.C. 229a.
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The proviso only.

May 1, 1936	254	2	49: 1250	
May 31, 1938	304		52: 593	25 U.S.C. 497.
July 20, 1939	334		53: 1071	16 U.S.C. 471b.

May 28, 1940	220	1	54: 224	16 U.S.C. 552a.
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All except the second proviso.

Apr. 11, 1956	203	8	70: 110	620g.
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Only the words "and to withdraw public lands from entry or other disposition under the public land laws."

Aug. 10, 1956	Chapter 9772	70A: 588	10 U.S.C. 4472, 9772.	
Aug. 16, 1952	P.L. 87-590	4	76: 389	616c.

Only the words "and to withdraw public lands from entry or other disposition under the public land laws."

(b) The second sentence of the Act of March 6, 1946 (60 Stat. 36; 43 U.S.C. 617(h)), [43 U.S.C. 617h] is amended by deleting "Hereafter, at the direction of the Secretary of the Interior, such lands" and by substituting therefor the following: "Lands found to be practicable of irrigation and reclamation by irrigation works and withdrawn under the Act of March 6, 1946 (43 U.S.C. 617(h))."

REPEAL OF LAW RELATING TO ADMINISTRATION OF PUBLIC LANDS

Sec. 705. (a) Effective on and after the date of approval of this Act, the following statutes or parts of statutes are repealed:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
1. Mar. 2, 1895	174		28:744	176.
2. June 28, 1934	865	8	48:1272	315g.
June 26, 1936	842	3	49:1976, title I	
June 19, 1948	548	1	62:533	
July 9, 1962	P.L.87-524		76:140	315g-1.
3. Aug. 24, 1937	744		50:748	315p.
4. Mar. 3, 1909	271	2d proviso only.	35:845	772.
June 25, 1910	J.Res. 40		36:884	
5. June 21, 1934	689		48:1185	871a.
6. Revised Statute 2447				1151.
Revised Statute 2448				1152.
7. June 6, 1874	223		18:62	1153; 1154.
8. Jan. 28, 1879	30		20:274	1155.
9. May 30, 1894	87		28:84	1156.
10. Revised Statute 2471				1191.
Revised Statute 2472				1192.
Revised Statute 2473				1193.
11. July 14, 1960	P.L. 101-202(a) 86-649, 203-204(a), 301-303.	74:506 1361, 1362, 1363-1383.		
12. Sept. 26, 1970	P.L. 91-429	84:885		1362a.
13. July 31, 1939	401	1,2	53:1144	

REPEAL OF LAWS RELATING TO RIGHTS-OF-WAY

Sec. 706. (a) Effective on and after the date of approval of this Act, R.S. 2477 (43 U.S.C. 932) is repealed in its entirety and the following statutes or parts of statutes are repealed insofar as they apply to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System:

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Revised Statute 2339				661.
The following words only: "and the right-of-way for the construction of ditches and canals for the purpose herein specified is acknowledged and confirmed: but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damages shall be liable to the party injured for such injury or damage."				
Revised Statute 2340				661.
The following words only: " , or rights to ditches and reservoirs used in connection with such water rights,"				
Feb. 26, 1897	335		29: 599	664.
Mar. 3, 1899	427	1	30: 1233	665, 958, (16 U.S.C. 525).
The following words only: "that in the form provided by existing law the Secretary of the Interior may file and approve surveys and plots of any right-of-way for a wagon road, railroad, or other highway over and across any forest reservation or reservoirs site when in his judgment the public interests will not be injuriously affected thereby."				
Mar. 3, 1875	152		18:482	934-939.
May 14, 1898	299	2-9	30:409	942-1 to 942-9.
Feb. 27, 1901	614		31:815	943.
June 26, 1906	3548		34:481	944.
Mar. 3, 1891	561	18-21	26:1101	946-949.
Mar. 4, 1917	184	1	39:1197	
May 28, 1926	409		44:668	
Mar. 1, 1921	93		41:1194	950.
Jan. 13, 1897	11		20:484	952-955.
Mar. 3, 1923	219		42:1437	
Jan. 21, 1895	37		28:635	951, 956, 957.
May 14, 1896	179		29:120	
May 11, 1898	292		30:404	
Mar. 4, 1917	184	2	39:1197	
Feb. 15, 1901	372		31:790	959 (16 U.S.C. 79, 522).

Act of	Chapter	Section	Statute at Large	43 U.S. Code
Mar. 4, 1911	238		36:1253	951 (16 U.S.C. 5, 420, 523).

Only the last two paragraphs under the subheading "Improvement of the National Forests" under the heading "Forest Service."

May 27, 1952	338		66: 95	
May 21, 1896	212		29: 127	962-965.
Apr. 12, 1910	155		36: 296	966-970.
June 4, 1897	2	1	30: 35	16 U.S.C. 551.

Only the eleventh paragraph under Surveying the public lands.

July 22, 1937	517	31, 32	50:525	7 U.S.C. 1010-1012.
Sept. 3, 1954	1255	1	68:1146	931c.
July 7, 1960	Public Law 86-608.		74:363	40 U.S.C. 345c
Oct. 23, 1962	Public Law 87-852.	1-3	76:1129	40 U.S.C. 319-319c.
Feb. 1, 1905	288	4	33:628	16 U.S.C. 524.

(b) Nothing in section 706(a), [43 U.S.C. 1701 note] except as it pertains to rights-of-way, may be construed as affecting the authority of the Secretary of Agriculture under the Act of June 4, 1897 (30 Stat. 35, as amended, 16 U.S.C. 551); the Act of July 22, 1937 (50 Stat. 525, as amended, 7 U.S.C. 1010-1212); or the Act of September 3, 1954 (68 Stat. 1146, 43 U.S.C. 931c).

SEVERABILITY

Sec. 707. If any provision of this Act [43 U.S.C. 1701 note] or the application thereof is held invalid, the remainder of the Act and the application thereof shall not be affected thereby.

Approved October 21, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-1163 accompanying H.R. 13777 (Comm. on Interior and Insular Affairs) and No. 94-1724 (Comm. of Conference).

SENATE REPORT No. 94-583 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 122 (1976): Feb. 23, 25, considered and passed Senate. July 22, considered and passed House, amended, in lieu of H.R. 13777. Sept. 30, House agreed to conference report. Oct. 1, Senate agreed to conference report.

PL 94-579, 1976 S 507

Remembering Eleanor Schwartz

(1912-2000)

Commemoration of the 25th anniversary of the passage of FLPMA would be incomplete without also celebrating the life and contributions of a woman who helped legislators craft the bill that would fundamentally change the way our public lands are managed. Eleanor Schwartz, who worked with the Bureau of Land Management (BLM) until her death in December 2000 at age 88, was head of the BLM's Office of Legislative and Regulatory Management for many years, including the period during which FLPMA was initially conceived, drafted, and eventually passed.

Schwartz, an attorney who joined the Department of the Interior in 1962, was instrumental in assisting legislators on the technical and legal aspects of the Act. Her work ethic and ability to assimilate into what was then a male-dominated agency paid off when she became the first woman GS-15 in BLM history.

Throughout her tenure at Interior, she remained active in the field of Equal Employment Opportunity, serving as the Federal Women's Coordinator for the BLM. She was honored twice with Interior's highest commendation, the Distinguished Service Award, which recognized, among other accomplishments, her work on the Federal Land Policy and Management Act.

In her passing, the BLM not only lost a devoted worker but also an institutional memory that can not be replaced.



BLM Photo

Eleanor Schwartz receives a Federal Women's Award from Boyd Rasmussen (BLM Director 1966-1971).

A Capsule Examination of the Legislative History of the Federal Land Policy and Management Act of 1976

*Eleanor R. Schwartz**

Eleanor Schwartz, A Capsule Examination of the Legislative History of the Federal Land Policy and Management Act (FLPMA) of 1976, 21 ARIZ. L. REV. 285 (1979). Copyright © 1979 by the Arizona Board of Regents. Reprinted by permission.

The "organic act" originally proposed by the Administration in 1971 for the Bureau of Land Management (BLM) was a relatively simple document.¹ The proposed legislation would have repealed several hundred outdated and duplicative laws, provided BLM with broad policy guidelines and management tools, and given BLM disposal and enforcement authority. However, by the time the Federal Land Policy and Management Act (FLPMA) was passed in 1976, it had become a lengthy, complex document, much more than an organic act.² In addition to broad management guidelines and authority, FLPMA provides legislative direction to numerous specific interests and areas of management.

Perhaps in recognition of the importance of the Act, particularly to the western states and because of its complex origins, the Senate Committee on Energy and Natural Resources in 1978 published a committee print, *Legislative History of the Federal Land Policy and Management Act of 1976*.³ Prefacing the document is a memorandum in which Senator Henry M. Jackson, Chairman, summarizes for fellow committee members the background and need for the Act. He concludes with this statement:

The Federal Land Policy and Management Act of 1976 represents a landmark achievement in the management of the public lands of the United

States. For the first time in the long history of the public lands, one law provides comprehensive authority and guidelines for the administration and protection of the Federal lands and their resources under the jurisdiction of the Bureau of Land Management. This law enunciates a Federal policy of retention of these lands for multiple use management and repeals many obsolete public land laws which heretofore hindered effective land use planning for and management of public lands. The policies contained in the Federal Land Policy and Management Act will shape the future development and conservation of a valuable national asset, our public lands.⁴

Much has been written about the significance of the Federal Land Policy and Management Act, its meaning and impact, and its relationship to the report, *One Third of the Nation's Land*, issued in June 1970 by the Public Land Law Review Commission. This Article will discuss briefly the legislative history of the policies and provisions set forth in the Act.

Curiously, recreation was the subject of the first piece of public land legislation that might be considered a predecessor of FLPMA. In February 1970, Senators Jackson and Moss introduced into the 91st Congress a bill designed to improve outdoor recreation activities on the public lands administered by the Bureau of Land Management. The bill, S.3389, was passed by the Senate on

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1. See S. 2401, 92d Cong., 1st Sess., 117 CONG. REC. 28956, 28957 (1971).

2. See 43 U.S.C. §§ 1701-1782 (1976).

3. SENATE COMMITTEE ON ENERGY & NATURAL RESOURCES, 95TH CONG., 2D SESS., LEGISLATIVE HISTORY OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 (1978).

4. *Id.* at vi.

October 7, 1970,⁵ about four months after the report by the Public Land Law Review Commission was released. The Senate committee's report on S.3389 acknowledged that the bill embodied some of the recommendations made by the Public Land Law Review Commission. The report identified needs of the public lands and shortcomings of management:

Years of neglect have created many problems on the public lands administered by the Bureau of Land Management. Lack of regulations and enforcement authority have resulted in wanton vandalism and destruction of resources. Lack of sanitation facilities has created health hazards. Littering, overuse, and neglect have created unsightly blights on the landscape. Lack of public access has locked up millions of acres of public land for the private use of but a few, and many outstanding hunting, fishing, and other recreation opportunities are not available. As a result of the lack of enforcement authority and interpretive and restoration work, irreplaceable archeological values have been lost.⁶

S. 3389 recognized that the public lands administered by BLM are vital national assets that contain a wide variety of natural resource values, including outdoor recreation value, which should be developed and administered "for multiple use and sustained yield of the several products obtainable therefrom for the maximum benefit of the general public."⁷ The bill contained a definition of multiple use,⁸ which in substantial parts is the same as the definition in FLPMA,⁹ and a definition of sustained yield¹⁰ also similar to that in FLPMA.¹¹

S. 3389 would have given the Secretary of the Interior the authority to acquire lands or interests

necessary to provide access by the general public to public lands for outdoor recreational purposes. It also would have authorized allocation of Land and Water Conservation Fund money for this purpose.¹² Of more interest perhaps is the fact that S. 3389 would have provided comprehensive enforcement authority to the Bureau of Land Management. It made violations of public land laws and regulations of the Secretary relating to the protection of the public lands a violation punishable by a fine of not more than \$500 or imprisonment for not more than six months or both.¹³ It also provided that the Secretary could authorize BLM personnel to make arrests for violations of laws and regulations.¹⁴

No action was taken on S. 3389 by the House of Representatives.

In the 92d Congress, the Interior and Insular Affairs Committees of both the House and the Senate reported out bills relating to the management of the public lands. The Senate committee had before it two bills: Senators Jackson, Anderson, Cranston, Hart, Humphrey, Magnuson, Metcalf, and Nelson co-sponsored a bill, S. 921, "[t]o provide for the management, protection, and development of the national resource lands, and for other purposes."¹⁵ At the same time, Senators Jackson and Allott co-sponsored at the Administration's request S. 2401 "[t]o provide for the management, protection and development of the national resource lands, and for other purposes."¹⁶

As its title indicated, S. 921 addressed not only the management of the public lands but also the disposal of federally owned minerals. Title II of

5. S. 3389, 91st Cong., 2d Sess., 116 CONG. REC. 35401 (1970).

6. S. REP. No. 91-1256, 91st Cong., 2d Sess. 2 (1970).

7. S. 3389, 91st Cong., 2d Sess. § 2, 116 CONG. REC. 35401 (1970).

8. *Id.* § 3(b), 116 CONG. REC. at 35402.

9. 43 U.S.C. § 1702(c) (1976).

10. S. 3389, 91st Cong., 2d Sess. § 3(c), 116 CONG. REC. 35401, 35402 (1970).

11. 43 U.S.C. § 1702(h) (1976).

12. S. 3389, 91st Cong., 2d Sess. § 4(b), 116 CONG. REC. 35401, 35402 (1970).

13. *Id.* § 5, 116 CONG. REC. at 35402.

14. *Id.* § 6, 116 CONG. REC. at 35402.

15. S. 921, 92d Cong., 1st Sess., 117 CONG. REC. 3558-61 (1971).

16. S. 2401, 92d Cong., 1st Sess., 117 CONG. REC. 28956 (1971). S. 2401 referred to the lands administered by the Bureau of Land Management as "national resource lands." This term was being used at the time by the Bureau and the Department of the Interior in an effort to establish a more representative and mission-oriented identification for the lands than the less specific expression "public lands."

that bill would have been cited as the "Federal Land Mineral Leasing Act of 1971." It would have replaced and repealed both the Mining Law of 1872 and the Mineral Leasing Act of 1920, as well as several other mineral-related laws. Since S. 2401 was the Administration's proposal, it will be described in somewhat more detail than other fore-runners of FLPMA. This fuller analysis will afford a basis for comparison between what the Administration sought as an organic act for the Bureau of Land Management and what Congress finally enacted.

S. 2401 had a short two-paragraph declaration of Congressional policy: (1) that the national interest would best be served by retaining the national resource lands in federal ownership except where the Secretary of the Interior determined that disposal of particular tracts was consistent with the purposes, terms, and conditions of the Act, and (2) that the lands be managed under principles of multiple use and sustained yield in a manner which would, "using all practicable means and measures," protect the environmental quality of those lands to assure their continued value for present and future generations.¹⁷

The bill prohibited the use, occupancy, or development of the national resource lands contrary to any regulation issued by the Secretary or to any order issued under a regulation.¹⁸ S. 2401 also specified that an inventory of all national resource lands and their resources be maintained and that priority be given to areas of critical environmental concern.¹⁹ Development and maintenance of land use plans would be required and management of the lands would be in accordance with these plans. Specific guidelines were provided. These included, among others, a requirement for land reclamation as a condition of use and revocation of permits upon violation of secretarial regulations or state and federal air or water quality standards and implementation plans. Also included was

a requirement for prompt development of regulations for the protection of areas of critical environmental concern.²⁰

Another provision of S. 2401 authorized the Secretary to sell public lands if he found that the sale would lead to significant improvement in the management of national resource lands or if he found that it would serve important public objectives which could not be achieved prudently and feasibly on land other than national resource lands. Sales were to be made at not less than fair market value.²¹ Generally, conveyances of title were to reserve minerals to the United States, together with the right to develop them. However, the Secretary could grant full fee title if he found there were no minerals on the land or that reservation of mineral rights would interfere with or preclude development of the land and that such development was a more beneficial use of the land than mineral development. The Secretary would also have been required to insert in document of conveyance terms and conditions he considered necessary to ensure proper land use, environmental integrity, and protection of the public interest. In the event an area which the Secretary identified as an area of critical environmental concern was conveyed out of federal ownership, the Secretary would be required to provide for the continued protection of the area in the patent or other document of conveyance.²² Liberal acquisition and exchange authority was provided by the bill.²³

S. 2401, as introduced, would have made violations of regulations adopted to protect national resource lands, other public property and public health, safety and welfare a misdemeanor punishable by a fine of not more than \$10,000 or imprisonment for not more than one year or both. It would have allowed the Secretary to designate employees as special officers authorized to make arrests or serve citations for violations committed on the public lands.²⁴ The bill also provided for

17. S. 2401, 92d Cong., 1st Sess., § 3 (1971).

18. *Id.* § 4.

19. *Id.* § 5.

20. *Id.* § 7.

21. *Id.* § 8.

22. *Id.* § 9.

23. *Id.* § 10.

24. *Id.* § 11.

public hearings, where appropriate, to give federal, state, and local governments and the public an opportunity to comment on "the formulation of standards and criteria in the preparation and execution of plans and programs and in the management of the national resource lands."²⁵ It specifically required that any proposed "significant change in land use plans and regulations pertaining to areas of critical environmental concern be the subject of a public hearing."²⁶ Finally, the bill authorized the appropriation of such sums "as are necessary to carry out the purposes of this Act"²⁷ and repealed a long list of prior laws.²⁸

As reported out by the Senate Committee on Interior and Insular Affairs, S. 2401 contained a few significant changes and additions. Specific examples of areas of critical environmental concern were deleted, leaving only a short definition of the term. The statement of congressional policy was expanded, and the fine for violation of a regulation was reduced to \$1,000. There was a requirement that the Director of the Bureau of Land Management be appointed by the President, with the advice and consent of the Senate. The Director would have to possess a broad background and experience in public land and natural resources management.²⁹ There was no provision for repeal of any public land laws.³⁰

Eight members voted for and four against reporting S. 2401 out of the Senate Committee on Interior and Insular Affairs. The minority statement of Senators Hansen, Fannin, Hatfield, and Bellmon expressed agreement with the comment of President Nixon in his 1972 Environmental Message that this type of legislation was "something which we have been without for too long."³¹ However, these Senators felt that the legislation had been the subject of too little discussion by the

Committee. They noted that the bill granted broad authority to the Secretary of the Interior, but just how broad this authority was had never been discussed. Their view was that the legislation was too important to deal with in a hasty manner, and that the Committee should have the opportunity to study and analyze the legislation during the next session of Congress.³² As a matter of fact, the Committee studied, discussed, and analyzed the legislation for two more Congresses before an organic act was enacted into law. The full Senate did not consider S. 2401 in the 92d Congress. As will be seen, many provisions of S. 2401 considered by the 92d Congress were enacted in the Federal Land Policy and Management Act of 1976, sometimes with only subtle changes or differences in emphasis.

The Interior and Insular Affairs Committee of the House of Representatives followed a different approach in the 92d Congress. That committee did not consider the Administration proposal but considered and reported out instead H.R. 7211,³³ a bill that had been introduced by Chairman Wayne Aspinall on behalf of himself and Congressmen Baring, Taylor, Udall, and Kyl. Although as introduced, H.R. 7211 would have been cited as the "Public Land Policy Act of 1971," when it was reported out its title was changed to "National Land Policy, Planning, and Management Act of 1972." The reported bill was a comprehensive piece of legislation designed to reflect as many as possible of the policies and recommendations of the Public Land Law Review Commission.³⁴ Included was an extensive statement of findings, goals, and objectives.³⁵

The stated objective of H.R. 7211 was to provide for an overall land use planning effort on the part of all public land management agencies and to

25. *Id.*

26. *Id.* § 15.

27. *Id.* § 18.

28. *Id.* § 19.

29. *Id.*

30. S. REP. No. 92-1163, 92d Cong., 2d Sess. § 19, at 5 (1972).

31. *Id.* at 51.

32. *Id.*

33. H.R. 7211, 92d Cong., 2d Sess., 118 CONG. REC. 27179 (1972).

34. See PUBLIC LAND LAW REVIEW COMMISSION, ONE THIRD OF THE NATION'S LAND (1970).

35. H. R. 7211, 92d Cong., 2d Sess. § 101, 118 CONG. REC. 27179 (1972).

strengthen management by providing statutory guidelines applicable to all agencies having jurisdiction over the public lands. The goal was management practices that would be more uniform, more easily administered, and more easily understood by the public.³⁶ Title II of the bill, "National Land Use Planning," provided for federal grants to eligible states to be used in developing comprehensive land use planning. The bill contained detailed descriptions of the requirements to be met, specific provision as to how and for what the funds allotted could be expended, specifications for financial record keeping, and provisions for termination or suspension of the grants if the Secretary found that the state's comprehensive land use planning process no longer met the requirements of the bill or that the state was making no substantial progress toward the development of a comprehensive land use planning process.³⁷

Title III of H.R. 7211 addressed "Coordination of Land Use Planning and Policy." It would have established within the Department of the Interior an Office of Land Use Policy and Planning to administer the grant-in-aid program under Title II and to coordinate between Title II programs with the planning responsibilities of the federal government spelled out in Title IV. The Committee report on H.R. 7211 stated: "To insure the absence of any mission-orientation in such administration and coordination, the Office is separate from any existing bureau or agency in the Department."³⁸ The bill as reported out of Committee also would have established a complex advisory system that included a National Land Use Policy and Planning Board,³⁹ land use policy coordinators appointed by the Board members,⁴⁰ Departmental Advisory Committees,⁴¹ and local advisory councils.⁴²

Title IV of H.R. 7211 was "Public Land Policy and Planning." The term "public lands" was defined as "any lands owned by the United States without regard to how the United States acquired ownership, and without regard to the agency having responsibility for management thereof."⁴³ Excluded were lands held in trust for the Indians, Aleuts, and Eskimos and certain lands acquired by the General Services Administration and other federal agencies.⁴⁴ Thus, the coverage of H.R. 7211 was far broader than had been proposed in any other of the public land bills before the Congress. Because many of the lands encompassed by its definition were covered by existing statutes, the bill declared specifically that the policies therein were supplemental to and not in derogation of the purposes for which units of the National Park System, National Forest System, and National Wildlife Refuge System were established and administered and for which public lands were administered by departments other than Agriculture and the Interior in the fulfillment of their statutory obligations.⁴⁵

Title IV of H.R. 7211 contained sixteen declarations of policy that were based generally on recommendations of the Public Land Law Review Commission. The House Committee in its report recognized that each of the declarations would require additional legislative and administrative action.⁴⁶ An anticipated five to ten years would be required for the Congress to consider all the recommendations of the Commission and to develop the specific and detailed statutory language necessary to implement the recommendations that Congress agreed to. H.R. 7211 was designed to establish a "policy framework" within which the legislation to implement each policy could be

36. H.R. REP. NO. 1306, 92D CONG., 2D SESS. 39 (1972).

37. H.R. 7211, 92D CONG., 2D SESS. tit. II, 118 CONG. REC. 27179 (1972).

38. H.R. REP. NO. 92-1306, 92D CONG., 2D SESS. 30 (1972).

39. H.R. 7211, 92D CONG., 1ST SESS. § 303, 118 CONG. REC. 27179 (1972).

40. *Id.* § 304, 118 CONG. REC. at 27179.

41. *Id.* § 306, 118 CONG. REC. at 27179.

42. *Id.* § 307, 118 CONG. REC. at 27179.

43. *Id.* § 503(n), 118 CONG. REC. at 27179.

44. *Id.* § 503(n)(3), 118 CONG. REC. at 27179.

45. *Id.* § 401, 118 CONG. REC. at 27179.

46. H.R. REP. NO. 92-1306, 92D CONG., 2D SESS. 35 (1972).

contained, so that future congressional action could be on a coordinated basis.⁴⁷

The sixteen statements of policy are interesting as a reflection of the recommendations of the Public Land Law Review Commission and in the light of the legislation finally enacted by Congress. Stated briefly, as they appear in the report of the House Committee, these recommended policies are:

(1) Public lands generally be retained in federal ownership;

(2) public land classifications be reviewed to determine the type of use that will provide maximum benefit for the general public in accordance with overall land use planning goals;

(3) Executive withdrawals be reviewed to ascertain if they are of sufficient extent, adequately protected from encroachment, and in accordance with the overall land use planning goals of the Act, with a view toward securing a permanent statutory base for units of the National Park, Forest, and Wildlife Refuge Systems;

(4) Congress exercise withdrawal authority generally and establish specific guidelines for limited Executive withdrawals;

(5) public land management agencies be required to establish and adhere to administrative procedures;

(6) statutory land use planning guidelines be established providing for management of the public lands generally on the basis of multiple use and sustained yield;

(7) public lands be managed for protection of quality of scientific, scenic, historical, ecological, and archeological values; for preservation and protection of certain lands in their natural conditions; to reconcile competing demands; to provide habitat for fish and wildlife; and to provide for outdoor recreation;

(8) fair market value generally be received for the use of the public lands and their resources;

(9) equitable compensation be provided to users if use is interrupted prior to the end of the period for which use is permitted;

(10) an equitable system be devised to compensate state and local governments for burdens borne by reason of the tax immunity of the federal land;

(11) when public lands are managed to accomplish objectives unrelated to protection or development of public lands, the purpose and authority therefore be provided expressly by statute;

(12) administration of public land programs by various agencies be similar;

(13) uniform procedures for disposal, acquisition, and exchange be established by statute;

(14) regulations for protection of areas of critical environmental concern be developed; and that authorizations for use of the public lands provide for revocation upon violation of applicable regulations;

(15) persons engaging in extractive or other activities "likely to entail significant disturbance" be required to have a land reclamation plan and a performance bond guaranteeing such reclamation; and

(16) the public lands be administered uniformly as to use and contractual liability conditions, except when otherwise provided by law.⁴⁸

In addition to the extensive declaration of policy, Title IV of H.R. 7211 contained provisions relating to inventory, planning, public land use, management directives, and executive withdrawals. The bill also provided enforcement authority to land managing agencies and made violations of regulations issued by an agency head with reference to public lands administered by him punishable by fine or imprisonment or both. Title V of H.R. 7211 contained appropriation authorization, the repeal of many prior public land laws, and a series of definitions of terms used.

Time did not permit consideration of H.R. 7211 by the full House before the 92d Congress ended.

47. See *id.* at 36.

48. *Id.* at 36-39.

In the 93d Congress, the Senate had before it S. 424,⁴⁹ which Senator Jackson introduced on behalf of himself and Senators Bennett, Church, Gurney, Haskell, Humphrey, Inouye, Metcalf, Moss, Pastore, and Tunney. The Senate also had the Administration's proposal, S. 1041.⁵⁰ On July 8, 1974, S. 424 was passed by the Senate by a vote of 71 to 1, with 28 members not voting.⁵¹ S. 424, with very few changes, was reintroduced in the 94th Congress as S. 507.⁵² The new bill applied only to national resource lands—those lands administered by the Bureau of Land Management except the Outer Continental Shelf.

S. 507 contained these basic provisions relating to land management:

- (1) management of the national resource lands under principles of multiple use and sustained yield;
- (2) a return of fair market value to the federal government for the use or sale of lands;
- (3) inventory;
- (4) emphasis on planning;
- (5) authority to issue regulations;
- (6) public participation;
- (7) advisory boards;
- (8) annual reports;
- (9) general management authority with specific guidelines;
- (10) sales authority;
- (11) expanded exchange authority;
- (12) authority to convey reserved mineral interests;
- (13) reenactment of the Public Land Administration Act of 1960 to put all land managing authorities into one statute;
- (14) authority to issue recordable disclaimers of interest and to issue and correct patents;

(15) to afford an opportunity to zone or otherwise regulate the use of land, a requirement to notify states and local governmental units with zoning authority of any proposal to convey lands;

(16) authority to acquire land;

(17) creation of a working capital fund;

(18) enforcement authority;

(19) authority in the Secretary to cooperate with state and local governments in the enforcement of state and local laws on national resource lands;

(20) special provisions for cadastral survey operations and resource protection;

(21) special provisions for long-range planning for the "California Desert Area";

(22) provisions for oil shale revenues;

(23) a complete consolidation and revision of the authority to grant rights-of-way; and

(24) repeal of disposal, rights-of-way, and other statutes which this law was replacing.

S. 507, as passed by the Senate in the 94th Congress on February 25, 1976,⁵³ had these additional provisions that were not in S. 424 in the 93d Congress:

(1) provisions for disposal of "omitted" lands;

(2) amendments to the Mineral Leasing Act of 1920 to increase the percentage of revenues paid to states;

(3) provision for mineral impact relief loans; and

(4) provisions for recordation of mining claims and a conclusive presumption that any recorded claim for which the claimant did not make application for a patent within ten years after recordation is abandoned and therefor void.

There were two points of particular interest in the Senate floor debate on S. 507. The first point involved an amendment by Senator McClure that would have deleted from the provisions relating to

49. S. 424, 93d Cong., 1st Sess., 119 CONG. REC. 1339 (1973).

50. S. 1041, 93d Cong., 1st Sess., 119 CONG. REC. 5741 (1973).

51. 120 CONG. REC. 22296 (1974).

52. S. 507, 94th Cong., 1st Sess., 121 CONG. REC. 1821 (1975).

53. 122 CONG. REC. 4423 (1976).

mining claims the requirement that application for patents for mining claims be made within ten years.⁵⁴ The second point of particular interest involved grazing fees. Senator Hansen introduced an amendment that incorporated a formula for establishing a fee for grazing of domestic livestock on the public lands. The issue was vigorously debated on February 23 and again on the 25th. The grazing fee was opposed by Senators Jackson and Metcalf and by the National Wildlife Federation and the American Forestry Association, all of whose letters of opposition appear in the Congressional Record.⁵⁵ The amendment was also opposed by the Administration and eventually was rejected 36 to 53.⁵⁶ On February 25, after this amendment was rejected, S. 507 was passed by the Senate 78 to 11, with 11 members not voting.⁵⁷

During the 93d and 94th Congresses, the Interior and Insular Affairs Committee of the House of Representatives was taking a different approach to public land legislation. Under the leadership of Representative John Melcher as Chairman, the Subcommittee on Public Lands held a series of meetings during which the members discussed and debated what they believed should be included in a bill. The Committee staff put proposed provisions into legislative language as the sessions went along. Committee prints were prepared and circulated for comment. By the end of the 93d Congress, eight prints had been prepared. Congressman John Dellenback had prepared a series of correcting amendments to the last print, but Congress adjourned before all the amendments

could be incorporated into a bill. Two bills were actually introduced — H.R. 16676 and then H.R. 16800, a clean bill which corrected some errors discovered in the earlier bill.

During the 94th Congress, the Public Lands Subcommittee of the House Interior Committee conducted additional work sessions that culminated in the introduction of H.R. 13777.⁵⁸ This bill as reported out by the Committee not only granted management and enforcement authorities to the Bureau for public lands under its jurisdiction but also applied to public domain lands in the National Forest System. Some of the provisions relating to the Forest Service System were deleted when the bill was debated on the floor of the House. Passed by the House on July 22, 1976,⁵⁹ H.R. 13777 contained all the now familiar provisions of previous bills plus many new ones. The new provisions included:

- (1) a grazing fee formula applicable to BLM-administered lands and lands in the National Forest System;
- (2) provisions relating to duration of grazing leases applicable to BLM and National Forest System lands;
- (3) requirements for grazing advisory boards, applicable to both BLM and Forest Service;
- (4) provisions relating to wild horses and burros, also applicable to both BLM and Forest Service;

54. Senator Haskell and Senator McClure debated the issue briefly. On the calling of the question, Senator Haskell noted the absence of a quorum. This led Senator McClure to withdraw his amendment saying:

Mr. President, I know that the Senate as a whole will probably follow the lead of the committee. If we have a roll call on this, I would anticipate that the majority of them walking through these doors would never have heard of this question before and would be very apt to follow the lead of the committee under those circumstances. Under those circumstances, I think it is likely that the result can be forecast.

In the expectation that this matter might be considered somewhat differently in the other body and with the full confidence that we can move forward on a comprehensive bill, perhaps before this bill has been passed and becomes law, I am suggesting, therefore, it might be varied by subsequent legislation or conference between the Senate and the other body on the Organic Act, and I will withdraw the amendment at this time.

112 CONG. REC. 4053 (1976). As Senator McClure anticipated, the provision was not in S. 507 as it passed the House. The conferees did not adopt the provision, and it is not in the Act.

55. 122 CONG. REC. 4419 (1976).

56. *Id.* at 4422.

57. *Id.* at 4423.

58. H.R. 13777, 94th Cong., 2d Sess., 122 CONG. REC. 13815 (1976).

59. 122 CONG. REC. 23483 (1976).

(5) amendment of what is frequently called the Unintentional Trespass Act;⁶⁰

(6) provisions relating to the "California Desert Conservation Areas;" and

(7) the "King Range National Conservation Areas."⁶¹ After the House passed H.R. 13777, S. 507 was considered, amended to read as H.R. 13777 did, and passed.⁶²

As expected, the Senate disagreed to the amendments of the House and requested a conference. On July 30, 1976, Senate conferees were appointed: Jackson, Church, Metcalf, Johnston, Haskell, Bumpers, Hansen, Hatfield, and Fannin. Senator Fannin was replaced later by Senator McClure. Conferees from the House were Representatives Melcher, Johnson (California), Sciberling, Udall, Phillip Burton, Santini, Weaver, Steiger (Arizona), Clausen and Young (Alaska). At an organizational meeting held on August 30, 1976, Congressman Melcher was elected chairman. The conferees determined that because of all the primaries scheduled for early September, the first working session of the conferees could not be held until September 15. Staff were instructed to study the Senate and House versions of S. 407, identify areas of virtual agreement, outline areas of disagreement, and recommend alternatives for resolving those areas of disagreement.

The first difference in text addressed by the conferees was the short title of the Act. The title of the House amendment was "Federal Land Policy and Management Act of 1976." The title of the Senate amendment was "National Resource Lands Management Act." The Senate staff deferred to the House staff on the title, and the conferees concurred. The second issue involved the term to be used in referring to lands administered by the Bureau of Land Management. The conferees adopted the term used by the House—public lands

—although they recognized, as the staff pointed out, that in the past that had been a confusing term, referring sometimes to public domain lands and other times to acquired lands. And so it went. During four sessions, on September 15, 20, 21, and 22 and spanning more than twelve hours, the conferees had extensive discussions but relatively little problem agreeing to language to be incorporated into the Act—with four major exceptions. These exceptions almost killed the Act.

The House version of the Act contained a grazing fee formula and a provision for ten-year grazing permits.⁶³ It also provided for grazing district advisory boards, as distinct from the multiple use advisory councils.⁶⁴ The Senate conferees, particularly Senator Metcalf, objected to these provisions. The Senate version of the Act contained a provision that required mining claimants to make application for patent within ten years after the date of recordation of the claim. If the claimant failed to do so, the claim would be conclusively presumed to be abandoned and would be void.⁶⁵ The House conferees, particularly Congressman Santini, objected to this.

These issues of grazing and mining were debated extensively on September 22nd. Before the end of that five-hour session, Senator Metcalf offered a "package compromise."⁶⁶ The proposed compromise required:

- (1) that the grazing fee provisions be deleted from the bill—in effect that the House would accede to the Senate on Section 401;
- (2) that the Senate agree with the House on the already adopted Metcalf/Santini amendment that all grazing leases be for ten years;
- (3) that the conferees accept the grazing advisory boards with their functions limited to expenditure of range improvement fees;⁶⁷ and

60. 43 U.S.C. §§ 1431-1435 (1976).

61. These add-ons have sometimes been called the "Christmas-tree amendments."

62. 122 CONG. REC. 23508 (1976).

63. H.R. 13777, 94th Cong., 1st Sess., §§ 210, 211, 122 CONG. REC. 23447-48 (1976).

64. *Id.* § 212, 122 CONG. REC. at 23448.

65. S. 507, 94th Cong., 1st Sess., § 207, 122 CONG. REC. 23497 (1976).

66. The proposal actually was brought to the conferees by D. Michael Harvey, Staff Counsel, because Senator Metcalf was at a meeting of the Committee on Committees.

67. Mr. Harvey noted that this was as far as Senator Metcalf would go on an individual basis, but as part of the package he would add to the functions of the grazing advisory boards the development of the management allotment plans.

(4) with respect to the Senate language on mining claims, that the language be applicable only to mining claims filed after enactment of the Act, not pre-existing claims.

The conferees could not agree on the compromise that day but did agree to meet again on September 23rd just in advance of the Conference on the National Forest Management Act of 1976 that was due to start at 1:30 p.m. Several of the conferees on S. 507 were also on the Forest Act conference. The conferees convened at 1:10 p.m. on September 23rd. Congressman Santini offered a substitute compromise that would knock out advisory boards, have five-year leases in return for keeping grazing fees, and knock out the patent provisions. Senator Metcalf countered with a proposal to accept the first three amendments he had offered and knock out the Senate language on mining. This was rejected by the Senate conferees and at 1:20 p.m., the Conference was adjourned by

Chairman Melcher who said he saw no point in prolonging the meeting. For the moment, hopes dimmed for passage of an Organic Act for the Bureau of Land Management. The 94th Congress was in its last-minute rush before adjournment. But as with many pieces of landmark legislation, a compromise was reached at the eleventh hour, reportedly as a result of behind-the-scenes lobbying by interested private parties.⁶⁸

On September 28, Congressman Melcher made a last minute effort to reach a compromise and get a public land management act in the 94th Congress. He called a meeting of the Conference Committee to commence at 5:30 p.m. that evening. The meeting was held in a very small room in the Congress. Very few persons, other than conferees and staff, were permitted in the room. Dozens of interested persons filled the halls and corridors leading to the meeting room. Within a few minutes of coming together, the conferees took a thirty-minute break.

68. The struggle to achieve an acceptable middle ground was reported in the October 7, 1976, issue of *Public Land News: How the BLM Organic Act came back from the grave in five days*

The final, fateful meeting of the House-Senate conference committee that revived the BLM Organic Act pitted two unyielding antagonists—Sen. Lee Metcalf (D-Mont.) And Rep. James Santini (D-Nev.).

Simply put, Santini wanted a statutory grazing fee he co-authored to stay in the bill. Metcalf didn't.

So, on September 23, the conference deadlocked over the grazing fee when the House refused by a 5-5 vote to give up the provision. At the same time, the Senate conferees refused to allow the grazing fee to stay in. The bill was effectively dead for 1976 . . . or so the conferees said.

The deadlock began to give way the following day when the mining industry, principally the American Mining Congress, realized the Senate would give up its provision on requiring patent in 10 years. But only if the House dropped the grazing fee. The mining industry abhors the patent requirement.

So, the mining industry started pressuring the ranching industry to ask its Congressional allies to yield on the grazing fee, said sources in the cattle industry.

And Rep. John Melcher (D-Mont.)—chief sponsor of the House bill, candidate for the U.S. Senate—continued to push for a further compromise.

Pressure was applied primarily to Reps. Don Young (R-Alaska) and Don Clausen (R-Calif.), *PLNews* sources said.

Then on Tuesday morning (September 28) a meeting was held among the House supporters of the statutory grazing fee. They decided to yield on the grazing fee, reasoning that a freeze was better than no bill at all.

With that a meeting of the full conference was held in room S 224 of the Capitol at 5:30 p.m. just minutes after a compromise timber management bill had been hammered out in conference down the hall.

The last BLM conference, with only a half dozen attendees other than Congressmen and their staff, started badly. Metcalf and Santini, almost shouting at times, argued forcefully that each had already compromised too much. But Santini eventually offered a compromise on the grazing fee. It called for a statutory grazing fee for two years while a study was conducted. The Senate conferees refused to even consider it.

Then Clausen offered a compromise calling for freezing the present grazing fee, developed administratively by BLM and the Forest Service, for two years while a study was conducted. Again, the Senate refused to consider it.

Then the conferees, with no one in particular sponsoring it, agreed to consider a one-year freeze with study. Santini asked for and received a 30-minute break.

During the break, *PLNews* talked to representatives of the American National Cattlemen's Association and the Public Lands Council. They said, resignedly, the one-year freeze plus study was the most they could hope for, given the Senate conferees adamant opposition to anything else.

Finally, at 7 p.m. on September 28, the conferees reassembled and Melcher asked for a show of hands from the House members. He, Rep. James Johnson (R-Colo.), Rep. Harold T. Johnson (D-Calif.), Clausen, and Santini voted for the compromise. Melcher said Reps. Mo Udall (D-Ariz.), Jim Weaver (D-Ore.), and John Seiberling (D-Ohio) also would have agreed to the compromise if they had been present.

Word spread among the assembled crowd that the meeting was going badly. However, when the conferees reassembled at 7 p.m., those present voted almost immediately for the compromise that had been suggested earlier. The conferees and staff walked quickly out of the conference room. As they made their way down the corridor, they received the quiet congratulations of the very interested group of people who had waited to hear the final outcome of the session.

In keeping with its somewhat stormy and cliff-hanger history, the conference report was passed by the House on September thirtieth, and by the Senate on October first, just hours before the 94th session ended. The Act was signed by the President on October 21, 1976, and became Public Law 94-579, 90 Stat. 2743.

The Senate members present—Metcalf, Floyd Haskell (D-Colo.), and Frank Church (D-ID)—also agreed without a formal vote.

TITLE 5—APPENDIX

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FEDERAL ADVISORY COMMITTEE ACT

Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended by Pub. L. 94-409, §5(c), Sept. 13, 1976, 90 Stat. 1247; Pub. L. 96-523, §2, Dec. 12, 1980, 94 Stat. 3040; Pub. L. 97-375, title II, §201(c), Dec. 21, 1982, 96 Stat. 1822; Pub. L. 105-153, §2(a), (b), Dec. 17, 1997, 111 Stat. 2689; Pub. L. 111-259, title IV, §410(a), Oct. 7, 2010, 124 Stat. 2724

§ 1. Short title

This Act may be cited as the "Federal Advisory Committee Act".

(Pub. L. 92-463, §1, Oct. 6, 1972, 86 Stat. 770.)

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-153, §1, Dec. 17, 1997, 111 Stat. 2689, provided that: "This Act [enacting section 15 of Pub. L. 92-463, set out in this Appendix, amending section 3 of Pub. L. 92-463, set out in this Appendix, renumbering former section 15 of Pub. L. 92-463, set out in this Appendix, as section 16, and enacting provisions set out as notes under sections 3 and 15 of Pub. L. 92-463, set out in this Appendix] may be cited as the 'Federal Advisory Committee Act Amendments of 1997'."

§ 2. Findings and purpose

(a) The Congress finds that there are numerous committees, boards, commissions, councils, and similar groups which have been established to advise officers and agencies in the executive branch of the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Federal Government.

(b) The Congress further finds and declares that—

(1) the need for many existing advisory committees has not been adequately reviewed;

(2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;

(3) advisory committees should be terminated when they are no longer carrying out the purposes for which they were established;

(4) standards and uniform procedures should govern the establishment, operation, administration, and duration of advisory committees;

(5) the Congress and the public should be kept informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and

(6) the function of advisory committees should be advisory only, and that all matters under their consideration should be deter-

mined, in accordance with law, by the official, agency, or officer involved.

(Pub. L. 92-463, §2, Oct. 6, 1972, 86 Stat. 770.)

EXECUTIVE ORDER NO. 11686

Ex. Ord. No. 11686, Oct. 7, 1972, 37 F.R. 21421, which related to committee management, was superseded by Ex. Ord. No. 11769, Feb. 21, 1974, 39 F.R. 7125, formerly set out below.

EXECUTIVE ORDER NO. 11769

Ex. Ord. No. 11769, Feb. 21, 1974, 39 F.R. 7125, which related to committee management, was revoked by Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out below.

EX. ORD. NO. 12024. TRANSFER OF CERTAIN ADVISORY COMMITTEE FUNCTIONS

Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, provided: By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), Section 301 of Title 3 of the United States Code, Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c) [31 U.S.C. 1531], and Section 7 of Reorganization Plan No. 1 of 1977 (42 F.R. 56101 (October 21, 1977)) [set out in this Appendix], and as President of the United States of America, in accord with the transfer of advisory committee functions from the Office of Management and Budget to the General Services Administration provided by Reorganization Plan No. 1 of 1977, it is hereby ordered as follows:

SECTION 1. The transfer, provided by Section 5F of Reorganization Plan No. 1 of 1977 (42 F.R. 56101) [set out in this Appendix], of certain functions under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), from the Office of Management and Budget and its Director to the Administrator of General Services is hereby effective.

SEC. 2. There is hereby delegated to the Administrator of General Services all the functions vested in the President by the Federal Advisory Committee Act, as amended, except that, the annual report to the Congress required by Section 6(c) of that Act shall be prepared by the Administrator for the President's consideration and transmittal to the Congress.

SEC. 3. The Director of the Office of Management and Budget shall take all actions necessary or appropriate to effectuate the transfer of functions provided in this Order, including the transfer of funds, personnel and

positions, assets, liabilities, contracts, property, records, and other items related to the functions transferred.

SEC. 4. Executive Order No. 11769 of February 21, 1974 is hereby revoked.

SEC. 5. Any rules, regulations, orders, directives, circulars, or other actions taken pursuant to the functions transferred or reassigned as provided in this Order from the Office of Management and Budget to the Administrator of General Services, shall remain in effect as if issued by the Administrator until amended, modified, or revoked.

SEC. 6. This Order shall be effective November 20, 1977.

JIMMY CARTER.

LOBBYISTS ON AGENCY BOARDS AND COMMISSIONS

Memorandum of President of the United States, June 16, 2010, 75 F.R. 35955, provided:

Memorandum for the Heads of Executive Departments and Agencies

My Administration is committed to reducing the undue influence of special interests that for too long has shaped the national agenda and drowned out the voices of ordinary Americans. Special interests exert this disproportionate influence, in part, by relying on lobbyists who have special access that is not available to all citizens. Although lobbyists can sometimes play a constructive role by communicating information to the government, their service in privileged positions within the executive branch can perpetuate the culture of special-interest access that I am committed to changing.

On the day after my inauguration, I signed Executive Order 13490, which places strict limits on the ability of lobbyists to serve in Government positions related to their prior lobbying activities. Last September, we took another step to close the revolving door through which lobbyists enter and exit Government positions when we announced that my Administration aspires to keep Federal agencies' advisory boards free of federally registered lobbyists. Many departments and agencies are making this aspiration a reality by no longer placing federally registered lobbyists on advisory boards—a practice that I am now establishing as the official policy of my Administration.

Accordingly, I hereby direct the heads of executive departments and agencies not to make any new appointments or reappointments of federally registered lobbyists to advisory committees and other boards and commissions. Within 90 days of the date of this memorandum, the Director of the Office of Management and Budget shall issue proposed guidance designed to implement this policy to the full extent permitted by law. The final guidance shall be issued following public comment on the proposed guidance.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 3. Definitions

For the purpose of this Act—

(1) The term "Administrator" means the Administrator of General Services.

(2) The term "advisory committee" means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof (hereafter in this paragraph referred to as "committee"), which is—

(A) established by statute or reorganization plan, or

(B) established or utilized by the President, or

(C) established or utilized by one or more agencies,

in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government, except that such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration.

(3) The term "agency" has the same meaning as in section 551(1) of title 5, United States Code.

(4) The term "Presidential advisory committee" means an advisory committee which advises the President.

(Pub. L. 92-463, § 3, Oct. 6, 1972, 86 Stat. 770; 1977 Reorg. Plan No. 1, § 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634; Pub. L. 105-153, § 2(a), Dec. 17, 1997, 111 Stat. 2689.)

AMENDMENTS

1997—Par. (2). Pub. L. 105-153, in closing provisions, substituted "such term excludes (i) any committee that is composed wholly of full-time, or permanent part-time, officers or employees of the Federal Government, and (ii) any committee that is created by the National Academy of Sciences or the National Academy of Public Administration." for "such term excludes (i) the Advisory Commission on Intergovernmental Relations, (ii) the Commission on Government Procurement, and (iii) any committee which is composed wholly of full-time officers or employees of the Federal Government."

EFFECTIVE DATE OF 1997 AMENDMENT

Section 2(c) of Pub. L. 105-153 provided that:

"(1) IN GENERAL.—Except as provided in paragraph (2), this section [enacting section 15 of Pub. L. 92-463, set out in this Appendix, amending this section, and redesignating former section 15 of Pub. L. 92-463, set out in this Appendix, as section 16] and the amendments made by this section shall take effect on the date of the enactment of this Act [Dec. 17, 1997].

"(2) RETROACTIVE EFFECT.—Subsection (a) [amending this section] and the amendments made by subsection (a) shall be effective as of October 6, 1972, except that they shall not apply with respect to or otherwise affect any particular advice or recommendations that are subject to any judicial action filed before the date of the enactment of this Act."

TRANSFER OF FUNCTIONS

"Administrator" means the Administrator of General Services" substituted for "Director" means the Director of the Office of Management and Budget" in par. (1) pursuant to Reorg. Plan No. 1 of 1977, § 5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

§ 4. Applicability; restrictions

(a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act

shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Nothing in this Act shall be construed to apply to any advisory committee established or utilized by—

- (1) the Central Intelligence Agency;
- (2) the Federal Reserve System; or
- (3) the Office of the Director of National Intelligence, if the Director of National Intelligence determines that for reasons of national security such advisory committee cannot comply with the requirements of this Act.

(c) Nothing in this Act shall be construed to apply to any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

(Pub. L. 92-463, § 4, Oct. 6, 1972, 86 Stat. 771; Pub. L. 111-259, title IV, § 410(a), Oct. 7, 2010, 124 Stat. 2724.)

AMENDMENTS

2010—Subsec. (b)(3). Pub. L. 111-259 added par. (3).

§ 5. Responsibilities of Congressional committees; review; guidelines

(a) In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and of the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall—

- (1) contain a clearly defined purpose for the advisory committee;
- (2) require the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed by the advisory committee;
- (3) contain appropriate provisions to assure that the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be

the result of the advisory committee's independent judgment;

(4) contain provisions dealing with authorization of appropriations, the date for submission of reports (if any), the duration of the advisory committee, and the publication of reports and other materials, to the extent that the standing committee determines the provisions of section 10 of this Act to be inadequate; and

(5) contain provisions which will assure that the advisory committee will have adequate staff (either supplied by an agency or employed by it), will be provided adequate quarters, and will have funds available to meet its other necessary expenses.

(c) To the extent they are applicable, the guidelines set out in subsection (b) of this section shall be followed by the President, agency heads, or other Federal officials in creating an advisory committee.

(Pub. L. 92-463, § 5, Oct. 6, 1972, 86 Stat. 771.)

§ 6. Responsibilities of the President; report to Congress; annual report to Congress; exclusion

(a) The President may delegate responsibility for evaluating and taking action, where appropriate, with respect to all public recommendations made to him by Presidential advisory committees.

(b) Within one year after a Presidential advisory committee has submitted a public report to the President, the President or his delegate shall make a report to the Congress stating either his proposals for action or his reasons for inaction, with respect to the recommendations contained in the public report.

(c) The President shall, not later than December 31 of each year, make an annual report to the Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year. The report shall contain the name of every advisory committee, the date of and authority for its creation, its termination date or the date it is to make a report, its functions, a reference to the reports it has submitted, a statement of whether it is an ad hoc or continuing body, the dates of its meetings, the names and occupations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of those advisory committees abolished by the President, and in the case of advisory committees established by statute, a list of those advisory committees which the President recommends be abolished together with his reasons therefor. The President shall exclude from this report any information which, in his judgment, should be withheld for reasons of national security, and he shall include in such report a statement that such information is excluded.

(Pub. L. 92-463, § 6, Oct. 6, 1972, 86 Stat. 772; Pub. L. 97-375, title II, § 201(c), Dec. 21, 1982, 96 Stat. 1822.)

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (c) of this section, see section 3003

of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 173 of House Document No. 103-7.

AMENDMENTS

1982—Subsec. (c). Pub. L. 97-375 substituted provision that the President shall, not later than Dec. 31 of each year, make an annual report to Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding fiscal year, for provision the President, not later than March 31 of each calendar year after 1973, make an annual report to Congress on the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 210(c) of Pub. L. 97-375 provided that the amendment made by that section is effective July 1, 1983.

§ 7. Responsibilities of the Administrator of General Services; Committee Management Secretariat, establishment; review; recommendations to President and Congress; agency cooperation; performance guidelines; uniform pay guidelines; travel expenses; expense recommendations

(a) The Administrator shall establish and maintain within the General Services Administration a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) The Administrator shall, immediately after October 6, 1972, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine—

- (1) whether such committee is carrying out its purpose;
- (2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;
- (3) whether it should be merged with other advisory committees; or
- (4) whether it should be abolished.

The Administrator may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Administrator's review he shall make recommendations to the President and to either the agency head or the Congress with respect to action he believes should be taken. Thereafter, the Administrator shall carry out a similar review annually. Agency heads shall cooperate with the Administrator in making the reviews required by this subsection.

(c) The Administrator shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Administrator shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

(d)(1) The Administrator, after study and consultation with the Director of the Office of Personnel Management, shall establish guidelines with respect to uniform fair rates of pay for

comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that—

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code;

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service; and

(C) such members—

(i) who are blind or deaf or who otherwise qualify as handicapped individuals (within the meaning of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791)), and

(ii) who do not otherwise qualify for assistance under section 3102 of title 5, United States Code, by reason of being an employee of an agency (within the meaning of section 3102(a)(1) of such title 5).

may be provided services pursuant to section 3102 of such title 5 while in performance of their advisory committee duties.

(2) Nothing in this subsection shall prevent—

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee,

from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

(e) The Administrator shall include in budget recommendations a summary of the amounts he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

(Pub. L. 92-463, § 7, Oct. 6, 1972, 86 Stat. 772; 1977 Reorg. Plan No. 1, § 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 38067, 92 Stat. 3783; Pub. L. 96-523, § 2, Dec. 12, 1980, 94 Stat. 3040.)

REFERENCES IN TEXT

Section 501 of the Rehabilitation Act of 1973, referred to in subsec. (d)(1)(C)(i), is classified to section 791 of Title 29, Labor, rather than to section 794 of Title 29 as shown in text.

AMENDMENTS

1980—Subsec. (d)(1)(C). Pub. L. 96-523 added subpar. (C).

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-523 effective sixty days after Dec. 12, 1980, see section 3 of Pub. L. 96-523, set out as a note under section 3102 of this title.

TRANSFER OF FUNCTIONS

"Director of the Office of Personnel Management" substituted for "Civil Service Commission" in subsec.

(d) pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of this title, which transferred functions vested by statute in United States Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of this title.

"Administrator", "Administrator's", "Administrator of General Services", and "General Services Administration" substituted for "Director", "Director's", "Director, Office of Management and Budget", and "Office of Management and Budget" in text pursuant to Reorg. Plan No. 1 of 1977, §5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of this title, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5378 of this title.

§ 8. Responsibilities of agency heads; Advisory Committee Management Officer, designation

(a) Each agency head shall establish uniform administrative guidelines and management controls for advisory committees established by that agency, which shall be consistent with directives of the Administrator under section 7 and section 10. Each agency shall maintain systematic information on the nature, functions, and operations of each advisory committee within its jurisdiction.

(b) The head of each agency which has an advisory committee shall designate an Advisory Committee Management Officer who shall—

- (1) exercise control and supervision over the establishment, procedures, and accomplishments of advisory committees established by that agency;
- (2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and
- (3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers.

(Pub. L. 92-463, § 8, Oct. 6, 1972, 86 Stat. 773; 1977 Reorg. Plan No. 1, §5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

TRANSFER OF FUNCTIONS

"Administrator", meaning Administrator of General Services, substituted for "Director", meaning Director of Office of Management and Budget, in subsec. (a) pursuant to Reorg. Plan No. 1 of 1977, §5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

§ 9. Establishment and purpose of advisory committees; publication in Federal Register; charter: filing, contents, copy

(a) No advisory committee shall be established unless such establishment is—

(1) specifically authorized by statute or by the President; or

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Administrator, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Federal Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Administrator, in the case of Presidential advisory committees, or (2) with the head of the agency to whom any advisory committee reports and with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction of such agency. Such charter shall contain the following information:

- (A) the committee's official designation;
- (B) the committee's objectives and the scope of its activity;
- (C) the period of time necessary for the committee to carry out its purposes;
- (D) the agency or official to whom the committee reports;
- (E) the agency responsible for providing the necessary support for the committee;
- (F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;
- (G) the estimated annual operating costs in dollars and man-years for such committee;
- (H) the estimated number and frequency of committee meetings;
- (I) the committee's termination date, if less than two years from the date of the committee's establishment; and
- (J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

(Pub. L. 92-463, § 9, Oct. 6, 1972, 86 Stat. 773; 1977 Reorg. Plan No. 1, §5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

TRANSFER OF FUNCTIONS

"Administrator", meaning Administrator of General Services, substituted for "Director", meaning Director of Office of Management and Budget, in subsecs. (a)(2) and (c) pursuant to Reorg. Plan No. 1 of 1977, §5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section

1 of Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

§ 10. Advisory committee procedures; meetings; notice, publication in Federal Register; regulations; minutes; certification; annual report; Federal officer or employee, attendance

(a)(1) Each advisory committee meeting shall be open to the public.

(2) Except when the President determines otherwise for reasons of national security, timely notice of each such meeting shall be published in the Federal Register, and the Administrator shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Administrator may prescribe.

(b) Subject to section 552 of title 5, United States Code, the records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) Detailed minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee.

(d) Subsections (a)(1) and (a)(3) of this section shall not apply to any portion of an advisory committee meeting where the President, or the head of the agency to which the advisory committee reports, determines that such portion of such meeting may be closed to the public in accordance with subsection (c) of section 552b of title 5, United States Code. Any such determination shall be in writing and shall contain the reasons for such determination. If such a determination is made, the advisory committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of title 5, United States Code.

(e) There shall be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(f) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated officer or employee of the Federal Government, and in the case of advisory committees (other than Presidential advisory committees), with an agenda approved by such officer or employee.

(Pub. L. 92-463, § 10, Oct. 6, 1972, 86 Stat. 774; Pub. L. 94-409, § 5(c), Sept. 13, 1976, 90 Stat. 1247; 1977 Reorg. Plan No. 1, § 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

AMENDMENTS

1976—Subsec. (d). Pub. L. 94-409 inserted "portion of an" after "to any" and substituted provisions relating to determinations for closing to the public such portion of the meeting in accordance with section 552b(c) of title 5, for provisions relating to determinations of matters listed in section 552(b) of title 5.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-409 effective 180 days after Sept. 13, 1976, see section 6 of Pub. L. 94-409, set out as an Effective Date note under section 552b of this title.

TRANSFER OF FUNCTIONS

"Administrator", meaning Administrator of General Services, substituted for "Director", meaning Director of Office of Management and Budget, in subsec. (a)(2), (3) pursuant to Reorg. Plan No. 1 of 1977, § 5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

§ 11. Availability of transcripts; "agency proceeding"

(a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of title 5, United States Code.

(Pub. L. 92-463, § 11, Oct. 6, 1972, 86 Stat. 775.)

REFERENCES IN TEXT

Effective date of this Act, referred to in subsec. (a), as meaning effective upon expiration of ninety days following enactment of Pub. L. 92-463 on Oct. 6, 1972, see section 15 of Pub. L. 92-463.

§ 12. Fiscal and administrative provisions; record-keeping; audit; agency support services

(a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of its advisory committees and the nature and extent of their activities. The General Services Administration, or such other agency as the President may designate, shall maintain financial records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(b) Each agency shall be responsible for providing support services for each advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time.

In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

(Pub. L. 92-463, § 12, Oct. 6, 1972, 86 Stat. 775.)

§ 13. Responsibilities of Library of Congress; reports and background papers; depository

Subject to section 552 of title 5, United States Code, the Administrator shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

(Pub. L. 92-463, § 13, Oct. 6, 1972, 86 Stat. 775; 1977 Reorg. Plan No. 1, § 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

TRANSFER OF FUNCTIONS

"Administrator", meaning Administrator of General Services, substituted in text for "Director", meaning Director of Office of Management and Budget, pursuant to Reorg. Plan No. 1 of 1977, § 5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No. 12031, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

§ 14. Termination of advisory committees; renewal; continuation

(a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b)(1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

(Pub. L. 92-463, § 14, Oct. 6, 1972, 86 Stat. 776.)

REFERENCES IN TEXT

Effective date of this Act, referred to in subsec. (a)(1), as meaning effective upon expiration of ninety days following enactment of Pub. L. 92-463 on Oct. 6, 1972, see section 15 of Pub. L. 92-463.

EXECUTIVE ORDER NO. 11827

Ex. Ord. No. 11827, Jan. 4, 1975, 40 F.R. 1217, as amended by Ex. Ord. No. 11915, May 10, 1976, 41 F.R. 19195, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 11948, Dec. 20, 1976, 41 F.R. 55705, formerly set out below.

EXECUTIVE ORDER NO. 11948

Ex. Ord. No. 11948, Dec. 20, 1976, 41 F.R. 55705, as amended by Ex. Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839; Ex. Ord. No. 12029, Dec. 14, 1977, 42 F.R. 63831, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12110, Dec. 28, 1978, 44 F.R. 1069, formerly set out below.

EX. ORD. NO. 12007. TERMINATION OF CERTAIN PRESIDENTIAL ADVISORY COMMITTEES

Ex. Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to terminate certain advisory committees in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), it is hereby ordered as follows:

SECTION 1. (a) The Citizens' Advisory Council on the Status of Women is terminated.

(b) Executive Order No. 11138 of November 1, 1963, as amended by Executive Order No. 11221 of May 6, 1965 [42 U.S.C. 2000e note], is further amended as follows:

(1) Subsection (5) of Section 102 is revoked.

(2) Section 103, in order to delete a reference to the Council, is amended to read as follows:

"Annually the Committee shall transmit a report to the President concerning the status of women."

(3) Part II is revoked.

(4) The second sentence of Section 301, in order to delete references to the Council, is amended to read as follows:

"To the extent practical and to the extent permitted by law (1) all Executive agencies shall cooperate with the Committee and furnish it such information and assistance as may be necessary for the performance of its functions, and (2) the Secretary of Labor shall furnish staff, office space, office facilities and supplies, and other necessary assistance, facilities, and services for the Committee."

SEC. 2. (a) The Citizens' Advisory Committee on Environmental Quality is terminated.

(b) Part II of Executive Order No. 11473 of May 29, 1969, as amended by paragraphs (7) and (8) of Section 4 of Executive Order No. 11514 of March 5, 1970 [42 U.S.C. 4321 note], is revoked.

SEC. 3. (a) The Advisory Council for Minority Enterprise is terminated.

(b) Section 3 of Executive Order No. 11625 of October 13, 1971 [15 U.S.C. 631 note], is revoked.

SEC. 4. (a) The Consumer Advisory Council is terminated.

(b) Executive Order No. 11583 of February 24, 1971 [20 U.S.C. 2982 note], is amended as follows:

(1) The second sentence of subsection (b)(1) of Section 2 is amended by deleting "(including the Consumer Advisory Council established in section 5 of this order)".

(2) Section 5 is revoked.

SEC. 5. (a) The President's Advisory Board on International Investment is terminated.

(b) Executive Order No. 11962 of January 19, 1977 [22 U.S.C. 3107 note], is revoked.

SEC. 6. Subsections (a), (g), (i), and (j) of Section 1 of Executive Order No. 11948 of December 20, 1976 [formerly set out as a note under this section], which extended the above advisory committees until December 31, 1978, is superseded.

JIMMY CARTER.

EX. ORD. NO. 12029. TERMINATION OF A PRESIDENTIAL ADVISORY COMMITTEE

Ex. Ord. No. 12029, Dec. 14, 1977, 42 F.R. 63631, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to terminate an advisory committee in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), it is hereby ordered as follows:

SECTION 1. (a) The Quetico-Superior Committee is terminated.

(b) Executive Order No. 11342, as amended, is revoked.

SEC. 2. Subsection (e) of Section 1 of Executive Order No. 11948 of December 20, 1976 [formerly set out as a note under this section], which extended the above advisory committee until December 31, 1978, is superseded.

JIMMY CARTER.

EXECUTIVE ORDER NO. 12110

Ex. Ord. No. 12110, Dec. 28, 1978, 44 F.R. 1069, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251, as amended, formerly set out below.

EXECUTIVE ORDER NO. 12258

Ex. Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251, as amended by Ex. Ord. No. 12271, Jan. 15, 1981, 46 F.R. 4677; Ex. Ord. No. 12299, Mar. 17, 1981, 46 F.R. 17751; Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421; Ex. Ord. No. 12336, Dec. 21, 1981, 46 F.R. 62239, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12399, Dec. 31, 1982, 48 F.R. 379, formerly set out below.

EX. ORD. NO. 12305. TERMINATION OF CERTAIN FEDERAL ADVISORY COMMITTEES

Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421, provided: By the authority vested in me as President by the Constitution of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended [5 U.S.C. App.], the following Executive Orders, establishing advisory committees, are hereby revoked and the committees terminated:

(a) Executive Order No. 12059 of May 11, 1978, as amended [20 U.S.C. 44 note], establishing the United States Circuit Judge Nominating Commission;

(b) Executive Order No. 11992 of May 24, 1977 [28 U.S.C. note prec. chapter 1], establishing the Committee on Selection of Federal Judicial Officers;

(c) Executive Order No. 12094 of September 27, 1978, as amended by Executive Order 12097 of November 8, 1978 [28 U.S.C. 133 note], establishing the Judicial Nominating Commission for the District of Puerto Rico; and

(d) Executive Order No. 12064 of June 5, 1978 [26 U.S.C. 7443 note], establishing the United States Tax Court Nominating Commission.

Subsections (g), (i), (j) and (k) of Section 1-101 of Executive Order No. 12258 [formerly set out as a note under this section], extending these committees, are also revoked.

RONALD REAGAN.

EX. ORD. NO. 12379. TERMINATION OF BOARDS, COMMITTEES, AND COMMISSIONS

Ex. Ord. No. 12379, Aug. 17, 1982, 47 F.R. 36099, provided:

By the authority vested in me as President by the Constitution and statutes of the United States of America, and to terminate the establishing authorities for committees that are inactive or no longer necessary, it is hereby ordered as follows:

SECTION 1. Executive Order No. 12071, as amended [29 U.S.C. 1001 note], establishing the President's Commission on Pension Policy, is revoked.

SEC. 2. Executive Order No. 12042, creating a Board of Inquiry to Report on Labor Disputes Affecting the Bituminous Coal Industry in the United States, is revoked.

SEC. 3. Executive Order No. 12085, creating an Emergency Board to Investigate a Dispute Between the Norfolk and Western Railway Company and Certain of Its Employees, is revoked.

SEC. 4. Executive Order No. 12132, creating an Emergency Board to Investigate a Dispute Between the National Railway Labor Conference and Certain of Its Employees, is revoked.

SEC. 5. Executive Order No. 12085, creating an Emergency Board to Investigate a Dispute Between Wien Air Alaska, Inc., and Certain Individuals, is revoked.

SEC. 6. Executive Order No. 12159, creating an Emergency Board to Investigate Disputes Between the Chicago, Rock Island, Pacific Railroad and Peoria Terminal Company and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; and the United Transportation Union, is revoked.

SEC. 7. Executive Order No. 12182, creating an Emergency Board to Investigate a Dispute Between the Long Island Rail Road and Certain of Its Employees, is revoked.

SEC. 8. Executive Order No. 12207, creating an Emergency Board to Investigate a Dispute Between the Port Authority Trans-Hudson Corporation and Certain of Its Employees, is revoked.

SEC. 9. Executive Order No. 12262 [29 U.S.C. 1001 note], establishing an Interagency Employee Benefit Council, is revoked.

SEC. 10. Executive Order No. 12275 [20 U.S.C. 951 note], establishing the Design Liaison Council, is revoked.

SEC. 11. Executive Order No. 11829, as amended [25 U.S.C. 640d note], establishing the Hopi-Navajo Land Settlement Interagency Committee, is revoked.

SEC. 12. Executive Order No. 11022, as amended [42 U.S.C. 3001 note], establishing the President's Council on Aging, is revoked.

SEC. 13. Executive Order No. 12192 [42 U.S.C. 2021 note], establishing the State Planning [Planning] Council on Radioactive Waste Management, is revoked.

SEC. 14. Executive Order No. 12075, as amended [42 U.S.C. 1450 note], establishing the Interagency Coordinating Council, is revoked.

SEC. 15. Executive Order No. 11762 [12 U.S.C. 2281 note], establishing the Federal Financing Bank Advisory Council, is revoked.

SEC. 16. Executive Order No. 12089, as amended [15 U.S.C. 2401 note], establishing the National Productivity Council, is revoked.

SEC. 17. Executive Order No. 11330, as amended [42 U.S.C. note prec. 2711], establishing the President's Council on Youth Opportunity, is revoked.

SEC. 18. Executive Order No. 11256, establishing the President's Committee on Food and Fiber and establishing the National Advisory Commission on Food and Fiber, is revoked.

SEC. 19. Executive Order No. 11654 [15 U.S.C. 2781 note], continuing the Federal Fire Council, is revoked.

SEC. 20. Executive Order No. 12083, as amended [42 U.S.C. 7101 note], establishing the Energy Coordinating Committee, is revoked.

SEC. 21. Executive Order No. 12285, as amended and ratified [listed in a table under section 1701 of Title 50, War and National Defense], establishing the President's Commission on Hostage Compensation, is revoked.

SEC. 22. Executive Order No. 12202, as amended [42 U.S.C. 5848 note], establishing the Nuclear Safety Oversight Committee, is revoked.

SEC. 23. Executive Order No. 12194 [42 U.S.C. 1321 note], establishing the Radiation Policy Council, is revoked.

SEC. 24. The Veterans' Federal Coordinating Committee (Weekly Compilation of Presidential Documents, volume 14, number 41, page 1743) is terminated.

SEC. 25. The President's Council on Energy Efficiency (Weekly Compilation of Presidential Documents, volume 16, numbers 18 and 30, pages 790 and 1404) is terminated.

RONALD REAGAN.

EXECUTIVE ORDER NO. 12399

Ex. Ord. No. 12399, Dec. 31, 1982, 48 F.R. 379, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, formerly set out below.

EXECUTIVE ORDER NO. 12489

Ex. Ord. No. 12489, Sept. 28, 1984, 49 F.R. 38927, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, formerly set out below.

EXECUTIVE ORDER NO. 12534

Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, formerly set out below.

EXECUTIVE ORDER NO. 12610

Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12692, Sept. 29, 1989, 54 F.R. 40627, formerly set out below.

EXECUTIVE ORDER NO. 12692

Ex. Ord. No. 12692, Sept. 29, 1989, 54 F.R. 40627, as amended by Ex. Ord. No. 12704, Feb. 28, 1990, 55 F.R. 6969, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12774, §4, Sept. 27, 1991, 56 F.R. 49835, formerly set out below.

EXECUTIVE ORDER NO. 12774

Ex. Ord. No. 12774, Sept. 27, 1991, 56 F.R. 49835, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12869, §5, Sept. 30, 1993, 58 F.R. 51751, formerly set out below.

EX. ORD. NO. 12838. TERMINATION AND LIMITATION OF FEDERAL ADVISORY COMMITTEES

Ex. Ord. No. 12838, Feb. 10, 1993, 58 F.R. 8207, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act ("FACA"), as amended (5 U.S.C. App.), it is hereby ordered as follows:

SECTION 1. Each executive department and agency shall terminate not less than one-third of the advisory committees subject to FACA (and not required by statute) that are sponsored by the department or agency by no later than the end of fiscal year 1993.

SEC. 2. Within 90 days, the head of each executive department and agency shall submit to the Director of the Office of Management and Budget, for each advisory committee subject to FACA sponsored by that department or agency: (a) a detailed justification for the

continued existence, or a brief description in support of the termination, of any advisory committee not required by statute; and (b) a detailed recommendation for submission to the Congress to continue or to terminate any advisory committee required by statute. The Administrator of General Services shall prepare such justifications and recommendations for each advisory committee subject to FACA and not sponsored by a department or agency.

SEC. 3. Effective immediately, executive departments and agencies shall not create or sponsor a new advisory committee subject to FACA unless the committee is required by statute or the agency head (a) finds that compelling considerations necessitate creation of such a committee, and (b) receives the approval of the Director of the Office of Management and Budget. Such approval shall be granted only sparingly and only if compelled by considerations of national security, health or safety, or similar national interests. These requirements shall apply in addition to the notice and other approval requirements of FACA.

SEC. 4. The Director of the Office of Management and Budget shall issue detailed instructions regarding the implementation of this order, including exemptions necessary for the delivery of essential services and compliance with applicable law.

SEC. 5. All independent regulatory commissions and agencies are requested to comply with the provisions of this order.

WILLIAM J. CLINTON.

EXECUTIVE ORDER NO. 12869

Ex. Ord. No. 12869, Sept. 30, 1993, 58 F.R. 51751, as amended by Ex. Ord. No. 12882, §4(c), Nov. 23, 1993, 58 F.R. 62493, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 12974, Sept. 29, 1995, 60 F.R. 51875, formerly set out below.

EXECUTIVE ORDER NO. 12974

Ex. Ord. No. 12974, Sept. 29, 1995, 60 F.R. 51875, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 13062, Sept. 29, 1997, 62 F.R. 51755, formerly set out below.

EXECUTIVE ORDER NO. 13062

Ex. Ord. No. 13062, Sept. 29, 1997, 62 F.R. 51755, which provided for the continuance of certain Federal advisory committees, was partially superseded by Ex. Ord. No. 13138, §4, Sept. 30, 1999, 64 F.R. 53880, formerly set out below.

EXECUTIVE ORDER NO. 13138

Ex. Ord. No. 13138, Sept. 30, 1999, 64 F.R. 53879, as amended by Ex. Ord. No. 13228, §4(c), Sept. 30, 2001, 66 F.R. 50524, which provided for the continuance of certain Federal advisory committees, was partially superseded by Ex. Ord. No. 13225, §4, Sept. 28, 2001, 66 F.R. 50292, formerly set out below.

EXECUTIVE ORDER NO. 13225

Ex. Ord. No. 13225, Sept. 28, 2001, 66 F.R. 50291, which provided for the continuance of certain Federal advisory committees, was superseded by Ex. Ord. No. 13316, §4, Sept. 17, 2003, 68 F.R. 55256, formerly set out below.

EXECUTIVE ORDER NO. 13316

Ex. Ord. No. 13316, Sept. 17, 2003, 68 F.R. 55255, which provided for the continuance of certain Federal advisory committees, was partially superseded by Ex. Ord. No. 13385, §4, Sept. 29, 2005, 70 F.R. 87990, formerly set out below.

EXECUTIVE ORDER NO. 13385

Ex. Ord. No. 13385, Sept. 29, 2005, 70 F.R. 87989, which provided for the continuance of certain Federal advisory committees, was partially superseded by Ex. Ord. No. 13446, §4, Sept. 28, 2007, 72 F.R. 56176, formerly set out below.

EXECUTIVE ORDER NO. 13446

Ex. Ord. No. 13446, Sept. 28, 2007, 72 F.R. 56175, which provided for the continuance of certain Federal advisory committees, was partially superseded by Ex. Ord. No. 13511, § 3, Sept. 29, 2009, 74 F.R. 50910, set out below.

EX. ORD. NO. 13511. CONTINUANCE OF CERTAIN FEDERAL ADVISORY COMMITTEES

Ex. Ord. No. 13511, Sept. 29, 2009, 74 F.R. 50909, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and consistent with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

SECTION 1. Each advisory committee listed below is continued until September 30, 2011.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) National Infrastructure Advisory Council; Executive Order 13231, as amended (Department of Homeland Security).

(c) Federal Advisory Council on Occupational Safety and Health; Executive Order 12196, as amended (Department of Labor).

(d) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13256 [revoked, and Board reestablished, by Ex. Ord. No. 13532] (Department of Education).

(e) President's Board of Advisors on Tribal Colleges and Universities; Executive Order 13270 (Department of Education).

(f) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(g) President's Committee for People with Intellectual Disabilities; Executive Order 12994, as amended (Department of Health and Human Services).

(h) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

(i) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(j) President's Committee on the National Medal of Science; Executive Order 11267, as amended (National Science Foundation).

(k) President's Council on Physical Fitness and Sports; Executive Order 13265 [amended by Ex. Ord. No. 13545 so as to establish President's Council on Fitness, Sports, and Nutrition] (Department of Health and Human Services).

(l) President's Council of Advisors on Science and Technology; Executive Order 13226, as amended [revoked, and Council reestablished, by Ex. Ord. No. 13539] (Office of Science and Technology Policy).

(m) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

(n) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).

(o) Trade and Environment Policy Advisory Committee; Executive Order 12905 (Office of the United States Trade Representative).

SEC. 2. Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

SEC. 3. Sections 1 and 2 of Executive Order 13446 are superseded by sections 1 and 2 of this order.

SEC. 4. This order shall be effective September 30, 2009.

BARACK OBAMA.

§ 15. Requirements relating to the National Academy of Sciences and the National Academy of Public Administration

(a) IN GENERAL.—An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an agency, unless—

(1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

(2) in the case of a committee created after the date of the enactment of the Federal Advisory Committee Act Amendments of 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and

(3) in developing the advice or recommendation, the academy complied with—

(A) subsection (b)(2) through (6), in the case of any advice or recommendation provided by the National Academy of Sciences; or

(B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

(b) REQUIREMENTS.—The requirements referred to in subsection (a) are as follows:

(1) The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the Academy determines such prior comment is not practicable, in the period immediately following the appointments. The Academy shall make its best efforts to ensure that (A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable, (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and (C) the final report of the Academy will be the result of the Academy's independent judgment. The Academy shall require that individuals that the Academy appoints or intends to appoint to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed.

(2) The Academy shall determine and provide public notice of committee meetings that will be open to the public.

(3) The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of title 5, United States Code. The Academy shall make available to the public, at rea-

sonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in that section.

(4) The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data gathering meeting, unless the Academy determines that the summary would disclose matters described in section 552(b) of title 5, United States Code. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and such other matters that the Academy determines should be included.

(5) The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of title 5, United States Code. If the Academy determines that the report would disclose matters described in that section, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

(6) After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

(c) REGULATIONS.—The Administrator of General Services may issue regulations implementing this section.

(Pub. L. 92-463, § 15, as added Pub. L. 105-153, § 2(b), Dec. 17, 1997, 111 Stat. 2689.)

REFERENCES IN TEXT

The date of the enactment of the Federal Advisory Committee Act Amendments of 1997, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 105-153, which was approved Dec. 17, 1997.

PRIOR PROVISIONS

A prior section 15 of the Federal Advisory Committee Act was renumbered section 16 by Pub. L. 105-153.

REPORT

Section 3 of Pub. L. 105-153 provided that: "Not later than 1 year after the date of the enactment of this Act [Dec. 17, 1997], the Administrator of General Services shall submit a report to the Congress on the implementation of and compliance with the amendments made by this Act [enacting this section, amending section 3 of Pub. L. 92-463, set out in this Appendix, and redesignating former section 15 of Pub. L. 92-463, set out in this Appendix, as section 16]."

§ 16. Effective date

Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following October 6, 1972.

(Pub. L. 92-463, § 16, formerly § 15, Oct. 6, 1972, 86 Stat. 776; renumbered § 16, Pub. L. 105-153, § 2(b), Dec. 17, 1997, 111 Stat. 2689.)

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- 1784.0-4 [Reserved]
- 1784.0-5 Definitions.
- 1784.0-6 Policy.
- 1784.1 Establishment, duration, termination, and renewal.
- 1784.1-1 Establishment.
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- 1784.2-2 Avoidance of conflict of interest.
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- 1784.5-3 Records.
- 1784.6 Membership and functions of resource advisory councils and sub-groups.
- 1784.6-1 Resource advisory councils—requirements.
- 1784.6-2 Resource advisory councils—optional features.

AUTHORITY: 5 U.S.C. App. (Federal Advisory Committee Act); 43 U.S.C. 1739.

SOURCE: 45 FR 8177, Feb. 6, 1980, unless otherwise noted.

Subpart 1784—Advisory Committees

§ 1784.0-1 Purpose.

This subpart contains standards and procedures for the creation, operation and termination of advisory committees to advise the Secretary of the Interior and Bureau of Land Management on matters relating to public lands and resources under the administrative jurisdiction of the Bureau of Land Management.

§ 1784.0-2 Objectives.

The objective of advisory committees established under these regulations is to make available to the Department of the Interior and Bureau of Land Management the expert counsel of concerned, knowledgeable citizens and public officials regarding both the formulation of operating guidelines and the preparation and execution of plans and programs for the use and management of public lands, their natural and cultural resources, and the environment.

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§ 1784.0-3 Authority.

(a) The Federal Advisory Committee Act (5 U.S.C. Appendix 1) requires establishment of a system governing advisory committees in the Executive Branch of the Federal Government and specifies policies, procedures, and responsibilities for committee creation, management and termination.

(b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 *et seq.*), requires establishment of advisory councils representative of major citizen interests concerned with resource management planning or the management of public lands.

(c) Section 2 of the Reorganization Plan No. 3 of 1950 (5 U.S.C. Appendix, as amended; 64 Stat. 1262), authorizes the Secretary of the Interior to make provisions deemed appropriate authorizing the performance by any other officer, or by any agency or employee of the Department of the Interior of any Departmental function. The establishment of advisory committees is deemed an appropriate action.

[45 FR 8177, Feb. 6, 1980, as amended at 51 FR 39529, Oct. 29, 1986]

§ 1784.0-4 [Reserved]

§ 1784.0-5 Definitions.

As used in this subpart, the term:

(a) *Advisory committee* means any committee, council, or board established or utilized for purposes of obtaining advice or recommendations.

(b) *Secretary* means Secretary of the Interior.

(c) *Director* means the Director of the Bureau of Land Management.

(d) *Designated Federal officer* means the Federal officer or employee designated by an advisory committee charter who approves meeting agendas and attends all meetings of the committee and its subcommittees, if any.

(e) *Public lands* means any lands and interest in lands owned by the United States administered by the Secretary of the Interior through the Bureau of Land Management, except:

(1) Lands located on the Outer Continental Shelf; and

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(2) Lands held for the benefit of Indians, Aleuts, and Eskimos.

[45 FR 8177, Feb. 6, 1980, as amended at 60 FR 9958, Feb. 22, 1995]

§ 1784.0-6 Policy.

As part of the Department's program for public participation, it is the policy of the Secretary to establish and employ committees representative of major citizens' interests, or where required by law, of special citizen interests, to advise the Secretary and Director regarding policy formulation, program planning, decisionmaking, attainment of program objectives, and achievement of improved program coordination and economies in the management of public lands and resources; to regularly ensure that such committees are being optimally employed; and to limit the number of advisory committees to that essential to the conduct of the public's business.

§ 1784.1 Establishment, duration, termination, and renewal.

§ 1784.1-1 Establishment.

(a) An advisory committee required by statute is established or renewed upon the filing of a charter, signed by the Secretary, with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(b) An advisory committee not specifically required by statute shall be established only when the Secretary has—

(1) Determined as a matter of formal record, after consultation with the General Services Administration, that establishment of the committee is in the public interest in connection with duties required of the Department of the Interior by law;

(2) Signed and filed the committee charter; and

(3) Published in the FEDERAL REGISTER a notice of his determination and of the establishment of the committee.

(c) An advisory committee shall not meet or take any action until the Committee's charter has been signed by the Secretary and copies filed with the appropriate committees of the Senate

and House of Representatives and the Library of Congress.

§ 1784.1-2 Duration, termination, and renewal.

(a) An advisory committee not mandated by statute, i.e., established at the discretion of the Secretary, shall terminate not later than 2 years after its establishment unless, prior to that time, it is rechartered by the Secretary and copies of the new charter are filed with the appropriate committees of the Senate and House of Representatives. Any committee so renewed shall continue for not more than 2 additional years unless, prior to expiration of such period, it is again rechartered.

(b) Any advisory committee mandated by statute shall terminate not later than 2 years after the date of its establishment unless its duration is otherwise provided by law. Upon the expiration of each successive two-year period following date of establishment, a new charter shall be prepared and, after Secretarial approval, filed with the appropriate committees of the Senate and House of Representatives for any statutory advisory committee being continued.

§ 1784.2 Composition, avoidance of conflict of interest.

§ 1784.2-1 Composition.

(a) Each advisory committee shall be structured to provide fair membership balance, both geographic and interest-specific, in terms of the functions to be performed and points of view to be represented, as prescribed by its charter. Each shall be formed with the objective of providing representative counsel and advice about public land and resource planning, retention, management and disposal. No person is to be denied an opportunity to serve because of race, age, sex, religion or national origin.

(b) Individuals shall qualify to serve on an advisory committee because their education, training, or experience enables them to give informed and objective advice regarding an industry, discipline, or interest specified in the committee's charter; they have demonstrated experience or knowledge of

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the geographical area under the purview of the advisory committee; and they have demonstrated a commitment to collaborate in seeking solutions to resource management issues.

[45 FR 8177, Feb. 6, 1980, as amended at 60 FR 9958, Feb. 22, 1995]

§ 1784.2-2 Avoidance of conflict of interest.

(a) Persons or employees of organizations who hold leases, licenses, permits, contracts or claims which involve lands or resources administered by the Bureau of Land Management normally shall not serve on advisory committees except—

(1) Holders of grazing permits and leases may serve on advisory committees, including resource advisory councils, and may serve on subgroups of such advisory councils;

(2) That the lack of candidates make them the only available candidates; or

(3) When they have special knowledge or experience which is needed to accomplish the committee functions to be performed.

(b) No advisory committee members, including members of resource advisory councils, and no members of subgroups of such advisory committees, shall participate in any matter in which the members have a direct interest.

(c) Members of advisory committees shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims and related litigation which involve lands or resources administered by the Bureau of Land Management. For the purposes of this paragraph, indirect interest includes holdings of a spouse or a dependent child.

[45 FR 8177, Feb. 6, 1980, as amended at 60 FR 9958, Feb. 22, 1995]

§ 1784.3 Member service.

(a) Appointments to advisory committees shall be for 2-year terms unless otherwise specified in the charter or the appointing document. Terms of service normally coincide with duration of the committee charter. Members may be appointed to additional terms at the discretion of the authorized appointing official.

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(1) The term of the member of a council who has been appointed on the basis of his status as an elected official of general purpose government serving the people of the geographical area for which the council is established shall end upon that person's departure from such elective office if such departure occurs before his or her term of appointment or reappointment to the council would otherwise expire. However, the Secretary, in his discretion, may permit the member to complete the term in another vacant position on the council, provided that the member is qualified to represent one of the other categories of major citizens' interests set forth in the charter of the council;

(2) A vacancy occurring by reason of removal, resignation, death, or departure from elective office shall be filled for the balance of the vacating member's term using the same method by which the original appointment was made;

(b) Committee members advise and report only to the official(s) specified in the charter. Service as an advisor, however, does not limit the rights of a member acting as a private citizen or as a member or official of another organization.

(c) The Secretary or the designated Federal officer may, after written notice, terminate the service of an advisor if, in the judgment of the Secretary or the designated Federal officer, such removal is in the public interest, or if the advisor—

(1) No longer meets the requirements under which elected or appointed;

(2) Fails or is unable to participate regularly in committee work; or

(3) Has violated Federal law or the regulations of the Secretary.

(d) For purposes of compensation, members of advisory committees shall be reimbursed for travel and per diem expenses when on advisory committee business, as authorized by 5 U.S.C. 5703. No reimbursement shall be made for expenses incurred by members of subgroups selected by established committees, except that the designated Federal officer may reimburse travel and

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per diem expenses to members of subgroups who are also members of the parent committee.

[45 FR 8177, Feb. 6, 1980, as amended at 47 FR 6429, Feb. 12, 1982; 47 FR 34389, Aug. 9, 1982; 51 FR 39529, Oct. 29, 1986; 52 FR 5284, Feb. 20, 1987; 60 FR 9958, Feb. 22, 1995]

§ 1784.4 Public participation.

§ 1784.4-1 Calls for nominations.

Except where otherwise provided, candidates for appointment to advisory committees are sought through public calls for public nominations. Such calls shall be published in the FEDERAL REGISTER and are made through media releases and systematic contacts with individuals and organizations interested in the use and management of public lands and resources.

§ 1784.4-2 Notice of meetings.

(a) Notices of meetings of advisory committees and any subcommittees that may be formed shall be published in the FEDERAL REGISTER and distributed to the media 30 days in advance of a meeting. However, if urgent matters arise, notices of meetings of advisory committees and any subcommittees shall be published in the FEDERAL REGISTER and distributed to the media at least 15 days in advance of a meeting.

(b) Notices shall set forth meeting locations, topics or issues to be discussed, and times and places for the public to be heard.

§ 1784.4-3 Open meetings.

(a) All advisory committee and subcommittee meetings and associated field examinations shall be open to the public and news media.

(b) Anyone may appear before or file a statement with a committee or subcommittee regarding matters on a meeting agenda.

(c) The scheduling of meetings and the preparation of agendas shall be done in a manner that will encourage and facilitate public attendance and participation. The amount of time scheduled for public presentations and meeting times may be extended when the authorized representative considers it necessary to accommodate all who seek to be heard regarding matters on the agenda.

§ 1784.5 Operating procedures.

§ 1784.5-1 Functions.

The function of an advisory committee is solely advisory, and recommendations shall be made only to the authorized representative specified in its charter. Determinations of actions to be taken on the reports and recommendations of a committee shall be made only by the Secretary or the designated Federal officer.

[45 FR 8177, Feb. 6, 1980, as amended at 60 FR 9958, Feb. 22, 1995]

§ 1784.5-2 Meetings.

(a) Advisory committees shall meet only at the call of the Secretary or the designated Federal officer.

(b) No meeting shall be held in the absence of the Secretary or the designated Federal officer.

(c) Each meeting shall be conducted with close adherence to an agenda which has been approved in advance by the authorized representative.

(d) The authorized representative may adjourn an advisory committee meeting at any time when—

(1) Continuance would be inconsistent with either the purpose for which the meeting was called or the established rules for its conduct; or

(2) Adjournment is determined to be in the public interest.

[45 FR 8177, Feb. 6, 1980, as amended at 60 FR 9958, Feb. 22, 1995]

§ 1784.5-3 Records.

(a) Detailed records shall be kept of each meeting of an advisory committee and any subcommittees that may be formed. These records shall include as a minimum—

(1) The time and place of the meeting;

(2) Copies of the FEDERAL REGISTER and other public notices announcing the meeting;

(3) A list of advisors and Department or Bureau employees present;

(4) A list of members of the public present and who each represented;

(5) The meeting agenda;

(6) A complete and accurate summary description of matters discussed and conclusions reached;

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(7) A list of recommendations made by the advisory committee;

(8) Copies of all reports received, issued, or approved by the Committee or subcommittee; and

(9) A description of the nature of public participation. The Chairperson of the advisory committee shall certify to the accuracy of meeting records.

(b) All records, reports, transcripts, minutes, recommendations, studies, working papers, and other documents prepared by or submitted to an advisory committee shall be available for public inspection and copying in the Bureau of Land Management office responsible for support of that committee. Upon request, copies shall be provided at the cost of duplication as established by the regulations in 43 CFR part 2 (Appendix A).

§ 1784.6 Membership and functions of resource advisory councils and subgroups.

§ 1784.6-1 Resource advisory councils—requirements.

(a) Resource advisory councils shall be established to cover all lands administered by the Bureau of Land Management, except where—

(1) There is insufficient interest in participation to ensure that membership can be fairly balanced in terms of the points of view represented and the functions to be performed; or

(2) The location of the public lands with respect to the population of users and other interested parties precludes effective participation.

(b) A resource advisory council advises the Bureau of Land Management official to whom it reports regarding the preparation, amendment and implementation of land use plans for public lands and resources within its area. Except for the purposes of long-range planning and the establishment of resource management priorities, a resource advisory council shall not provide advice on the allocation and expenditure of funds. A resource advisory council shall not provide advice regarding personnel actions.

(c) The Secretary shall appoint the members of each resource advisory council. The Secretary shall appoint at least 1 elected official of general purpose government serving the people of

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the area to each council. An individual may not serve concurrently on more than 1 resource advisory council. Council members and members of a range-land resource team or other local general purpose subgroup must reside in 1 of the States within the geographic jurisdiction of the council or subgroup, respectively. Council members and members of general purpose subgroups shall be representative of the interests of the following 3 general groups:

(1) Persons who—

(i) Hold Federal grazing permits or leases within the area for which the council is organized;

(ii) Represent interests associated with transportation or rights-of-way;

(iii) Represent developed outdoor recreation, off-highway vehicle users, or commercial recreation activities;

(iv) Represent the commercial timber industry; or

(v) Represent energy and mineral development.

(2) Persons representing—

(i) Nationally or regionally recognized environmental organizations;

(ii) Dispersed recreational activities;

(iii) Archeological and historical interests; or

(iv) Nationally or regionally recognized wild horse and burro interest groups.

(3) Persons who—

(i) Hold State, county or local elected office;

(ii) Are employed by a State agency responsible for management of natural resources, land, or water;

(iii) Represent Indian tribes within or adjacent to the area for which the council is organized;

(iv) Are employed as academicians in natural resource management or the natural sciences; or

(v) Represent the affected public-at-large.

(d) In appointing members of a resource advisory council from the 3 categories set forth in paragraphs (c)(1), (c)(2), and (c)(3) of this section, the Secretary shall provide for balanced and broad representation from within each category.

(e) In making appointments to resource advisory councils the Secretary shall consider nominations made by

the Governor of the State or States affected and nominations received in response to public calls for nominations pursuant to §1784.4-1. Persons interested in serving on resource advisory councils may nominate themselves. All nominations shall be accompanied by letters of reference from interests or organizations to be represented.

(f) Persons appointed to resource advisory councils shall attend a course of instruction in the management of rangeland ecosystems that has been approved by the Bureau of Land Management State Director.

(g) A resource advisory council shall meet at the call of the designated Federal officer and elect its own officers. The designated Federal officer shall attend all meetings of the council.

(h) Council charters must include rules defining a quorum and establishing procedures for sending recommendations forward to BLM. A quorum of council members must be present to constitute an official meeting of the council. Formal recommendations shall require agreement of at least a majority of each of the 3 categories of interest from which appointments are made.

(i) Where the resource advisory council becomes concerned that its advice is being arbitrarily disregarded, the council may request that the Secretary respond directly to such concerns within 60 days of receipt. Such a request can be made only upon the agreement of all council members. The Secretary's response shall not constitute a decision on the merits of any issue that is or might become the subject of an administrative appeal, and shall not be appealable.

(j) Administrative support for a resource advisory council shall be provided by the office of the designated Federal officer.

[60 FR 9958, Feb. 22, 1995]

§1784.6-2 Resource advisory councils—optional features.

(a) Resource advisory councils must be established consistent with any 1 of the 3 models in paragraphs (a)(1), (a)(2), and (a)(3) of this section. The model type and boundaries for resource advisory councils shall be established by the BLM State Director(s) in consulta-

tion with the Governors of the affected States and other interested parties.

(1) Model A

(i) *Council jurisdiction.* The geographic jurisdiction of a council shall coincide with BLM District or ecoregion boundaries. The Governor of the affected States or existing resource advisory councils may petition the Secretary to establish a resource advisory council for a specified Bureau of Land Management resource area. The councils will provide advice to the Bureau of Land Management official to whom they report regarding the preparation, amendment and implementation of land use plans. The councils will also assist in establishing other long-range plans and resource management priorities in an advisory capacity, including providing advice on the development of plans for range improvement or development programs.

(ii) *Membership.* Each council shall have 15 members, distributed equally among the 3 interest groups specified in §1784.6-1(c).

(iii) *Quorum and voting requirements.* At least 3 council members from each of the 3 categories of interest from which appointments are made pursuant to §1784.6-1(c) must be present to constitute an official meeting of the council. Formal recommendations shall require agreement of at least 3 council members from each of the 3 categories of interest from which appointments are made.

(iv) *Subgroups.* Local rangeland resource teams may be formed within the geographical area for which a resource advisory council provides advice, down to the level of a single allotment. These teams may be formed by a resource advisory council on its own motion or in response to a petition by local citizens. Rangeland resource teams will be formed for the purpose of providing local level input to the resource advisory council regarding issues pertaining to the administration of grazing on public land within the area for which the rangeland resource team is formed.

(A) Rangeland resource teams will consist of 5 members selected by the resource advisory council. Membership will include 2 persons holding Federal

grazing permits or leases. Additional members will include 1 person representing the public-at-large, 1 person representing a nationally or regionally recognized environmental organization, and 1 person representing national, regional, or local wildlife or recreation interests. Persons selected by the council to represent the public-at-large, environmental, and wildlife or recreation interests may not hold Federal grazing permits or leases. At least 1 member must be selected from the membership of the resource advisory council.

(B) The resource advisory council will be required to select rangeland resource team members from nominees who qualify by virtue of their knowledge or experience of the lands, resources, and communities that fall within the area for which the team is formed. All nominations must be accompanied by letters of recommendation from the groups or interests to be represented.

(C) All members of rangeland resource teams will attend a course of instruction in the management of rangeland ecosystems that has been approved by the BLM State Director. Rangeland resource teams will have opportunities to raise any matter of concern with the resource advisory council and to request that BLM form a technical review team, as described below, to provide information and options to the council for their consideration.

(D) Technical review teams can be formed by the BLM authorized officer on the motion of BLM or in response to a request by the resource advisory council or a rangeland resource team. The purpose of such teams is to gather and analyze data and develop recommendations to aid the decision-making process, and functions will be limited to tasks assigned by the authorized officer. Membership will be limited to Federal employees and paid consultants. Members will be selected based upon their knowledge of resource management or their familiarity with the specific issues for which the technical review team has been formed. Technical review teams will terminate upon completion of the assigned task.

(2) *Model B*

(i) *Council jurisdiction.* The jurisdiction of the council shall be Statewide, or on an ecoregion basis. The purpose of the council is to promote federal, state, and local cooperation in the management of natural resources on public lands, and to coordinate the development of sound resource management plans and activities with other states. It will provide an opportunity for meaningful public participation in land management decisions at the state level and will foster conflict resolution through open dialogue and collaboration.

(ii) *Membership.* The council shall have 15 members, distributed equally among the 3 interest groups specified in § 1784.6-1(c), and will include at least one representative from wildlife interest groups, grazing interests, minerals and energy interests, and established environmental/conservation interests. The Governor shall chair the council.

(iii) *Quorum and voting requirements.* The charter of the council shall specify that 80% or 12 members must be present to constitute a quorum and conduct official business, and that 80% or 12 members of the council must vote affirmatively to refer an issue to BLM Federal officer.

(iv) *Subgroups.* Local rangeland resource teams may be formed by the Statewide council, down to the level of a 4th order watershed. Rangeland resource teams will be formed for the purpose of providing local level input to the resource advisory council. They will meet at least quarterly and will promote a decentralized administrative approach, encourage good stewardship, emphasize coordination and cooperation among agencies, permittees and the interested public, develop proposed solutions and management plans for local resources on public lands, promote renewable rangeland resource values, develop proposed standards to address sustainable resource uses and rangeland health, address renewable rangeland resource values, propose and participate in the development of area-specific National Environmental Policy Act documents, and develop range and wildlife education and training programs. As with the resource advisory council, an 80% affirmative vote

will be required to send a recommendation to the resource advisory council.

(A) Rangeland resource teams will not exceed 10 members and will include at least 2 persons from environmental or wildlife groups, 2 grazing permittees, 1 elected official, 1 game and fish district representative, 2 members of the public or other interest groups, and a Federal officer from BLM. Members will be appointed for 2 year terms by the resource advisory council and may be reappointed. No member may serve on more than 1 rangeland resource team.

(B) Technical review teams can be formed by the BLM authorized officer on the motion of BLM or in response to a request by the resource advisory council or a rangeland resource team. The purpose of such teams is to gather and analyze data and develop recommendations to aid the decision-making process, and functions will be limited to tasks assigned by the authorized officer. Membership will be limited to Federal employees and paid consultants. Members will be selected based upon their knowledge of resource management or their familiarity with the specific issues for which the technical review team has been formed. Technical review teams will terminate upon completion of the assigned task.

(3) Model C

(i) *Council jurisdiction.* The jurisdiction of the council shall be on the basis of ecoregion, State, or BLM district boundaries.

(ii) *Membership.* Membership of the council shall be 10 to 15 members, distributed in a balanced fashion among the 3 interest groups defined in §1784.6-1(c).

(iii) *Quorum and voting requirements.* The charter of each council shall specify that a majority of each interest group must be present to constitute a quorum and conduct official business, and that a majority of each interest group must vote affirmatively to refer an issue to BLM Federal officer.

(iv) *Subgroups.* Resource advisory councils may form more local teams to provide general local level input to the resource advisory council on issues necessary to the successful functioning of the council. Such subgroups can be

formed in response to a petition from local citizens or on the motion of the resource advisory council. Membership in any subgroup formed for the purpose of providing general input to the resource advisory council on grazing administration should be constituted in accordance with provisions for membership in §1784.6-1(c).

(A) Technical review teams can be formed by the BLM authorized officer on the motion of BLM or in response to a request by the resource advisory council or a local team. The purpose of such technical review teams is to gather and analyze data and develop recommendations to aid the decision-making process, and functions will be limited to tasks assigned by the authorized officer. Membership will be limited to Federal employees and paid consultants. Members will be selected based upon their knowledge of resource management or their familiarity with the specific issues for which the technical review team has been formed. Technical review teams will terminate upon completion of the assigned task.

(B) [Reserved]

[60 FR 9959, Feb. 22, 1995]

Group 1800—Public Administrative Procedures

PART 1810—INTRODUCTION AND GENERAL GUIDANCE

Subpart 1810—General Rules

Sec.

1810.1 Rules of construction; words and phrases.

1810.2 Communications by mail; when mailing requirements are met.

1810.3 Effect of laches; authority to bind government.

1810.4 Information required by forms.

Subpart 1812—Qualifications of Practitioners

1812.1 General.

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Subpart 1815—Disaster Relief

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1815.0-5 Definitions.

1815.1 Timber sale contracts.

The National Environmental Policy Act of 1969, as amended

(Pub. L. 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Pub. L. 94-52, July 3, 1975, Pub. L. 94-83, August 9, 1975, and Pub. L. 97-258, § 4(b), Sept. 13, 1982)

An Act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Environmental Policy Act of 1969."

Purpose

Sec. 2 [42 USC § 4321].

The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

TITLE I

CONGRESSIONAL DECLARATION OF NATIONAL ENVIRONMENTAL POLICY

Sec. 101 [42 USC § 4331].

(a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.

(b) In order to carry out the policy set forth in this Act, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may --

1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
2. assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
3. attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
4. preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice;
5. achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
6. enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The Congress recognizes that each person should enjoy a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

Sec. 102 [42 USC § 4332].

The Congress authorizes and directs that, to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall --

(A) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment;

(B) identify and develop methods and procedures, in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on --

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

(D) Any detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a State agency or official, if:

(i) the State agency or official has statewide jurisdiction and has the responsibility for such action,

(ii) the responsible Federal official furnishes guidance and participates in such preparation,

(iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and

(iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other State or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such State or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.

(E) study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(F) recognize the worldwide and long-range character of environmental problems and, where consistent with the foreign policy of the United States, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(G) make available to States, counties, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(H) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(I) assist the Council on Environmental Quality established by title II of this Act.

Sec. 103 [42 USC § 4333].

All agencies of the Federal Government shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this Act and shall propose to the President not later than July 1, 1971, such measures as may be necessary to bring their authority and policies into conformity with the intent, purposes, and procedures set forth in this Act.

Sec. 104 [42 USC § 4334].

Nothing in section 102 [42 USC § 4332] or 103 [42 USC § 4333] shall in any way affect the specific statutory obligations of any Federal agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other Federal or State agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other Federal or State agency.

Sec. 105 [42 USC § 4335].

The policies and goals set forth in this Act are supplementary to those set forth in existing authorizations of Federal agencies.

TITLE II

COUNCIL ON ENVIRONMENTAL QUALITY

Sec. 201 [42 USC § 4341].

The President shall transmit to the Congress annually beginning July 1, 1970, an Environmental Quality Report (hereinafter referred to as the "report") which shall set forth (1) the status and condition of the major natural, manmade, or altered environmental classes of the Nation, including, but not limited to, the air, the aquatic, including marine, estuarine, and fresh water,

and the terrestrial environment, including, but not limited to, the forest, dryland, wetland, range, urban, suburban and rural environment; (2) current and foreseeable trends in the quality, management and utilization of such environments and the effects of those trends on the social, economic, and other requirements of the Nation; (3) the adequacy of available natural resources for fulfilling human and economic requirements of the Nation in the light of expected population pressures; (4) a review of the programs and activities (including regulatory activities) of the Federal Government, the State and local governments, and nongovernmental entities or individuals with particular reference to their effect on the environment and on the conservation, development and utilization of natural resources; and (5) a program for remedying the deficiencies of existing programs and activities, together with recommendations for legislation.

Sec. 202 [42 USC § 4342].

There is created in the Executive Office of the President a Council on Environmental Quality (hereinafter referred to as the "Council"). The Council shall be composed of three members who shall be appointed by the President to serve at his pleasure, by and with the advice and consent of the Senate. The President shall designate one of the members of the Council to serve as Chairman. Each member shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of this Act; to be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment.

Sec. 203 [42 USC § 4343].

(a) The Council may employ such officers and employees as may be necessary to carry out its functions under this Act. In addition, the Council may employ and fix the compensation of such experts and consultants as may be necessary for the carrying out of its functions under this Act, in accordance with section 3109 of title 5, United States Code (but without regard to the last sentence thereof).

(b) Notwithstanding section 1342 of Title 31, the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.

Sec. 204 [42 USC § 4344].

It shall be the duty and function of the Council --

1. to assist and advise the President in the preparation of the Environmental Quality Report required by section 201 [42 USC § 4341] of this title;
2. to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I

of this Act, and to compile and submit to the President studies relating to such conditions and trends;

3. to review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto;
4. to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation;
5. to conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality;
6. to document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes;
7. to report at least once each year to the President on the state and condition of the environment; and
8. to make and furnish such studies, reports thereon, and recommendations with respect to matters of policy and legislation as the President may request.

Sec. 205 [42 USC § 4345].

In exercising its powers, functions, and duties under this Act, the Council shall --

1. consult with the Citizens' Advisory Committee on Environmental Quality established by Executive Order No. 11472, dated May 29, 1969, and with such representatives of science, industry, agriculture, labor, conservation organizations, State and local governments and other groups, as it deems advisable; and
2. utilize, to the fullest extent possible, the services, facilities and information (including statistical information) of public and private agencies and organizations, and individuals, in order that duplication of effort and expense may be avoided, thus assuring that the Council's activities will not unnecessarily overlap or conflict with similar activities authorized by law and performed by established agencies.

Sec. 206 [42 USC § 4346].

Members of the Council shall serve full time and the Chairman of the Council shall be compensated at the rate provided for Level II of the Executive Schedule Pay Rates [5 USC § 5313]. The other members of the Council shall be compensated at the rate provided for Level IV of the Executive Schedule Pay Rates [5 USC § 5315].

Sec. 207 [42 USC § 4346a].

The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council

in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.

Sec. 208 [42 USC § 4346b].

The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries.

Sec. 209 [42 USC § 4347].

There are authorized to be appropriated to carry out the provisions of this chapter not to exceed \$300,000 for fiscal year 1970, \$700,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.

The Environmental Quality Improvement Act, as amended (Pub. L. No. 91-224, Title II, April 3, 1970; Pub. L. No. 97-258, September 13, 1982; and Pub. L. No. 98-581, October 30, 1984.

42 USC § 4372.

- (a) There is established in the Executive Office of the President an office to be known as the Office of Environmental Quality (hereafter in this chapter referred to as the "Office"). The Chairman of the Council on Environmental Quality established by Public Law 91-190 shall be the Director of the Office. There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.
- (b) The compensation of the Deputy Director shall be fixed by the President at a rate not in excess of the annual rate of compensation payable to the Deputy Director of the Office of Management and Budget.
- (c) The Director is authorized to employ such officers and employees (including experts and consultants) as may be necessary to enable the Office to carry out its functions ;under this chapter and Public Law 91-190, except that he may employ no more than ten specialists and other experts without regard to the provisions of Title 5, governing appointments in the competitive service, and pay such specialists and experts without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but no such specialist or expert shall be paid at a rate in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of Title 5.
- (d) In carrying out his functions the Director shall assist and advise the President on policies and programs of the Federal Government affecting environmental quality by --

1. providing the professional and administrative staff and support for the Council on Environmental Quality established by Public Law 91- 190;
2. assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, and those specific major projects designated by the President which do not require individual project authorization by Congress, which affect environmental quality;
3. reviewing the adequacy of existing systems for monitoring and predicting environmental changes in order to achieve effective coverage and efficient use of research facilities and other resources;
4. promoting the advancement of scientific knowledge of the effects of actions and technology on the environment and encouraging the development of the means to prevent or reduce adverse effects that endanger the health and well-being of man;
5. assisting in coordinating among the Federal departments and agencies those programs and activities which affect, protect, and improve environmental quality;
6. assisting the Federal departments and agencies in the development and interrelationship of environmental quality criteria and standards established throughout the Federal Government;
7. collecting, collating, analyzing, and interpreting data and information on environmental quality, ecological research, and evaluation.

(e) The Director is authorized to contract with public or private agencies, institutions, and organizations and with individuals without regard to section 3324(a) and (b) of Title 31 and section 5 of Title 41 in carrying out his functions.

42 USC § 4373. Each Environmental Quality Report required by Public Law 91-190 shall, upon transmittal to Congress, be referred to each standing committee having jurisdiction over any part of the subject matter of the Report.

42 USC § 4374. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality not to exceed the following sums for the following fiscal years which sums are in addition to those contained in Public Law 91- 190:

- (a) \$2,126,000 for the fiscal year ending September 30, 1979.
- (b) \$3,000,000 for the fiscal years ending September 30, 1980, and September 30, 1981.
- (c) \$44,000 for the fiscal years ending September 30, 1982, 1983, and 1984.
- (d) \$480,000 for each of the fiscal years ending September 30, 1985 and 1986.

42 USC § 4375.

(a) There is established an Office of Environmental Quality Management Fund (hereinafter referred to as the "Fund") to receive advance payments from other agencies or accounts that may be used solely to finance --

1. study contracts that are jointly sponsored by the Office and one or more other Federal agencies; and
2. Federal interagency environmental projects (including task forces) in which the Office participates.

(b) Any study contract or project that is to be financed under subsection (a) of this section may be initiated only with the approval of the Director.

(c) The Director shall promulgate regulations setting forth policies and procedures for operation of the Fund.

**MAJOR ACTS OF CONGRESS AND EXECUTIVE ORDERS RELATED TO BLM
ACTIVITIES (LISTED ALPHABETICALLY)**

1994 Interior and Related Agencies Appropriations Act	P.L. 103-138
1999 Interior and Related Agencies Appropriations Act	P.L. 105-277
2002 Interior and Related Agencies Appropriations Act	P.L. 107-63
Act of March 3, 1879	43 U.S.C. 31(a)
Act of March 3, 1909 and Act of May 11, 1938	25 U.S.C. 396
Act to Amend the Reclamation Recreation Management Act of 1992	25 U.S.C. 396
Administrative Procedures Act	5 U.S.C. 551
Airport and Airway Improvement Act of 1982	49 U.S.C. 2215
American Indian Religious Freedom Act of 1978	42 U.S.C. 1996
Antiquities Act of 1906	16 U.S.C. 431
Archeological and Historic Preservation Act of 1974	16 U.S.C. 469
Archeological Resources Protection Act of 1979	16 U.S.C. 470
Bald Eagle Protection Act of 1940	16 U.S.C. 668
Bankhead Jones Farm Tenant Act of 1937	7 U.S.C. 1010
Carson-Foley Act of 1968	42 U.S.C. 1241
Clean Air Act of 1955	42 U.S.C. 7401
Clean Water Act of 1987	33 U.S.C. 1251
Coastal Zone Management Act of 1972	16 U.S.C. 1451
Combined Hydrocarbon Leasing Act of 1981	30 U.S.C. 181
Comprehensive Environmental Response, Compensation and Liability Act of 1980	42 U.S.C. 9601
Community Environmental Response Facilitations Act of 1992	42 U.S.C. 9620(h)
Department of the Interior and Related Agencies Appropriations Act of 1989	43 U.S.C. 1474
Desert Land Act of 1877	43 U.S.C. 321
Emergency Preparedness and Community Right-to-Know Act of 1986	42 U.S.C. 11001
Endangered Species Act of 1973	16 U.S.C. 1531
Energy Policy Act of 2005	42 U.S.C. 149
Energy Policy and Conservation Act Amendments of 2000	P.L. 106-469
Energy Security Act of 1980	30 U.S.C. 1501
Engle Act of February 28, 1958	43 U.S.C. 156
Environmental Quality Improvement Act of 1970	42 U.S.C. 4371
Federal Advisory Committee Act of 1972	5 U.S.C. App. 2
Federal Cave Resource Protection Act of 1988	16 U.S.C. 4301
Federal Coal Leasing Amendments Act of 1976	30 U.S.C. 201
Federal Facility Compliance Act of 1992	42 U.S.C. 6901
Federal Land Exchange Facilitation Act of 1988	43 U.S.C. 1716
Federal Land Policy and Management Act of 1976 (FLPMA)	43 U.S.C. 1701
Federal Lands Recreation Enhancement Act	P.L. 108-447
Federal Noxious Weeds Act of 1974	7 U.S.C. 2814
Federal Oil and Gas Royalty Management Act of 1983	30 U.S.C. 1701
Federal Onshore Oil and Gas Leasing Reform Act of 1987	30 U.S.C. 226
Federal Power Act of 1920	16 U.S.C. 818
Federal Water Pollution Control Act (a.k.a. Clean Water Act) 1948	33 U.S.C. 1251

Summaries of Key Congressional Acts

Fish and Wildlife Coordination Act of 1934	16 U.S.C. 661
Food Security Act of 1985	7 U.S.C. 148f
Freedom of Information Act of 1974	5 U.S.C. 552
Geothermal Steam Act of 1970	30 U.S.C. 1001
Healthy Forests Restoration Act	P.L. 108-148
Historic Sites, Buildings, and Antiquities Act of 1935	16 U.S.C. 461
Indian Self Determination and Education Assistance Act	P.L. 93-638
Land and Water Conservation Fund Act of 1965	16 U.S.C. 4601-4
Material Sales Act of 1947, as amended	30 U.S.C. 601
Migratory Bird Conservation Act of 1929	16 U.S.C. 715
Migratory Bird Treaty Act of 1918	16 U.S.C. 703
Mineral Leasing Act of 1920 (Mineral Lands Leasing Act)	30 U.S.C. 181
Mining Act of 1872	30 U.S.C. 21
Mining and Minerals Policy Act of 1970	30 U.S.C. 21a
Multiple Surface Use Act of 1955	60 Stat. 367
National Dam Inspection Act of 1972	33 U.S.C. 467
National Environmental Policy Act of 1969 (NEPA)	42 U.S.C. 4321
National Fish and Wildlife Foundation Establishment Act	16 U.S.C. 3701
National Historic Preservation Act of 1966	16 U.S.C. 470
National Parks and Recreation Act of 1978	16 U.S.C. 1242
National Trails System Act of 1968	16 U.S.C. 1241
Native American Graves Protection and Repatriation Act of 1990	25 U.S.C. 3001
Noxious Weed Control Act of 2004	P.L. 108-412
O&C Sustained Yield Act of 1937	43 U.S.C. 1181a
Omnibus Budget Reconciliation Act of 1993	P.L. 103-66
Omnibus Public Land Management Act of 2009	P.L. 111-11
Pollution Prevention Act of 1990	42 U.S.C. 13101
Privacy Act of 1974	5 U.S.C. 552a
Public Law 107-13	115 Stat. 24
Public Rangelands Improvement Act of 1978	43 U.S.C. 1901
R&PP Amendment Act of 1988	P.L. 100-648
Recreation and Public Purposes Act of 1954	43 U.S.C. 869
Reorganization Plan Number 3 of 1946, §402	60 Stat. 1099
Reservoir Salvage Act of 1960	16 U.S.C. 580m-n
Resource Conservation and Recovery Act of 1976	42 U.S.C. 6901
Safe Drinking Water Act of 1974	42 U.S.C. 300
Secure Rural Schools and Community Self-Determination Act of 2000	16 U.S.C. 500
Sikes Act of 1960	16 U.S.C. 670a-f
Soil and Water Resources Conservation Act of 1977	16 U.S.C. 2001
Superfund Amendments and Reauthorization Act of 1986	42 U.S.C. 9601
Surface Mining Control and Reclamation Act of 1977	30 U.S.C. 1201
Surveying Duties	43 U.S.C. 52
Taylor Grazing Act of 1934	43 U.S.C. 315
Tribal Forest Protection Act of 2004	25 U.S.C. 3101
United States Geological Survey	43 U.S.C. 2
Unlawful Enclosures or Occupancy Act of 1885	43 U.S.C. 1061

Summaries of Key Congressional Acts

Wild and Scenic Rivers Act of 1968	16 U.S.C. 1271
Wild Free-Roaming Horses and Burros Act of 1971 as amended	16 U.S.C. 1331
Wild Horse and Burro Sale-Authority Law	P.L. 108-447
Wilderness Act of 1964	16 U.S.C. 1131

EXECUTIVE ORDERS

Executive Order 11514, Protection and Enhancement of Environmental Quality (1970)
Executive Order 11593, Protection and Enhancement of the Cultural Environment (1971)
Executive Order 11644, Use of Off-Road Vehicles on the Public Lands (1972)
Executive Order 11752, Prevention, Control and Abatement of Pollution at Federal Facilities 19731
Executive Order 11988, Floodplain Management (1977)
Executive Order 11989, Off-Road Vehicles on Public Lands (1977)
Executive Order 11990, Protection of Wetlands (1977)
Executive Order 12088, Federal Compliance with Pollution Control Standards (1978)
Executive Order 12906, Coordinating Geographic Data Acquisition and Access: The National Spatial Data Infrastructure (1994)
Executive Order 13186, Protection of Migratory Birds (2001)
Executive Order 13352, Facilitation of Cooperative Conservation

Summaries of Key Congressional Acts

1994 Interior and Related Agencies Appropriations Act

(P.L. 103-138)

Provides that funds shall be available to the BLM for mining law administration program operations to be reduced by amounts collected from annual mining claim fees.

1999 Interior and Related Agencies Appropriations Act

(P.L. 105-277)

Reauthorizes the collection of annual mining claim maintenance fees through 2001. Extends the recreation fee demonstration program through fiscal year 2001, with collected funds remaining available through fiscal year 2004.

2002 Interior and Related Agencies Appropriations Act

(P.L. 107-63)

Reauthorizes the collection of annual mining claim maintenance fees through 2003. Extends the recreation fee demonstration program through fiscal year 2004, with collected funds remaining available through fiscal year 2007.

Act of March 3, 1879, as amended

(43 U.S.C. 31(a))

Provides for the inventory and classification of the public lands, and examination of the geologic structure, mineral resources, and products of the national domain.

Act of March 3, 1909, as amended and Act of May 11, 1938

(25 U.S.C. 396, 396(a))

Provides the basic mandate under which the BLM supervises minerals operations on Indian Lands. Provides that lands allotted to Indians, and unallotted tribal Indian lands, may be leased for mining purposes, as deemed advisable by the Secretary.

Act to Amend the Reclamation Recreation Management Act of 1992

(25 U.S. C. 396)

Provides for the security of dams, facilities and resources under the jurisdiction of the Bureau of Reclamation. Authorizes the Secretary of the Interior to authorize law enforcement personnel from the Department of the Interior to enforce Federal laws and regulations within a Reclamation Project or on Reclamation lands.

Administrative Procedures Act, as amended

(P.L. 79-404) (5 U.S.C. 551-559, 701-706, 305 3105 33, 4301, 5362, 7521; 60 Stat. 237)

Outlines the several forms of administrative proceedings (hearings, adjudication, etc.) and prescribes procedural and substantive limitations thereon. The Act also provides for judicial review of Federal agency decision-making actions.

Summaries of Key Congressional Acts

Airport and Airway Improvement Act of 1982

(49 U.S.C. 2215)

Authorizes conveyance of lands to public agencies for use as airports and airways.

American Indian Religious Freedom Act of 1978

(P.L. 95-431) (42 U.S.C. 1996, 92 Stat. 469)

Establishes U.S. policy to protect and preserve for the American Indian, Eskimo, Aleut, and Native Hawaiian, the right of freedom to believe, express, and exercise their traditional religions, including access to religious sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites. Such rights and freedoms cannot be disrupted by Federal agency practices. The Act, a specific expression of First Amendment religious freedom guarantees, is not implemented by regulations. A court ruling determined there is a compliance element in the Act, requiring that:

- a) the views of Indian leaders be obtained and considered when a proposed land use might conflict with traditional religious beliefs and practices, and that;
- b) unnecessary interference with Indian religious practices be avoided during project implementation, but specifying that;
- c) conflict need not necessarily bar Federal agencies from adopting proposed land uses in the public interest (*Wilson v. Block*, 708 F.2d 735, 747).

Antiquities Act of 1906

(16 U.S.C. 431 et seq., 34 Stat. 225)

Provides for the protection of historic or prehistoric remains, or any object of antiquity, on Federal lands; establishes criminal sanctions for unauthorized destruction or appropriation of antiquities; and authorizes scientific investigation of antiquities on Federal lands, subject to permit and regulations. Permits must be obtained for examination of ruins, excavation of archaeological sites, and the gathering of objects of antiquity.

Archeological and Historic Preservation Act of 1974, as amended

(16 U.S.C. 469-469c; 74 Stat. 220)

Directs Federal agencies to notify the Secretary of the Interior whenever they find a Federal or Federally assisted licensed or permitted project may cause loss or destruction of significant scientific, prehistoric, historic, or archaeological data. Funds may be appropriated, donated and/or transferred for the recovery, protection, and preservation of such data. Amended the Reservoir Salvage Act of 1960 (see separate entry).

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Archeological Resources Protection Act of 1979, as amended

(P.L. 96-95, 16 U.S.C. 470, 93 Stat. 721, P.L. 100-555, P.L. 100-588)

Provides felony-level penalties, more severe than those of the Antiquities Act, for the unauthorized excavation, removal, damage, alteration, or defacement of any archeological resource, more than 100 years of age, found on public lands or Indian lands. The act also prohibits the sale, purchase, exchange, transportation, receipt, or offering of any archeological resource obtained from public lands or Indian lands in violation of any Federal law. No distinction is made regarding National Register eligibility. The act establishes definitions, permit requirements, and criminal and civil penalties, among other provisions, to correct legal gaps and deficiencies in the Antiquities Act, which this Act partially overlaps and supersedes. It is implemented by uniform regulations and departmental regulations, both at 43 CFR Part 7.

Bald Eagle Act of 1940, as amended

(16 U.S.C. 668-668d; 54 Stat 250)

This 1940 Act, as amended June 25, 1959, by Public Law 86-70 (73 Stat. 143), October 23, 1972, by Public Law 92-535 (86 Stat. 1064) provides for protection of the bald eagle (the national emblem) and the golden eagle by prohibiting except under certain specified conditions the taking, possession, and commerce in such birds. The 1972 amendments increased penalties for violating provisions of the Act or regulations issued pursuant thereto and strengthened other enforcement measures.

Bankhead Jones Farm Tenant Act of 1937

(7 U.S.C. 1010 et seq)

Authorizes management of acquired farm tenant lands and construction and maintenance of range improvements. It directs the Secretary of Agriculture to develop a program of land conservation and utilization to adjust land use to help control soil erosion, conduct reforestation, preserve natural resources, develop and protect recreational facilities, protect watersheds, and protect public health and safety.

Carson-Foley Act of 1968

(42 U.S.C. 1241-1243)

Authorizes the BLM to reimburse states for expenditures associated with coordinated control of noxious plants.

Clean Air Act of 1955

(42 U.S.C. 7401, 69 Stat. 322, P.L. 89-272, P.L. 89-675, 42 U.S.C. 1857, P.L. 91-604, P.L. 101-549)

Provides national ambient air quality standards for sulfur dioxide, particulate matter less than ten microns, carbon monoxide, nitrogen dioxide, photochemical oxidants (ozone), and lead. Also established national emission standards for 189 hazardous air pollutants (per revised CAA, 1990). Requires air discharge permits.

Summaries of Key Congressional Acts

Clean Water Act of 1987, as amended

(33 U.S.C. 1251)

Establishes objectives to restore and maintain chemical, physical, and biological integrity of the nation's water.

Coastal Zone Management Act of 1972

(P.L. 92-583) (16 U.S.C. 1451, 86 Stat. 1280)

Finds and declares that it is the national policy:

- a) to preserve, protect, develop, and where possible, to restore or enhance, the resources of the nation's coastal zone for this and succeeding generations;
- b) to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development;
- c) for all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate with state and local governments and regional agencies in effectuating the purposes of this title; and
- d) to encourage the participation of the public, of Federal, state, and local governments and of regional agencies in the development of coastal zone management programs. With respect to implementation of such management programs, it is the national policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action particularly regarding environmental problems.

Authorizes the Secretary of Commerce to make annual grants to any coastal state for the purpose of assisting in the development of a management program for the land and water resources of its coastal zone. (Coastal Zone Management Act of 1972).

Combined Hydrocarbon Leasing Act of 1981

(30 U.S.C. 181, 351)

Permits the owners of oil and gas leases issued after November 16, 1981, to explore, develop, and produce tar sands. Authorizes the issuance of combined hydrocarbon leases in specified areas designated by the Department of the Interior on November 20, 1980.

Community Environmental Response Facilitations Act of 1992

(42 U.S.C. 9620(h))

Amendment to the *Comprehensive Environmental Response, Compensation, and Liability Act of 1980*, as amended, which expands on the risk assessment requirements for land transfers and disposal.

Summaries of Key Congressional Acts

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (Superfund of 1980 P.L. 96-510) (42 U.S.C. 9601)

Establishes a process for identifying, investigating and cleanup of hazardous substances releases from uncontrolled or abandoned hazardous waste sites. Provides for funding and authority to respond to hazardous substance spills, and for remediation of waste sites. Covers releases, cleanups, liability, inventory, hazardous rank score, natural resources damages, public involvement, community relations planning, Federal facility compliance, and national contingency planning.

Department of the Interior and Related Agencies Appropriations Act of 1989 (43 U.S.C. 1474)

Provides that receipts for 1989 and thereafter from administrative fees (service charges) established by the Secretary of the Interior for processing actions relating to the administration of the General Mining Laws shall be immediately available to BLM for mining law administration program operations.

Desert Land Act of 1877 (43 U.S.C. 321-323)

Provides authority to reclaim arid and semi-arid public lands of the western states through individual effort and private capital.

Emergency Preparedness and Community Right-To-Know Act (EPCRA) of 1986 (42 U.S.C. 11001)

Helps bring about state and local preparedness to deal with emergency situations caused by the unplanned release of hazardous materials. It mandates emergency response and emergency planning authorities. It also requires facilities to report if they have "extremely hazardous substances" in above threshold quantities and to report spills above specific "reportable" quantities.

Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq., 87 Stat. 884, P.L. 93- 205, P.L. 94-359, 90 Stat. 913 (1974), P.L. 95-212, 91 Stat. 1493 (1977), P.L. 95-632, 92 Stat. 3751 (1978), P.L. 96-159 (1979), P.L. 97-304 (1982), P.L. 100-653 (1988))

Provides a means whereby ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the (relevant) treaties and conventions...

- a) Supersedes the Endangered Species Preservation Act of 1966 and the Endangered Species Conservation Act of 1969.

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- b) Requires all Federal departments and agencies to utilize their authorities to conserve species, subspecies, or populations of plants and animals officially listed by the Secretary of the Interior or Secretary of Commerce as threatened or endangered. All Federal departments and agencies shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of the Act.
- c) Requires Federal agencies to ensure that the continued existence of listed species is not jeopardized and that designated critical habitat of listed species is not destroyed or adversely modified. Requires consultation on agency actions to ensure that listed species are not jeopardized.
- d) Requires consultation with the U.S. Fish and Wildlife Service (FWS) or National Marine Fisheries Service (NMFS) if it is determined that any BLM action (e. g., a right-of-way grant) may affect a Federally listed species or its critical habitat.
- e) Requires conference with FWS if it is determined that an action may affect a proposed threatened and endangered (T&E) species.
- f) The appropriate Secretary shall utilize the land acquisition and other authority under the Fish and Wildlife Act of 1956 to acquire by purchase, donation, or otherwise land necessary to conserve wildlife including those listed as T&E. Funds from the Land and Water Conservation Fund Act of 1965 as amended may be used to acquire lands.
- g) The Secretary is authorized to enter into a cooperative agreement with states for the conservation of T&E species.
- h) Both listed and proposed species are protected under Section 7 of the ESA. Candidate species are not protected but are species that the service is considering for inclusion on the list.

Energy Policy Act of 2005

(42 U.S.C. 149)

Directs Federal agencies to undertake efforts to ensure energy efficiency and the production of secure, affordable, and reliable domestic energy.

Energy Policy and Conservation Act Amendments of 2000

(Public Law 106-469, Section 604)

Directs the Secretary of the Interior, in consultation with the Secretaries of Agriculture and Energy, to conduct an inventory of all onshore Federal lands to determine reserve estimates of oil and gas resources underlying the lands and the extent and nature of any impediments to development of the oil and gas resources.

Summaries of Key Congressional Acts

Energy Security Act of 1980

(30 U.S.C. 1501)

Promotes the development and use of alternative energy resources including oil shale, synthetic fuels, wind power, and geothermal resources.

Engle Act of February 28, 1958

(43 U.S.C. 156)

Provides that withdrawals for the Department of Defense for more than 5,000 acres shall be made by Congress.

Environmental Quality Improvement Act of 1970

(P.L. 91-224) (83 Stat. 852; 42 U.S.C. 4371-4374)

Assures that each Federal department and agency conducting or supporting public Work activities which affect the environment shall implement the policies established under existing law; and authorizes an Office of Environmental Quality, which shall provide the professional and administrative staff for the Council on Environmental Quality.

Federal Advisory Committee Act (FACA) of 1972

(P.L. 92-463) (86 Stat. 770, 5 U.S.C. App. 2)

Increases the public accountability of advisory committees established by the Executive Branch and to reduce wasteful expenditures on them. The General Services Administration is responsible for its administration.

- a) Decisions on the expenditure of Federal money and adoption of Federal policies, programs, plans, and projects--as a general rule must be made by Federal officials.
- b) Where such decisions are made by a group including both Federal and non-Federal, or officials using such a group, the group may be an advisory committee
- c) Advisory committee establishment must have public notice and a determination that it is in the public interest; must have a clearly defined purpose; membership points of view balance; and a periodic review of need.

Federal Cave Resource Protection Act of 1988

(16 U.S.C. 4301)

Provides for the protection of caves on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture. Establishes terms and conditions for use permits, and penalties for violations.

Summaries of Key Congressional Acts

Federal Coal Leasing Amendments of Act of 1976

(30 U.S.C. 201, et seq.)

Requires competitive leasing of coal on public lands and mandates a broad spectrum of coal operations requirements for lease management.

Federal Facility Compliance Act of 1992

(42 U.S.C. 6901-6992)

Authorizes the EPA to manage, by regulation, hazardous wastes on active disposal operations. Waives sovereign immunity for Federal agencies with respect to all Federal, state, and local solid and hazardous waste laws and regulations. Makes Federal agencies subject to civil and administrative penalties for violations, and to cost assessments for the administration of the enforcement.

Federal Land Exchange Facilitation Act of 1988

(43 U.S.C. 1716)

Amends FLPMA to provide for the streamlining of Federal land exchange procedures.

Federal Land Policy and Management Act (FLPMA) of 1976

(P.L. 94-579) (43 U.S.C. 1701-1771, and other U.S.C. sections; 90 Stat. 2743)

Public Law 94-579, approved October 21, 1976, constitutes an "Organic Act" for the Bureau of Land Management. Among other things, it establishes new procedures for creating, modifying, and terminating withdrawals and reservations of public lands. FLPMA directs the BLM to manage public lands on the basis of multiple use, in a manner that "recognizes the nation's need for domestic sources of minerals, food, timber, and fiber from the public lands."

- a) Requires the development and maintenance of land-use plans based on an inventory of all public lands and their resources. Requires that public lands be retained unless it is determined that disposal will serve the national interest.
- b) Places fish and wildlife management on an equal footing with other traditional land uses.
- c) Requires that part of grazing fees be spent for "range betterment," including aquatic and terrestrial wildlife habitat enhancement, protection, and maintenance where livestock use occurs.
- d) Requires consideration of fish and wildlife resources before approval of land exchanges.
- e) Authorizes the Secretaries of the Interior and Agriculture to designate areas under their jurisdiction and establish time periods where no hunting and fishing would be permitted for reasons of public safety, administration, or applicable law.
- f) Authorizes the designation of Areas of Critical Environmental Concern to protect and prevent irreparable damage to fish and wildlife, and other resources.

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- g) Neither enlarges nor diminishes the responsibilities and authorities of the state for management of fish and resident wildlife.
- h) Authorizes investigations, studies, and experiments involving the improvements, management, use, and protection of the public lands and their resources.

Title VIII--Federal Lands Recreation Enhancement Act (REA)

(From the 2005 Consolidated Appropriations Act (PL 108-447) signed into law by President Bush on December 8, 2004)

REA provides for reinvesting a majority of fees collected at Federal recreation facilities back to the site of collection to enhance visitor services and reduce the backlog of maintenance needs for these facilities (including trail maintenance, toilet facilities, boat ramps, hunting blinds, interpretive signs, and programs). It provides an interagency fee program that reduces confusion over differing fee programs and passes by reducing four national passes down to one, the America the Beautiful National Parks and Federal Recreation Lands Pass.

REA provides for a high level of public involvement in determining new fee areas and fee schedules by implementing the use of Recreation Resource Advisory Committees for national forest and BLM sites and areas to give communities additional opportunities to provide input on the implementation of a fee or the establishment of a specific recreation fee site; providing additional opportunities for public participation and prior notice prior to a new fee being established; and communicating with the visiting public on how fee revenues are being spent to improve visitor facilities and services.

Federal Noxious Weeds Act of 1974, as amended

(7 U.S.C. 2814)

Provides for the designation of a lead office and a person trained in the management of undesirable plants; establishment and funding of an undesirable plant management program; completion and implementation of cooperative agreements with state agencies; and establishment of integrated management systems to control undesirable plant species.

Federal Water Pollution Control Act of 1948 (Clean Water Act), as amended

(P.L. 92-500) (33 U.S.C. 125 et seq., 86 Stat. 816, P.L. 95-217)

Originally passed in 1948, amendments of 1972 set up a Federal permit and license system to carry out certain pollution discharge activities in navigable waters. Section 402 requires permits from the Environmental Protection Agency (EPA) for the discharge of any pollutant into navigable waters (National Pollution Discharge Elimination System Permits). Section 404 provides for the Army Corps of Engineers to issue permits for the discharge of dredged or fill materials into the navigable waters with oversight by the EPA. Permit applications may be reviewed by the U.S. Fish and Wildlife Service for impacts on fish and wildlife. The activities associated with forest management, including road construction and maintenance, have the potential to impact surface water as a nonpoint source (NPS) of pollution. The objective of the Clean Water

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Act (CWA) is “to restore and maintain the chemical, physical, and biological integrity of the nation's waters” (Section 101 (a)). Both point and NPS pollution are addressed. The amended Act of 1987 (Water Quality Act of 1987) added to this section that “it is the national policy that programs for the control of NPS of pollution be developed and implemented in an expeditious manner so as to enable the goals of this Act to be met through the control of both point and NPS of pollution” (Section 101 (a)(7)).

The amendments to the CWA of 1987 also added Section 319 which identified the role of Best Management Practices (BMP). The Act requires the development of BMPs to control and reduce NPS pollution “to the maximum extent practicable.” The NPS Task Force Report (1985) defined BMPs as “methods, measures, or practices to prevent or reduce water pollution, including, but not limited to, structural and nonstructural controls and operation and maintenance procedures.

Section 313 of the CWA and Executive Order 12088 requires Federal agencies to comply with all state requirements and programs to control water pollution from NPSs. The BLM, under a Memorandum of Agreement (MOA) with the Oregon Department of Environmental Quality is a “Designated Management Agency charged with implementing and enforcing natural resource management programs for the protection of water quality on Federal lands under its jurisdiction” through sound resource management practices or BMPs. The BMPs that the BLM implements are required to “meet the substantive requirements of the State practices” (MOA - 11. Roles and Authorities) and follow the state-approved NPS management strategy addressing water quality standards in compliance with the CWA.

Federal Oil and Gas Royalty Management Act of 1982

(30 U.S.C. 1701)

Comprehensive law dealing with royalty management on Federal and Indian leases. In addition to revenue accountability, it includes provisions pertaining to onshore field operations, inspections, and cooperation with states and Indian tribes; duties of lessees and other lease interest owners, transporters, and purchasers of oil and gas; reinstatement of onshore leases terminated by operation of law; and a requirement that the Secretary of the Interior study whether royalties are adequate for coal, uranium, and non-energy leasable minerals.

Federal Onshore Oil and Gas Leasing Reform Act of 1987

(30 U.S.C. 226 et seq.)

Establishes a new oil and gas leasing system and changes certain operational procedures for onshore Federal lands.

Federal Power Act of 1920, as amended

(16 U.S.C. 818)

Allows other uses of Federal waterpower withdrawals with Federal Energy Regulatory Commission approval.

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Fish and Wildlife Coordination Act of 1934, as amended in 1946, 1958 and 1965

(16 U.S.C. 661-667e. (1958), 48 Stat. 401, 60 Stat. 1080, 72 Stat. 563, 79 Stat. 216, 82 Stat. 563)

Authorizes the Secretary of the Interior to assist Federal, state, and other agencies in the development, protection, rearing, and stocking of fish and wildlife on Federal lands, and to study the effects of pollution on fish and wildlife. Provides for donating land and funds in furthering purposes of the Act and for appropriation of funds. Requires action agency to consult with the U.S. Fish and Wildlife Service and the state species-managing agency to develop mitigation or compliance for proposed land use authorizations wherein waters of any stream or other water body are proposed to be impounded, diverted, channelized, or otherwise controlled or modified. Authorizes Federal water resource agencies to acquire lands or interests in connection with water use projects specifically for mitigation and enhancement of fish and wildlife.

Freedom of Information Act of 1974

(P.L. 93-502) (5 U.S.C. 552; 88 Stat. 1561)

Requires all Federal agencies to make available to the public for inspection and copying administrative staff manuals and staff instructions, official published and unpublished policy statements, final orders deciding case adjudication, and other documents. Special exemptions have been reserved for nine categories of privileged material, including but not limited to confidential matters relating to national defense or foreign policy, law enforcement records, and trade or commercial secrets. The Act requires the party seeking the information to pay search and duplication costs.

Food Security Act of 1985

(7 U.S.C. 148f)

Provides for the transfer of funds to the Secretary of Agriculture for Mormon cricket and grasshopper control.

Geothermal Steam Act of 1970

(30 U.S.C. 1001)

Allows issuance of leases for the development and utilization of geothermal steam and associated resources. A lessee shall be entitled to use as much of the surface as necessary for the production, utilization, and conservation of geothermal resources. Terms and conditions may be prescribed to insure adequate utilization of the lands for the purposes acquired or withdrawn.

Healthy Forests Restoration Act

(P.L. 108-148)

Authorized the BLM and the U.S. Forest Service to conduct hazardous fuel reduction projects on federal land in wildland-urban interface areas and on certain other federal lands using expedited procedures.

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Historic Sites, Building and Antiquities Act of 1935, as amended

(P.L. 74-292) (49 Stat. 666; 16 U.S.C. 461-467)

Also popularly known as simply the Historic Sites Act, as amended by Public Law 89-249, October 9, 1965 (70 Stat. 971), declares it a national policy to preserve historic sites and objects of national significance. Provides procedures for designation, administration, and protection of sites, and establishes an advisory board. This act authorizes the programs that are known as the Historic American Buildings Survey, the Historic American Engineering Record, and the National Survey of Historic Sites and Buildings; authorizes the establishment of National Historic Sites and otherwise authorizes the preservation of properties "of national significance"; authorizes the designation of National Historic Landmarks; establishes criminal sanctions for violation of regulations pursuant to the act; authorizes interagency, intergovernmental, and interdisciplinary efforts for the preservation of cultural resources; and other provisions. The program is administered by the National Park Service.

Indian Self Determination and Education Assistance Act

(P.L. 93-638)

Provides for non-competitive contracts, grants, or cooperative agreements entered into between a tribal organizations and the Federal government for the planning, conduct, and administration of programs which enhance Indian educational achievement or provide other Federal services more responsive to the needs and desires of those communities.

Land and Water Conservation Fund Act of 1965

(P.L. 88-578) (78 Stat. 897, as amended; 16 U.S.C. 4601-4 to 4601-11, 23 U.S.C. 120)

Provides funds for and authorizes Federal assistance to the states in planning, acquisition, development of needed land and water areas and facilities, and provides funds for the Federal acquisition and development of outdoor recreation resources. Created a special land and Water Conservation Fund derived from various types of revenue and authorizes appropriations from the fund for (1) matching grants to states for outdoor recreation projects, and (2) various Federal purposes.

Material Sales Act of 1947, as amended

(61 Stat. 681; 30 U.S.C. 601)

Authorizes disposal of materials including, but not limited to, sand, gravel, stone, and common clay on public lands through a sales system. The Mineral Materials Sales Act of 1955 (69 Stat. 367, 30 U.S.C. 601) allows disposal of mineral materials (including but not limited to common varieties of sand, stone, gravel, pumice, pumicite, cinders, and clay) and vegetative materials (i.e. yucca, manzanita, mesquite, cactus, timber, or other forest products) on public lands if the disposal is not otherwise authorized by law, is not expressly prohibited by laws, and would not be detrimental to the public interest.

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Migratory Bird Conservation Act of 1929, as amended

(16 U.S.C. 715-715d, 715e, 715f-715k, 715n-715r; 45 Stat. 1222)

Establishes a Migratory Bird Conservation Commission to approved areas recommended by the Secretary of the Interior for acquisition with Migratory Bird Conservation funds. Commission consists of the Secretary of the Interior as chairman, the Secretaries of Transportation and Agriculture, two members of the Senate and two of the House of Representatives, and an ex officio member from each state in which acquisition is being considered. The Commission, through its chairman, is directed to report by the first Monday in December of each year to Congress on its activities. The Secretary of the Interior is authorized to cooperate with local authorities in wildlife conservation, as well as conduct investigations, publish documents related to North American Birds, and maintain and develop refuges. Provides for cooperation with states in enforcement. Procedures are established for acquisition by purchase, rental, or gift of areas approved by the commission as sanctuaries for migratory birds, and an amendment February 17, 1976, Public Law 94-215 (90 Stat. 190), clarified that authority as applying to the purchase or rental of a partial interest.

Migratory Bird Treaty Act of 1918, as amended

(16 U.S.C. 703-711; 40 Stat. 755)

Implemented the 1916 Convention between the United States and Great Britain (for Canada) for the Protection of Migratory Birds (39 Stat. 1702) thereby establishing a Federal responsibility for protection of the international migratory bird resource. Amendments of June 20, 1936 (49 Stat. 1556), implemented the 1936 Convention between the United States of America and the United Mexican States for the Protection of Migratory Birds and Game Mammals (50 Stat. 1311), as amended, and June 1, 1975, Public Law 93-300 (88 Stat. 190), among other things, implemented the 1973 Convention between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment (25 U.S. T 3329; T.I.A.S. 7990), as amended. As amended by Public Law 86-732, September 8, 1960 (74 Stat. 866), the Act provides for regulations to control taking, selling, transporting, and importing migratory birds, their nests, eggs, parts, or products, when such items are included in the terms of any treaty, and provides enforcement authority and penalties for violations.

Mineral Leasing Act of 1920, as amended

(41 Stat. 437; 30 U.S.C. 181, P .L. 93-153, 87 Stat. 576)

- a) States that deposits of coal, phosphate, sodium, oil, oil shale, or gas, and lands containing such deposits owned by the United States... shall be subject to disposition in the form and manner provided by this act.
- b) The Mineral Leasing Act and the following listed regulations and operating agreements provide for protection of all types of surface resources on lands subject to oil and gas leasing.
- c) 43 CF R 3045. Surface Management Requirements for Geophysical Exploration.

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- d) 43 CFR 3109. Surface Management Requirements for Oil and Gas Leasing.
- e) NTL-6 Operating Procedures. Surface operating standards for oil and gas exploration and development.
- f) Lease Stipulations. Necessary to protect specific surface resources are provided prior to lease issuance by the BLM.

Mining Act of 1872

(30 U.S.C. 21, 17 stat. 91)

Known as the General Mining Law, it restates the mineral policy on the public domain as spelled out in the Acts of 1866 and 1870. The 1872 law declared that "valuable" mineral deposits rather than simply "mineral deposits" as stated in the Lode Mining Law of 1866 were to be "free and open to exploration and purchase." Addresses placer and lode claims. Placers are "all forms of deposit, excepting veins of quartz, or other rock in place." The cost of patenting a placer claim was set at \$2.50 an acre. Local mining customs were still recognized. Lode locations could be no more than 1,500 feet long and 600 feet wide. Individual claimants were limited to 20 acres, while associations or groups could have 160-acre claims. To protect claims from others, claimants had to perform \$100 of assessment work yearly and show at least \$500 worth of improvements before the claims could be patented. Milling or processing sites could be entered on non-mineral land but could not exceed 5 acres.

Mining and Minerals Policy Act of 1970

(P.L. 91-631, 84 Stat. 1876; 30 U.S.C. 21a)

Declares a continuing policy of the Federal government in the national interest to foster and encourage private enterprise in:

- a) The development of economically sound and stable domestic mining, minerals, metal, and mineral reclamation industries;
- b) The orderly and economic development of domestic mineral resources, reserves, and reclamation of metals and minerals to help assure satisfaction of industrial, security, and environmental needs;
- c) Mining, mineral, and metallurgical research, including the use and recycling of scrap to promote the wise use of our natural and reclaimable mineral resources; and
- d) The study and development of methods for the disposal, control, and reclamation of mined land, so as to lessen any adverse impact of mineral extraction and processing upon the physical environment that may result from mining or mineral activities.

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Multiple Surface Use Act of 1955

(P.L. 167) (60 Stat. 367)

Amends the 1872 Mining Law and Material Sales Act. It authorizes the Federal government to manage and dispose of the surface vegetation resources and other resources on unpatented mining claims. Excluded from location under the mining laws are common varieties of mineral materials such as sand, stone, gravel, pumice, pumicite, cinders, etc.

The above laws, plus subsequent regulations (3600), provide for disposal of common variety mineral materials. All deposits are subject to the National Environmental Policy Act process and adequate measures must be taken to protect, minimize, or correct damage to the environment. No mineral materials are to be sold if it is determined that the aggregate damage to the public lands and resources would exceed the benefits derived from the proposed sale.

National Dam Inspection Act of 1972

(33 U.S.C. 467)

Requires the Secretary of the Army, acting through the Chief of Engineers, to carry out a dam inspection program to protect human life and property.

National Environmental Policy Act of 1969 (NEPA)

(P.L. 91-190; 83 Stat. 852; 42 U.S.C. 4321, 4331-4335, 4341-4347)

Declares a national policy which will encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man, to enrich the understanding of the ecological systems and natural resources important to the nation and to establish a Council on Environmental Quality (CEQ). The Act is implemented by regulations of CEQ, 40 CFR 1500-1508.

- a. Requires Federal agencies to utilize a systematic, interdisciplinary approach to ensure the use of natural and social sciences, and environmental design arts in any planning or decision making that might impact man's environment.
- b. Establishes national environmental policy to, among other things, encourage productive and harmonious relationships between man and his environment and to enrich the understanding of ecological systems and natural processes important to the nation. Wildlife is an important aspect of such systems and processes.
- c. Requires preparation of detailed statements on environmental impacts of proposed major Federal actions that significantly impact the quality of the human environment. Environmental impact statements include: 1) environmental impact of the proposed section; 2) any adverse effects which cannot be avoided if the proposal is implemented; 3) alternatives to the proposed action; 4) relationship between local short term uses and enhancement of long term productivity; and 5) any irreversible and irretrievable commitments of resources.

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- d. Directs Federal agencies to initiate and utilize ecological information in the planning and development of resources oriented projects.
- e. identifies the responsibility to preserve the natural aspects of the environment that support diversity and variety of habitat components.

National Fish and Wildlife Foundation Establishment Act, as amended

(16 U.S.C. 3701)

Established the National Fish and Wildlife Foundation as a nonprofit corporation to encourage, accept, and administer private gifts of property, and to undertake activities to further the conservation and management of fish, wildlife, and plant resources of the U.S.

National Historic Preservation Act of 1966, as amended

(P.L. 89-665) (80 Stat. 915; 16 U.S.C. 470)

Declares a national policy of historic preservation (defined in the Act as “ the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, or culture”), including the encouragement of preservation on the state and private levels; directs the expansion of the National Register of Historic Places to include cultural resources of state and local as well as national significance; authorizes matching Federal grants to states and the National Trust for Historic Preservation for acquisition and rehabilitation of National Register properties; established an Advisory Council on Historic Preservation; provides procedures in Section 106 for Federal agencies to follow in the event a proposal may affect a National Register property. Section 106 is implemented by regulations of the Advisory Council on Historic Preservation, 36 CFR Part 800.

National Parks and Recreation Act of 1978

(16 U.S.C. 1242-1243)

Establishes a number of national historic trails which cross public lands.

National Trails System Act of 1968

(P.L. 90-543) (82 Stat. 919; 16 U.S.C. 1241-1249)

Institutes a national system of recreation and scenic trails. Designates the Appalachian Trails and the Pacific Crest Trail as the initial components of that system and prescribes the methods by which, and standards according to which, additional components may be added to the system. Additional trails should be established primarily near urban areas and secondarily within established, more remotely located scenic areas. Secretaries of the Interior and Agriculture may designate National Recreation Trails. Designation of National Scenic Trails requires specific Acts of Congress.

Summaries of Key Congressional Acts

Native American Graves Protection and Repatriation Act of 1990

(25 U.S.C. 3001)

Requires agencies to inventory archaeological and ethnological collections in their possession or control (which includes non-Federal museums) for human remains, associated funerary objects, sacred objects, and objects of cultural patrimony; identify them geographically and culturally; and notify appropriate tribes within 5 years.

Noxious Weed Control Act of 2004

(Public Law 108-412)

Establishes a program to provide assistance through states to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private lands.

O & C Sustained Yield Act of 1937

(43 U.S.C. 1181a)

States that the lands administered under the Act "shall be managed for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities." Under the Act, the BLM is required to calculate the allowable harvest level for commercial timberlands. Also, the Act orders the Department of the Interior to distribute timber receipts to O&C Counties and the Federal treasury for O&C land management. The 18 O&C counties receive 75% of the gross receipts of which 1/3 is returned to the BLM to be used for constructing and maintaining roads, recreation facilities, reforestation, fire protection, and managing the forest land. The remaining 25% of the proceeds are set aside to administer the O&C Act "in such annual amounts as the Congress shall from time to time determine.

Omnibus Budget Reconciliation Act of 1993

(P.L. 103-66)

Establishes an annual \$100 per claim maintenance fee for unpatented mining claims and sites through 1998. The law allows a waiver from the fee for those claimants who hold 10 or fewer claims. It also establishes a \$25 per claim location fee for new claims, to be paid when they are recorded with the BLM. The Act also broadened the BLM's authority to collect recreation use fees.

Omnibus Public Land Management Act of 2009

(P.L. 111-11)

To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Summaries of Key Congressional Acts

Pollution Prevention Act of 1990

(42 U.S.C. 13101)

Requires and encourages prevention and reduction of waste streams and other pollution through minimization, process change, and recycling. Encourages and requires development of new technology and markets to meet the objectives.

Privacy Act of 1974

(P.L. 93-579 5 U.S.C. 552a; 88 Stat. 1896)

In order to promote greater governmental respect for the privacy of citizens, this 1974 Act requires Federal agencies to adopt minimum standards for the collection and processing of personal information, and to publish detailed descriptions of these procedures. The Act also establishes a Privacy Commission to oversee the agencies implementation of the Acts' safeguards.

Public Law 107-13

(115 Stat. 24)

Authorizes the Secretary of the Interior and Secretary of Agriculture to use funds appropriated for wildland fire management in the 2001 *Interior and Related Agencies Appropriations Act* to reimburse the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to facilitate the interagency cooperation required under the Endangered Species Act of 1973 in connection with wildland fire management. Authority extended in the 2002 *Interior and Related Agencies Appropriations Act*.

Public Rangelands Improvement Act of 1978

(P.L. 95-514) (43U.S.C. 1901 et seq.)

- a. Directs improvement of rangeland conditions in accordance with land-use planning under FLPMA. Public rangelands will be managed, maintained and improved so that they become as productive as feasible for all rangeland values in accordance with objectives established in FLPMA.
- b. Directs development and maintenance of an inventory of range conditions and trends as part of FLPMA's inventory process. The goal of rangeland management in accordance with the Taylor Grazing Act and FLPMA shall be to improve the range conditions of the public rangelands so that they become as productive as feasible in accordance with the rangeland management objectives established through the land-use planning process, except where the process determines that grazing uses should be discontinued.
- c. Requires prior consultation with the U.S Fish and Wildlife Service, wildlife agencies of the state where animals are located, individuals independent of Federal and state government recommended by the National Academy of Sciences, and other individuals having scientific expertise and special knowledge of wild horses and burros, wildlife management, and animal husbandry as related to rangeland management.

Summaries of Key Congressional Acts

d. Provides funding for rangeland improvements which includes providing habitat for wildlife.

R&PP Amendments Act of 1988

(P.L. 100-648)

Provides that suitable public lands may be made available for use as solid waste disposal sites in a manner that will protect the U.S. against unforeseen liability.

Recreation and Public Purposes Act of 1954

(P.L. 69-386) (44 Stat. 741, 43 U.S.C. 869)

Authorizes the Secretary of the Interior to sell or lease any public lands to a state, territory, county, or municipality for any public purposes, or to a nonprofit corporation or association for any recreational or public purpose consistent with its articles of incorporation or other creating authority. Before the land may be disposed of, it must be shown that the land is to be used for an established or definitively proposed project. Authorizes the lease or sale of historic properties under certain conditions. Examples of typical uses under the act are historic monument sites, campgrounds, schools, fire houses, law enforcement facilities, municipal facilities, landfills, hospitals, parks, and fairgrounds. (See 43 CFR Subpart 2741 and Manual Section 2740)

Reorganization Plan Number 3 of 1946

(§ 403) (60 Stat. 1099)

Established the BLM. Transferred mineral leasing functions to the Secretary of the Interior from the Secretary of Agriculture for certain acquired lands.

Reservoir Salvage Act of 1960

(P.L. 86-523) (74 Stat. 220, 16 U.S.C. 580m-r)

Provides for the recovery and preservation of "historical and archeological data (including relics and specimens)" that might be destroyed or lost as a result of the construction of dams, reservoirs, and attendant facilities and activities. The Act provides that up to one percent of funds that Congress authorizes to be appropriated for a project may be spent from appropriated fund to recover, preserve, and protect archeological and historical data. Because BLM projects are rarely subject to line item authorization and appropriation, this provision generally does not apply to the BLM.

Resource Conservation and Recovery Act (RCRA) of 1976

(P.L. 94-580, 42 U.S.C. 6901 et seq.)

Gave the Environmental Protection Agency (EPA) the responsibility of regulating solid waste, a subset which is hazardous waste. RCRA addresses various topics relating to solid waste management including: hazardous waste management, waste oil management, land disposal restrictions, and tracking medical wastes. The RCRA regulations seek to manage hazardous waste from "cradle to grave," or from the point of generation to ultimate disposal.

Summaries of Key Congressional Acts

Safe Drinking Water Act of 1974

(P.L. 93-523) (43 U.S.C. 300, 88 Stat. 1660)

Each Federal agency with jurisdiction over any Federally-owned or maintained public water system shall comply with all national primary drinking water regulations and shall comply with any applicable underground injection control program. It shall also keep such records and submit reports as required under such program.

Secure Rural Schools and Local Self-Determination Act of 2000

(P.L. 106-393) (16 USC 500)

This Act restores the stability and predictability of the annual payments made to states and counties containing National Forest System lands and public domain lands managed by the BLM for use by the counties for the benefit of public schools, roads, and other purposes. Affects Titles I through VI for a variety of payments for local use including transportation, education, and public safety.

Sikes Act of 1960, as amended

(P.L. 86-797) (16 U.S.C. 670a-f) 74 Stat. 1052, P.L. 93-452, 88 Stat. 1369 (1974), P.L. 95-420, and 92 Stat. 921 (1978))

The basic intent of Title II was to extend the Sikes Act authority for wildlife program development from strictly military reservations to public lands administered by the U.S. Forest Service and the BLM. In essence, it was a congressional mandate for BLM to, "... plan, develop, maintain and coordinate programs for the conservation and rehabilitation of wildlife, fish and game."

- a. Title II extends wildlife programs on military reservations and provides funding authorization.
- b. Title II authorizes the following key elements for the BLM wildlife program management.
 1. Cooperative agreements and close working relationships with state wildlife agencies;
 2. Preparation and implementation of joint, BLM-state wildlife agency habitat management plans (Habitat Management Plans);
 3. Integration of the BLM's wildlife program with the Bureau's planning system, environmental assessment, and public input and review process;
 4. Implementation of on-the-ground wildlife habitat improvement, maintenance, and protection programs;
 5. Protection and management of both Federal and state-listed threatened and endangered species; and

Summaries of Key Congressional Acts

6. Establishment of a potential hunting and fishing stamp program for state wildlife agencies to use if and when they deem fit.
- c. The mandates of Title II, Section 202(c)(3), of the amended Sikes Act apply to both Federal and State-listed fish and wildlife, i.e. all listed animals. Programs planned, developed, maintained, or coordinated by the BLM under the Sikes Act for the protection and development of wildlife resources must include provisions for the conservation of Federally-listed animals and critical habitats on which they depend. Conservation of such animals and habitats should be a key criterion for mutual BLM/state justification of Sikes Act programs. The law enforcement authority of the Sikes Act (Title II, Section 204) is one principal means of protecting Federally-listed animals and their critical habitats on BLM administered lands.
- d. Bureau directive provides for the amendment and revision of the joint state/BLM-developed plans to reflect changes in management direction, issues, or potential.

Soil and Water Resources Conservation Act of 1977

(P.L. 95-192) (16 U.S.C. 2001, 88 Stat. 1407)

Recognizes the importance of and need for obtaining and maintaining information of the current status of soil, water, and related resources. Authorizes and directs a continuing appraisal of the nation's soil, water, and related resources. The appraisal includes:

- a. data on the quality and quantity of such resources, including fish and wildlife habitats;
- b. data on the capability and limitations of those resources for meeting current and projected demands on the resource base;
- c. data on the changes that have occurred in the status and condition of those resources resulting from various past uses;
- d. data on current Federal and state laws, policies, programs, rights, regulations, ownerships, trends, and considerations relating to use, development, and conservation;
- e. data on the cost and benefits of alternative conservation practices; and
- f. data on alternative irrigation techniques regarding costs, benefits, and impact on conservation, crop production, and environmental factors.

Superfund Amendments and Reauthorization Act of 1986

(42 U.S.C. 9601)

Provides for liability, risk assessment, compensation, emergency response, and cleanup (including the cleanup of inactive sites) for hazardous substances. Requires Federal agencies to report sites where hazardous wastes are or have been stored, treated, or disposed, and requires responsible parties, including Federal agencies, to clean-up releases of hazardous substances.

Summaries of Key Congressional Acts

Surface Mining Control and Reclamation Act of 1977

(30 U.S.C. 1201 et seq.)

Provides that lands may be declared unsuitable for surface coal mining where significant adverse impacts could result to certain wildlife species.

Surveying Duties

(43 U.S.C. 52)

Provides that the Secretary of the Interior shall cause all public lands to be surveyed and monumented, that all private land claims shall be surveyed after they have been confirmed, and that the Secretary shall transmit plats of all lands surveyed to such officers as he may designate.

Taylor Grazing Act of 1934, as amended

(43 U.S.C. 315; 48 Stat. 1269 (1970))

- a. Requires the Secretary of the Interior to protect, administer, regulate, and improve grazing districts created in accordance with the Act.
- b. Section 2 of the Act also requires the Secretary of the Interior “to ensure the objectives of such grazing districts, namely, to regulate their occupancy and use, to preserve the land and its resources from destruction or unnecessary injury, to provide for the orderly use, improvement, and development of the range.”
- c. Authorizes the Secretary “to continue the study of erosion and flood control and to perform such work as may be necessary to amply protect and rehabilitate such areas within grazing districts.”
- d. Provides for cooperation with local stockmen associations, state land officials, and state agencies engaged in conservation or propagation of wildlife.

Tribal Forest Protection Act of 2004

(25 U.S.C. 3101; PL 108-278)

This law allows the Secretary of the Interior to take part in the management of Indian forest lands, with the participation of the lands’ beneficial owners, in a manner consistent with the Secretary’s trust responsibility and with the objectives of the beneficial owners. The Act clarifies the authority of the Secretary to make deductions from the proceeds of sale of Indian forest products, assure the use of such deductions on the reservation from which they are derived solely for use in forest land management activities, and assure that no other deductions shall be collected.

Goals of the Act are to increase the number of professional Indian foresters and related staff in forestry programs on Indian forest land and to provide for the authorization of necessary

Summaries of Key Congressional Acts

appropriations to carry out this chapter for the protection, conservation, utilization, management, and enhancement of Indian forest lands.

United States Geological Survey

(43 U.S.C. 2)

Provides that the Secretary of the Interior shall perform all executive duties pertaining to the surveying and sale of public lands, private claims of public lands, and the issuing of patents for all grants of land under the authority of the government.

Unlawful Enclosures or Occupancy Act of 1885

(23 Stat. 321, 43 U.S.C. 1061)

Forbids the unlawful maintenance, erection, construction or control of any enclosures of public lands.

Wild and Scenic Rivers Act of 1968

(P.L. 90-542) (82 Stat.906; 16 U.S.C. 1271-1273, 1274(A), 1275(A))

Declares that it is a policy of the U.S. that certain selected rivers of the nation which with their immediate environments, possess outstanding, remarkable, scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit of present and future generations. Implements this policy by instituting a National Wild and Scenic Rivers System, by designating the initial components of that system, and by prescribing the methods by which and standards, according to which additional components, may be added to the system from time to time.

Wild Free-Roaming Horses and Burros Act of 1971, as amended

(P.L. 92-195) (16 U.S.C. 1331-1340; 80 Stat. 649)

Provides for protection of wild free-roaming horses and burros. Directs the BLM and U.S. Forest Service to manage such animals on public lands under their jurisdiction.

WILD HORSE AND BURRO SALE-AUTHORITY LAW

(Fiscal Year 2005 Omnibus Appropriations Act -- PL 108-447 -- Division E, Section 142)

Amends the Wild Free-Roaming Horses and Burros Act of 1971 such that, in general, excess animals shall be sold if the excess animal is more than 10 years of age or the excess animal has been offered unsuccessfully for adoption at least 3 times. An excess animal that meets either of these criteria shall be made available for sale without limitation, including through auction to the highest bidder, at local sale yards or other convenient livestock selling facilities.

Summaries of Key Congressional Acts

Wilderness Act of 1964

(P.L. 88-577) (78 star. 890; 16 U.S.C. 1131-1136)

Establishes a National Wilderness Preservation System to be composed of Federally-owned areas designated by Congress as wilderness areas, and these shall be administered for the use and enjoyment of the American people in such a manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness. Directs the Secretary of the Interior, within ten years, to review every roadless area of 5,000 or more acres and every roadless island (regardless of size) and to recommend the suitability of each for inclusion in the System. Provides criteria for determining suitability and contains provisions related to activities that can be undertaken in a designated area.

Executive Orders

Executive Order 11514, Protection and Enhancement of Environmental Quality (1970)

Under this Executive Order, the Federal Government must provide leadership in protecting and enhancing the quality of the nation's environment to sustain and enrich human life. Federal agencies must initiate measures needed to direct their policies, plans, and programs so as to meet national environmental goals.

Executive Order 11593, Protection and Enhancement of the Cultural Environment (1971)

Directs Federal agencies to inventory their cultural resources and establish policies and procedures to ensure the protection, restoration, and maintenance of federally-owned sites, structures, and objects of historical, architectural, or archaeological significance.

Executive Order 11644, Use of Off-Road Vehicles on the Public Lands (1972)

To establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

Executive Order 11988, Floodplain Management (1977)

Requires Federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative.

Executive Order 11989, Off-Road Vehicles on Public Lands (1977)

To clarify agency authority to define zones of use by off-road vehicles on public lands, in furtherance of the National Environmental Policy Act of 1969. Excluded from the definition of off-road vehicles, "any fire, military, emergency, or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes..."

Summaries of Key Congressional Acts

Executive Order 11990, Protection of Wetlands (1977)

To "minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands." To meet these objectives, the Order requires Federal agencies, in planning their actions, to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided.

Executive Order 12088, Federal Compliance with Pollution Control Standards (1978)

Concerns Federal facilities' compliance with all applicable pollution control standards. The head of each executive agency has responsibility to take all necessary actions for the prevention, control, and abatement of environmental pollution at facilities and activities under the control of the specific agency.

Executive Order 12906, Coordinating Geographic Data Acquisition and Access: The National Spatial Data Infrastructure (1994)

The executive branch is developing, in cooperation with state, local, and tribal governments, and the private sector, a coordinated National Spatial Data Infrastructure to support public and private sector applications of geospatial data. The BLM is charged with developing data standards, ensuring the capability to share cadastral data from the Public Land Survey System of the U.S. with partners.

Executive Order 13186, Protection of Migratory Birds (2001)

Directs executive departments and agencies to take certain actions to further implement the Migratory Bird Treaty Act.

Executive Order 13352, Facilitation of Cooperative Conservation (2004)

The purpose of this order is to ensure that the Departments of the Interior, Agriculture, Commerce, and Defense, and the Environmental Protection Agency implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on appropriate inclusion of local participation in Federal decision-making, in accordance with their respective agency missions, policies, and regulations.

Common Acronyms for Advisory Committees

Acronym	Description
A	
ACEC	Area of Critical Environmental Concern
ACHP	Advisory Council on Historic Preservation
ACMP	Area of Critical Mineral Potential
ADM	Associate District Manager
ADR	Alternative Dispute Resolution
AFO	All Field Offices
ALDS	Automatic Lightning Detection System
ALJ	Administrative Law Judge
AML	Abandoned Mine Lands
AML	Appropriate Management Level
AMP	Allotment Management Plan
ANCSA	Alaska Native Claims Settlement Act
ANILCA	Alaska National Interest Lands Conservation Act
ANWR	Arctic National Wildlife Refuge
AO	Administrative Officer
APA	Administrative Procedures Act
APD	Application for Permit to Drill
APHIS	Animal Plant Health Inspection Service
API	American Petroleum Institute
ARPA	Archaeological Resource Protection Act
ASAP	As Soon As Possible
ASD	Associate State Director
ATV	All Terrain Vehicle
AUM	Animal Unit Month
AWP	Annual Work Plan
B	
BIA	Bureau of Indian Affairs
BLM	Bureau of Land Management
BMP	Best Management Practices
BOEMRE	Bureau of Ocean Energy Management, Regulations, and Enforcement
BOM	Bureau of Mines
BOR	Bureau of Reclamation
C	
CBM	Coal Bed Methane
CCC	Civilian Conservation Corp
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFR	Code of Federal Regulations
CMA	Cooperative Management Area
CMU Act	Classification and Multiple Use Act

CO	Contracting Officer
COB	Close of Business
COR	Contracting Officer's Representative
CRM	Cultural Resource Management
D	
DD	Due Date
DM	District Manager
DNA	Determination of NEPA Adequacy
DNRC	Department of Natural Resources & Conservation
DOD	Department of Defense
DOE	Department of Energy
DOI	Department of the Interior
DSD	Deputy State Director
E	
EA	Environmental Assessment
EA	External Affairs
EIS	Environmental Impact Statement
ELT	Executive Leadership Team
EO	Executive Order
EOY	End of Year
EPA	Environmental Protection Agency
ESA	Endangered Species Act
ESI	Ecological Site Inventory
ESO	Eastern States Office
F	
FACA	Federal Advisory Committee Act
FBMS	Financial and Business Management System
FC	Field Committee
FERC	Federal Energy Regulatory Commission
FLPMA	Federal Land Policy and Management Act of 1976
FLTFA	Federal Land Transfer Facilitation Act (P.L. 106-248)
FMO	Fire Management Officer
FMP	Forest Management Plan
FOGRMA	Federal Oil & Gas Royalty Management Act
FOIA	Freedom of Information Act
FR	Federal Register
FS	Forest Service (also USFS)
FWPCA	Federal Water Pollution Control Act
FWS	Fish and Wildlife Service
FY	Fiscal Year
FYI	For Your Information
G	
GABS	Grazing Automated Billing System
GACC	Geographic Area Coordination Center

GBL	Government Bill of Lading
GBRI	Great Basin Restoration Initiative
GCDB	Geographic Coordinate Data Base
GIS	Geographic Information System
GLO	General Lands Office
GOV	Government Owned Vehicle
GPO	Government Printing Office
GPS	Global Positioning System
GS	General Schedule
GS	Geological Survey (also USGS)
GSA	General Services Administration
GTR	Government Transportation Request
H	
HAZMAT	Hazardous Materials
HMA	Herd Management Area
HMP	Habitat Management Plan
I	
I & E	Inspection and Enforcement
IB	Information Bulletin
IBLA	Interior Board of Land Appeals
IG	Inspector General
IM	Instruction Memorandum
K	
KGRA	Known Geothermal Resource Area
KGS	Known Geologic Structure
L	
LAN	Local Area Network
LE	Law Enforcement
LIS	Lands Information System
LLD	Legal Land Description
LWCF	Land and Water Conservation Fund
M	
MACS	Multi-Agency Coordination System
MCR	Mining Claim Recordation
MAFFS	Modular Airborne Firefighting System
MIB	Main Interior Building
M&IE	Meals and Incidental Expense
MLA	Mineral Leasing Act of 1920, as amended
MOA	Memorandum of Agreement
MOSS	Map Overlay and Statistical System
MOU	Memorandum of Understanding
MTP	Master Title Plat
N	
NAAQS	National Ambient Air Quality Standards

NACO	National Association of County Officials
NAGPRA	Native American Graves Protection and Repatriation Act (P.L. 101-601)
NARFA	Native American Religious Freedom Act
NAS	National Academy of Sciences
NARA	National Archives and Records Administration
NAWCA	North American Wetlands Conservation Act
NBC	National Business Center
NCA	National Conservation Area
NEPA	National Environmental Policy Act of 1969
NFMA	National Forest Management Act
NHPA	National Historic Preservation Act (1966)
NICC	National Interagency Coordination Center
NIFC	National Interagency Fire Center
NLCS	National Landscape Conservation System
NLT	No Later Than
NOA	Notice of Availability
NOI	Notice of Intent
NORA	Notice of Realty Action
NPLD	National Public Lands Day
NPR-A	National Petroleum Reserve - Alaska
NPS	National Park Service
NRDC	Natural Resources Defense Council
NSO	No Surface Occupancy
NSTC	National Science and Technology Center
NTC	National Training Center
NTE	Not To Exceed
NWCG	National Wildfire Coordinating Group
NWF	National Wildlife Federation
O	
O&C	Oregon and California (grant lands)
O&G	Oil and Gas
OAS	Office of Aircraft Services
OCS	Outer Continental Shelf
OGC	Office of General Counsel
OHA	Office of Hearings and Appeals
OHV	Off-Highway Vehicle
OIG	Office of Inspector General
OMB	Office of Management and Budget
OPEC	Organization of Petroleum Exporting Countries
OPM	Office of Personnel Management
ORV	Off-Road Vehicle
OSHA	Occupational Safety and Health Administration

OSM	Office of Surface Mining
P	
P&EC	(Division of) Planning and Environmental Coordination
PET	Petroleum Engineering Technician
PEIS	Programmatic Environmental Impact Statement
PFC	Proper Functioning Conditions
PILT	Payment in Lieu of Taxes
PL	Public Law
POC	Point(s) of Contact
POD	Plan of Development
POV	Privately Owned Vehicle
PRIA	Public Rangeland Improvement Act of 1978
Q	
QA	Quality Assurance
R	
R/W	Right- of -Way
R&PP	Recreation and Public Purposes
R2P2	Resource Recovery and Protection Plan
RAC	Resource Advisory Council
RAS	Rangeland Automated System
RAWS	Remote Automatic Weather Station
RCRA	Resource Conservation and Recovery Act
REA	Rapid Ecoregional Assessments
RECO	Renewable Energy Coordination Office
RETARS	Remote Entry Time & Attendance Report System
RFB	Request for Bid
RMP	Resource Management Plan
ROD	Record of Decision
ROW	Right-of-Way
RPS	Range Program Summary
RUP	Recreation Use Permit
S	
S&G	Standards and Guidelines
SAR	Search and Rescue
SCA	Student Conservation Association, Inc.
SD	State Director
SHPO	State Historic Preservation Officer
SMCRA	Surface Mining Control and Reclamation Act (of 1977)
SNPLMA	Southern Nevada Public Lands Management Act
SO	State Office
SOG	Simultaneous Oil and Gas
SOL	Solicitor

SRMA	Special Recreation Management Area
SRUP	Special Recreation Use Permits
SVIM	Soils, Vegetation Inventory Method
T	
T&E	Threatened and Endangered
T&R	Township and Range
TBD	To Be Determined
TUP	Temporary Use Permits
U	
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFS	U.S. Forest Service
USGS	United States Geological Survey
V	
VER	Valid Existing Rights
VRM	Visual Resource Management
W	
WAPA	Western Area Power Administration (DOE)
WGA	Western Governors' Association
WH&B	Wild Horse and Burro
WO	Washington Office
WSA	Wilderness Study Area
WSR	Wild and Scenic River
WUI	Wildland Urban Interface
Y	
YCC	Youth Conservation Corps

PUBLIC LAND TERMS

-A-

ABANDONED MILITARY RESERVATION: A military reservation which may be transferred to the Secretary for disposal.

ACCEPTED SURVEY: A survey for which the plat has been accepted for the Director by the officer having Cadastral Survey approval authority.

ACCRETION: The gradual and imperceptible accumulation of land, by natural causes, along the banks of a stream or lake.

ACEC: Area of Critical Environmental Concern. ACECs are areas where special management is needed (a) to protect important historical, cultural, scenic, and natural areas or (b) to identify areas hazardous to human life and property.

ACQUIRED LANDS: Lands in Federal ownership that were obtained by the Government through purchase, condemnation, or gift, or by exchange. One category of public lands.

ADDITIONAL HOMESTEAD ENTRY: A homestead entry which is made by an individual for public lands additional to those he had already acquired under the homestead laws, the total area covered by his original homestead, and additional homestead entries not exceeding the maximum area allowed for the class of homestead entry involved.

ADJUDICATE: Legal processing of application entries, claims, etc., to assure full compliance with the public land laws and the regulations.

ADJUSTED RAILROAD GRANT: A railroad grant that was completely and totally adjudicated and satisfied prior to the Transportation Act of 1940.

ADMINISTRATIVE SITE: A reservation of lands for use as a site for public buildings, ranger stations, or other administrative facilities by a Federal agency.

ADMINISTRATIVE STATE: Bureau of Land Management State Office having administrative jurisdiction. For example, the Wyoming State Office has administrative jurisdiction for Wyoming and Nebraska.

ADMINISTRATIVE STOCK DRIVEWAY: Grazing-district lands which have been designated, without a formal order of withdrawal, for public use in moving livestock (see **STOCK DRIVEWAY WITHDRAWAL**).

ADVERSE PROCEEDINGS: Strictly speaking, a contest; offer that portion of the contest proceedings which precede the hearing.

AEC WITHDRAWAL: Public lands withdrawn specifically for use of the Atomic Energy Commission in development and testing of nuclear devices. Similar in nature to a Military Withdrawal in that other uses are restricted and public access is usually prohibited.

AIR NAVIGATION SITE: A reservation of public lands for aviation purposes pursuant to the Act of May 24, 1928 (45 Stat. 728, 49 U.S.C. Sec. 214).

ALLOCATION OF RECEIPTS: Determination of moneys paid, or to be paid, to other funds, counties, or states out of receipts collected during the fiscal year reported as required or specified by law.

ALLOTMENT: An allocation to a Native of land of which he made substantially continuous use and occupancy for a period of 5 years and which shall be deemed the "homestead" of the allottee and his heirs in perpetuity, and shall be inalienable and nontaxable except as otherwise provided by the Congress.

ALLOWED APPLICATION: An application to acquire title to public lands, which has been accepted and approved.

ANCSA: Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203, 85 Stat. 688).

ANIMAL UNIT: A standardized unit of measurement for range livestock that is equivalent to one cow, one horse, five sheep, five goats, or four reindeer, all over 6 months of age.

ANIMAL UNIT MONTH: A standardized unit of measurement of the amount of forage necessary for the complete sustenance of one animal unit for a period of one month; also, a unit of measurement of grazing privileges that represents the privilege of grazing one animal unit for a period of one month.

ANNIVERSARY DATE: The same date and month in succeeding years as that on which the lease became effective.

ANTIQUITIES: Those prehistoric and historic artifacts, objects, structures, ruins, sites, and monuments of cultural or scientific significance generally considered to be more than 100 years old. Those paleontological specimens and sites containing data of scientific importance.

APPLICANT: An individual, corporation, state, or local government, etc., applying for rights in, or title to, public lands or resources.

APPLICANT SURVEY: An individual, corporation, state, or local government, etc., requesting the execution of a cadastral survey.

APPLICATION: A formal request for rights to use, or obtain eventual title to, public lands or resources.

APPLIED MONEY: See **EARNED MONEY.**

APPRAISED VALUE AND APPRAISED PRICE: Synonymous with fair market value. The amount of money specified as the minimum acceptable bid in the public notice ordering lands into the market. The determination of appraised value or appraised price is made by experienced, adequately trained, full-time appraisers within the BLM staffs or by contract using standard appraisal practices.

APPROPRIATED PUBLIC LANDS: Original public domain lands which are covered by an entry, patent, certification, or other evidence of land disposal; for certain purposes, public lands which are within a reservation, which contain improvements constructed with the aid of Federal fund, or which are covered by certain classes of leases are also considered appropriated.

APPROVED LIST OR APPROVED CLEAR LIST: A selection which has been approved by the Secretary or the Director. It may serve to pass title.

APPROVED SURVEY: A cadastral survey, the field notes, and plat which have been approved by the proper supervising officer (see **ACCEPTED SURVEY**).

ARCHAEOLOGICAL AND HISTORICAL SITE: A site that contains either objects of antiquity or cultural values relating to history and/or prehistory that warrant special protection.

ARCHAEOLOGICAL RESOURCES: All physical evidence of past human occupation, other than historical documents, which can be used to reconstruct lifestyles of past peoples. These include sites, artifacts, environmental data, and all other relevant information.

ARTIFACT: Any object made, modified, or used by man.

ASSESSMENT WORK: Work required to hold the possessory right to an unpatented lode or placer mining claim, made after May 10, 1872. Not less than \$100 worth of labor must be performed or improvements made thereon annually.

ASSIGNEE: A recipient or grantee. One to whom a thing is given, usually in writing.

ASSIGNMENT: A transfer or a making over to another of a whole or a part of property, either real or personal, or the giving to another of a right.

ASSIGNOR: A person who assigns a right.

AVIATION LEASE: A lease which authorizes the use of public lands for aviation purposes.

AVULSION: A rapid and usually permanent change in a stream channel. Such movements do not create changes in property boundaries except where state interests in lands arising from the Submerged Lands Act (A State's title to lands beneath navigable waters) are concerned.

-B-

BANKHEAD-JONES LAND UTILIZATION (L.U.) LANDS: Formerly privately-owned farmlands that were purchased by the Federal government under the Bankhead-Jones Farm Tenant Act of 1937. These submarginal lands (known as Land Utilization projects, hence L.U.) were originally patented under various agricultural laws, but proved uneconomical to support a family. Upon purchase, they were retired from agricultural use, and are managed generally in the same way as other BLM administered lands.

BASE LANDS: In a lieu selection, the lands to which the applicant relinquishes his rights as a basis for his selection. In an exchange, the land is owned by the proponent.

BASE LINE: A line which runs in an east-west direction from an initial point and from which are initiated other lines for the cadastral survey of the public lands within the area governed by the principal meridian that runs through the same initial point.

BID: A written or oral offer to purchase.

BIG GAME HABITAT: Habitat areas used by big game animals at some time during their yearly life cycle.

BLM WITHDRAWAL: Lands that have been withdrawn from availability under the various land and mining laws for administrative or protective purposes, e.g., recreation sites, office, or warehouse sites, etc.

BLOCK: A subdivision of a town site.

BOATING: Includes both motorized and non-motorized boats. Motorized boating includes tour boats, power boating, river running (commercial and/or noncommercial), etc. Non-motorized boating includes sailing, canoeing, kayaking, and river running (commercial and/or noncommercial), and other non-motorized boats such as rowboats.

BONUS: A lump sum paid to the United States by the successful bidder for a mineral lease, such payment being in addition to the rent and royalty obligations specified in the lease.

-C-

CADASTRAL SURVEY: A survey relating to land boundaries and subdivisions made to create units suitable for management or to define the limits of title. The distinguishing features of the cadastral surveys are the establishment of monuments on the ground to define the boundaries of the land and their identification in the records by field notes and plats.

CAMPING: Includes auto and trailer camping, camping at developed sites, and backcountry camping.

CANDIDATE SPECIES: Species designate as candidates for listing as threatened or endangered by the U.S. Fish and Wildlife Service or National Marine Fisheries Service.

CARDINAL DIRECTIONS: True north, south, east, or west.

CAREY ACTS: A series of acts popularly known as the "Carey Acts" which enables the government to grant lands to eligible states which may in turn make grants to entrymen who irrigate and reclaim said lands. The Acts of August 18, 1894 (28 Stat. 372), and March 15, 1910 (36 Stat. 237, 43 U.S.C. Sec. 643), which provide for grants of desert lands to states, such lands to be irrigated and reclaimed by the States for disposal to bona fide settlers.

CASH CERTIFICATE: A final certificate which is issued in connection with a cash entry.

CASH ENTRY: An entry that covers public lands for which the entryman paid cash or its equivalent.

CASUAL USE: Activities that involve practices which do not ordinarily cause any appreciable disturbance or damage to the public lands, resources, or improvements and, therefore, do not require a right-of-way grant or temporary use permit.

CCF: Hundred cubic feet. 100 units of true volume that measures 1 x 1 x 1 foot or its equivalent. This is the standard unit of measurement for BLM timber sales. This does not include bark of air volume.

CEDED INDIAN LANDS: Public lands to which Indian tribal title was relinquished to the United States by the Indians on condition that part or all of the proceeds from their sale or other disposition would be conveyed into the U.S. Treasury and held in trust for the Indians.

CERTIFICATE OF OWNERSHIP: A certificate from the proper state or county officials showing that title to lands is vested in the state or county and that the officer or agency is empowered by law to lease them.

CERTIFICATION: The act of final approval of a state selection by the Director; also, the document that passes title to the selected lands to the state; also, a document that attests to the truth or authenticity of papers attached to it.

CFR: Code of Federal Regulations.

CHAINING: Vegetation removal that is accomplished by hooking a large anchor chain between two bulldozers; as the dozers move through the vegetation, the vegetation is knocked to the ground. Chaining kills a large percentage of the vegetation, and is often followed a year or two later by burning or seeding.

CIRCULAR: A Bureau of Land Management publication containing regulations and instructions.

CLAIMANT: An individual, corporation, association, state or local government, etc., asserting title to, or rights in, public lands.

CLASSIFICATION: Designation of public lands as being valuable, or suitable, for specific purposes, uses, or resources (see **LAND, MINERAL, POWER SITES,** and **SMALL TRACT**).

CLASSIFICATION OF LANDS: The process of determining whether the lands are more valuable or suitable for transfer or use under particular or various public land laws than for retention in Federal ownership for management purposes.

CLEAR LIST: A selection which has been prepared for approval by the Secretary or the Director; also, an official statement from an interested Federal agency or official which indicates that no apparent objection exists to a proposed action with respect to public lands.

CLOSED LAND STATES: The public lands states which no longer have a district land office, i.e., Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, and Wisconsin.

COAL ENTRY: A cash entry, under laws now repealed, covering public lands which contain valuable coal deposits or covering such coal deposits only.

COAL LICENSE: An authorization to mine coal on the public lands free of charge for local domestic use.

COLOR-OF-TITLE: A claim based on an erroneous but good faith claim of title.

COLOR-OF-TITLE ACT: The Act of December 22, 1928 (43 U.S.C. Sec. 1068), as amended. Under the terms and provisions of this Act, a patent may be issued for a parcel of not more than 160 acres of public lands in instances where claim to the lands has been based on a written instrument containing defective evidence of title. The parcel must have been possessed in good faith by a claimant, his ancestors, or grantors for a period of more than 20 years.

COLOR-OF-TITLE ENTRY: A cash entry made by an applicant under the Color-of-Title Act.

COMMISSIONER OF THE GENERAL LAND OFFICE: The official who was the head of the General Land Office.

COMMON USE AREA: A generally broad geographic area from which nonexclusive disposals of mineral materials can be made, with only negligible surface disturbance. The establishment of a common use area does not create a superior right to remove material as against any subsequent claim or entry of the lands.

COMMUNICATION SITE: An area of public land granted to an applicant under authority contained in the Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), and the regulations, to be used for a communication structure or facility.

COMMUNITY: A village, town, or city, or similar subdivision of a state, whether or not incorporated.

COMMUNITY PIT: A site from which nonexclusive disposals of mineral materials can be made. The establishment of a community pit, when noted on the appropriate Bureau of Land Management records or posted on the ground, constitutes a superior right to remove material as against any subsequent claim or entry of the lands.

COMMUTED HOMESTEAD ENTRY: A homestead where the entryman is allowed to pay cash rather than meet all the residence and other requirements.

COMPENSATORY ROYALTY: Money paid by an oil and gas lessee to compensate the Federal government for the loss of royalty on oil and gas drained from the leased lands through wells on other lands from which the government receives no royalty or receives royalty at a lower rate than would be paid for production from the leased lands which are being drained.

COMPETITIVE LEASE, OIL OR GAS: An oil or gas mineral lease, covering public lands within a known producing oil or gas field, which is issued to the successful bidder at public auction or through sealed bids.

COMPETITIVE MINERAL LEASING: Refers to leases issued by the United States where there are known minerals or where inference of probable mineralization can be drawn from knowledge of the geology of the land. The lands are offered for lease by competitive bidding after publication of the notice of competitive lease sale. The lease is issued to the highest bidder, who is determined at a sale by public auction. (See also **LEASABLE MINERALS** and **NONCOMPETITIVE MINERAL LEASING**.)

COMPETITIVE SALE: An offering open to all qualified purchasers.

COMPLIANCE CHECK: Process by which it is determined that the permittee, grantee, patentee, or other holder of a use authorization, grant, or patent, is or has complied with the terms and conditions of the conveyance or granting document.

CONCESSION LEASES: Long-term authorizations for private parties to possess and use public lands to provide recreation facilities and services for a fixed period; these leases are authorized under 43 CFR 2920 and the Land and Water Conservation Fund Act. Recreation concession leases establish the obligations that the BLM and the concessionaire agree to in providing visitor service necessary for full enjoyment of the public lands or related waters.

CONFIRMATION OF A SUSPENDED ENTRY: The issuance of a patent for a suspended entry where the entryman failed to comply with all requirements under the regulations, but where compliance was substantial enough to warrant the application of principles of equity in order to find the entryman qualified.

CONFLICT: In connection with adjudication, any factor with respect to land status which serves as a bar to the approval of an application. Often, an application or entry which was filed or allowed prior to, or simultaneously with, the filing of another application for similar rights on the same lands.

CONTEST: Formal proceedings against a filing, claim, or entry on charges that it does not comply with the requirements of the public land laws (see **GOVERNMENT CONTEST**, **HEARING**, and **PRIVATE CONTEST**). It may be initiated by the government or by an adverse claimant.

CONTIGUOUS LAND: Generally speaking, two parcels of land having a common boundary line.

CONTRACT FIRE PROTECTION: Fire protection given lands owned, leased, or controlled by the United States and administered by the BLM on which complete fire protection is extended through the use of fire protection forces and facilities contracted for by the BLM.

COPYING FEES: Fees which are charged for copies of official records.

CORNERING: Lands having a common survey corner but not a common boundary.

COST RECOVERY: Process for recovery of direct and indirect administrative costs to the United States for a right-of-way or permit incident to a right-of-way. This includes those expenses incurred in processing and monitoring such applications and permits.

CREDIT ENTRY: A cash entry under certain old laws, now repealed, which permitted installment payments (see **CASH ENTRY**).

CROSSING PERMIT: An authorization issued for trailing livestock across Federal range for proper and lawful purposes.

CULTURAL RESOURCE MANAGEMENT: Programs designed to protect, preserve, and/or scientifically study cultural resources and the natural resources that figure significantly in cultural systems. The objectives of such programs should be the conservation and protection of cultural values through management and the scientific study of these resources for the public good.

CULTURAL RESOURCES: Those fragile and nonrenewable physical remains of human activity, occupation, or endeavor, reflected in districts, sites, structures, buildings, objects, artifacts, ruins, works of art, architecture, burial mounds, petroglyphs, and natural features that were of importance in past human events. These resources consist of (1) physical remains, (2) areas where significant human events occurred, even though evidence of the event no longer remains, and (3) the environment immediately surrounding the actual resource. Cultural resources are commonly discussed in terms of prehistoric and historic values; however, each period represents a part of the full continuum of cultural values from the earliest to the most recent.

CURATIVE PATENT: A patent which corrects and supersedes a defective patent.

-D-

DAMAGES: A pecuniary compensation or indemnity which may be recovered in the courts for loss or injury.

DECISION: In connection with adjudication, a written statement, signed by the appropriate official, setting forth findings as to law or fact with respect to an application, entry, or claim.

DEPENDENT RESURVEY: A cadastral survey which identifies, re-establishes, and remarks the land boundaries that were established by a prior cadastral survey. A retracement and reestablishment of the lines of the original survey in their true original locations according to the best available evidence of the position of the original corners.

DESERT LAND APPLICATION, STATE: An application which is filled by a state pursuant to the Carey Acts for arid irrigable public lands.

DESERT LAND ENTRY: An entry of irrigable, arid, agricultural public lands under the Act of March 3, 1877 (19 Stat. 377, 43 U.S.C. Sec. 321 *et seq.*), as amended, which the entryman (or his assigns, heirs, or devisees) enters for the purpose of reclamation, irrigation, and cultivation in part, and for which he usually pays \$1.25 per acre.

DESERT LAND SEGREGATION, STATE: Arid public lands which have been selected by a State under the Carey Acts and which are set aside pending completion, under state direction, of an irrigation system to reclaim the lands.

DESIGNATION: The official identification and naming of a general area or site on public land. No lands may be designated until they are either (1) classified for retention for multiple-use management, (2) withdrawn, or (3) given special status by Act of Congress. See **ENLARGED HOMESTEAD DESIGNATION**, **POWER-SITE DESIGNATION**, and **STOCKRAISING HOMESTEAD DESIGNATION**.

DIAGRAM, TOWNSHIP OR SECTION: A standardized drawing of a township or of a section which shows the major legal subdivisions.

DIRECT SALE: A sale to a designated purchaser without competitive bidding.

DIRECTOR: The official who is the head of the Bureau of Land Management, unless otherwise noted. The Director now, among other duties, exercises the functions which were formerly assigned to the Commissioner of the General Land Office and the Director of the Grazing Service.

DISCOVERY, MINERAL: The act of exposing to view a valuable mineral on a mining claim; also, the physical exposure of the mineral vein or lode or other mineral deposit on the ground.

DISPOSAL, LAND: A transaction which leads to the transfer of title to public lands from the Federal government.

DISPOSITION: A transaction which leads to the transfer of title of public lands, and/or resources upon or in these lands, from the Federal government.

DISTRICT: The specific area of public lands administered by a District Manager.

DISTRICT OFFICE: A local Bureau office under the jurisdiction and direction of the State Office.

DOMESTIC LIVESTOCK GRAZING: Management of public lands for domestic livestock grazing involves the protection, regulated use, and development of forage producing public lands and the management of livestock (cattle, sheep, horses, and goats) use to obtain a sustained yield of forage.

DRIFT: The natural movement of livestock from one range area to another.

-E-

EARLY SERAL: An ecological condition classification that means that the current vegetation is between zero and 25 percent similar to the potential natural plant community. Early seral describes vegetation that is in "poor" condition.

EARNED MONEY: Receipts of the Bureau of Land Management which have been covered into the Federal Treasury as Federal funds (see **UNEARNED MONEY**).

EASTERN STATES: Includes all states bordering on or east of the Mississippi River.

ELEVEN WESTERN STATES, THE: Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

EMERGENCY FIRE REHABILITATION PROJECTS: Any action taken to ameliorate the impacts of a wildfire to the land, including the physical and biological resources. These actions can include exclusion fencing, soil stabilization (such as revegetation), and watershed protection measures. Fire rehabilitation actions are necessary to prevent unacceptable resource degradation, minimize threats to public health and safety, prevent unacceptable off-site damage, and minimize the potential for the recurrence of wildfire.

ENDANGERED SPECIES: Any animal or plant species in danger of extinction throughout all or a significant portion of its range.

ENLARGED HOMESTEAD ENTRY: A homestead entry, not exceeding 320 acres, initiated under the Act of February 19, 1909 (35 Stat. 639), or the Act of June 17, 1910 (36 Stat. 531, 43 U.S.C. Sec. 218), which provides for the homesteading of non-irrigable agricultural lands in the West (dryland farming).

ENTRY: An application to acquire title to the lands by payment of cash or its equivalent and/or by entering upon and improving the lands (see **FINAL ENTRY, ORIGINAL ENTRY, and SELECTION**).

ENTRY, ALLOWED: An application to acquire title to public lands that has been approved, either as an original entry or a final entry.

ENTRY, CASH: A final entry where the applicant pays cash or its equivalent.

ENTRY, COMMUTED: A final entry where the applicant pays the statutory price for the lands in consideration for reduction of residence and improvement requirements.

ENTRY, FINAL: An allowed entry where the applicant has complied with all the requirements of law and regulations.

ENTRY, ORIGINAL: An allowed entry where the applicant is permitted to proceed with earning title to the land.

ENTRY, UNPERFECTED: An allowed original entry where the applicant has not met all of the requirements of the law and/or regulations to permit making final entry for patent.

ENTRYMAN: An individual, corporation, association, state or local government, etc., which has made an entry.

EPHEMERAL STREAMS: Stream reaches where water flows for only brief periods during storm runoff events.

EQUAL VALUE EXCHANGE: An exchange of lands, or interests therein, where valuations show that the interests being exchanged are of equal value.

EQUITABLE ADJUDICATION: The consideration given substantial compliance in the following classes of entries: a) necessary citizenship status not acquired; b) sufficient proof not submitted; c) or full compliance with law not affected within the period authorized; d) or where the final proof of testimony or affidavits of the entryman or claimant were executed before an officer duly authorized to administer oaths but outside the county or land district in which the land is situated; e) and special cases deemed proper by the Director, Bureau of Land Management; provided however, that all errors and informalities are satisfactorily explained as being the result of ignorance, mistake, or some obstacle over which the party had no control, or any other sufficient reason not indicating bad faith.

EQUITABLE TITLE: The right of beneficial use even though the legal title may repose in another. The record ownership may be in the legal owner who has no right or benefit whatsoever.

ESTOPPEL: In law, the prevention of a person from making an affirmation or denial because it is contrary to an affirmation or denial that he has made previously.

EVIDENCE OF TITLE: A policy of title insurance; or a certificate of title issued by a title insurance company authorized by law to issue same; or an abstract of title prepared and authenticated by a licensed abstractor or abstract company or by the recorder of deeds or other proper officer of the state under his official seal.

EXAMINATION: Always involves an on-the-ground inspection.

EXCHANGE: A transaction whereby the Federal government receives land or interests in land in exchange for other land or interests in land. A trading of public lands (surface and/or subsurface estates) that usually do not have high public value, for lands in other ownership which do have value for public use, management, and enjoyment. The exchange may be for the benefit of other Federal agencies as well as the BLM.

EXCHANGE LEASE, COAL: An exchange of coal resources when it is in the public interest to shift the impact of mineral operations from leased lands, or portions of leased lands, to currently unleased lands to preserve public resource or social values, and to carry out Congressional directives authorizing coal lease exchanges.

EXCHANGE LEASE, OIL OR GAS: An oil or gas mineral lease which is issued, pursuant to the Mineral Leasing Act, in lieu of a lease held by the lessee on August 8, 1946. Also, an oil or gas mineral lease which was issued in exchange for a lease held on August 21, 1935, or for an oil or gas prospecting permit. The provisions of the Mineral Leasing Act relating to the issuance of oil or gas prospecting permits are now repealed.

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FAIR MARKET VALUE: The amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would be sold by a knowledgeable owner willing but not obligated to sell to a knowledgeable purchaser who desires but is not obligated to buy.

FAMILY UNIT: An installation with camping, picnicking, or trailer facilities to serve the needs of one family-sized group.

FARM UNIT: A parcel of public land within a reclamation project which is suitable for a family-size farm and which has been opened to reclamation homestead entry.

FEDERAL LAND: All classes of land owned by the Federal Government.

FEDERAL POWER PROJECT RESERVATION: A reservation of public lands for use in connection with a power development project under the jurisdiction of the Federal Power Commission.

FEES AND COMMISSIONS: Payments in the nature of service charges required by law in connection with an application or entry.

FIELD EXAMINATION: An on-the-ground investigation by the Bureau (or Bureau directed) of selected lands with regard to valuation, land use, application for entry, mineralization, etc.

FIELD NOTES: The official written record of a cadastral survey which gives, among other things, the courses and length of the boundaries, the location and description of corner monuments, and a general description of the lands covered by the cadastral survey.

FILING: An application which has been submitted to the proper official or office. Or, an application pursuant to the Mineral Leasing Act.

FILING MINERAL LEASING ACT: A filing which has been submitted pursuant to the Mineral Leasing Act.

FINAL CERTIFICATE: A document which evidences that an entryman is entitled to a patent provided that no irregularities are found in connection with his entry. It alone is sufficient to vest title in the would-be patentee.

FINAL PROOF: A statement by the entryman and his witnesses, purporting to prove that the entryman has done all things necessary to perfect his entry.

FINAL REGULATION: Any regulation adopted by the Secretary and published in the *Federal Register* for inclusion in the *Code of Federal Regulations*.

FIRE SUPPRESSION: Fire control activities concerned with controlling and extinguishing a fire, starting at the time the fire is discovered.

FIRST FORM RECLAMATION WITHDRAWAL: See **RECLAMATION WITHDRAWAL**.

FISH AND WILDLIFE: Generally, all species of non-domesticated animal life.

FISH AND WILDLIFE DEVELOPMENT AND UTILIZATION: Management of public lands for fish and wildlife development and utilization involves the protection, regulated use, and development of habitat on public lands and waters to obtain a sustained yield access to fish and wildlife resources.

FISHABLE STREAM: A stream that currently supports a sport fishery on public lands. These streams are not necessarily accessible to the public.

FISHING: Includes fishing from the shore, and from a boat when the boating is secondary to the fishing activity. Included are warm-water, cold-water, and ice fishing; crabbing; seining; and gigging.

FIVE-ACRE TRACT: See **SMALL TRACT**, **HOMESTEAD ENTRY**, and **HEADQUARTERS ENTRY**.

FIVE-PERCENT FUND: A Federal Treasury account to which is credited five percent of the net proceeds from the sale of public lands to be paid to the states in which the lands sold are located.

FLOOD PLAIN: Land not normally covered by water but which lies in an area subject to inundation.

FLPMA: Federal Land Policy and Management Act of October 21, 1976 (Public Law 94-579, 90 Stat. 2743), commonly called the "Organic Act" for the Bureau of Land Management.

FORCE ACCOUNT FIRE PROTECTION: Fire protection given lands owned, leased, or controlled by the United States and administered by the Bureau of Land Management on which complete fire protection is extended through the use of the protection forces and facilities supervised and operated by the Bureau.

FREE USE PERMIT: A permit to a governmental agency or nonprofit group to use mineral materials, such as sand and gravel, or other resources at no charge.

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GAME RANGE: A wildlife refuge for certain game animals.

GDP: Gross Domestic Product. The total value of all goods and services produced within an economy during a specified period.

GENERAL LAND OFFICE (GLO): The agency which was formerly responsible for the execution of the public land laws relating to cadastral surveys, land disposals, and to various other activities with respect to the administration and management of the public lands. Organized in 1812 as a Bureau in the Treasury Department and transferred in 1849 to the Department of the Interior; it was abolished in 1946 when its functions were transferred to the newly created Bureau of Land Management.

GENERAL ORDERS OF WITHDRAWAL, THE: Executive Orders No. 6910 of November 26, 1934, and No. 6964 of February 5, 1935, which withdrew for classification all vacant public lands in the 11 western states and certain other public lands, which included the following states: Alabama, Arizona, Arkansas, California, Colorado, Florida, Idaho, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

GLOBALY IMPORTANT BIRD AREAS (IBA): A network of sites and areas in North America identified and protected to maintain naturally occurring bird populations across the ranges of those species. IBAs are important for maintaining critical habitats and ecosystems. This network of areas encompasses lands critical to the conservation of some bird species and may include the best examples of the species' habitat. IBAs help ensure species' survival.

GOVERNMENT CONTEST: A contest in which the proceedings have been initiated on the basis of charges preferred by a representative of the United States to declare a claim void (see **PRIVATE CONTEST**).

GRANT: A gift of public lands, either in quantity or in place. Also, the document or the action which conveys land or an interest in land.

GRANTEE: One to whom a grant is made. The recipient of the right-of-way, patent, deed, or other benefit.

GRANTOR: The person who makes the grant.

GRAZING ACT: An administrative subdivision of a grazing district (Taylor Grazing Act).

GRAZING ALLOTMENT: A parcel of grazing district lands which is assigned, pursuant to the Federal range code for grazing districts, to an applicant for grazing privileges within grazing districts or to a group of such applicants.

GRAZING CAPACITY: The total number of animal-unit-months which are available from a given tract of land in one year.

GRAZING DISTRICT, TAYLOR GRAZING ACT: An administrative subdivision of the rangelands under the jurisdiction of the Bureau of Land Management established pursuant to Section 3 of the Taylor Grazing Act to facilitate management of their forage resources. Grazing on the public lands within such districts was formerly regulated by the Grazing Service.

GRAZING FEE: The amount of money which is charged for one animal-unit-month on grazing district lands; also, the total amount of money which is charged an operator on account of his grazing allotment or crossing permit.

GRAZING FEE YEAR: March 1 of a given calendar year through the last day in February of the following year.

GRAZING LEASE: An authorization that permits the grazing of livestock on public lands outside the grazing districts during a specified period of time (Section 15 of the Taylor Grazing Act).

GRAZING LEASE LANDS: Lands outside grazing districts that are owned, leased, or otherwise controlled by the United States and administered by the Bureau of Land Management, and that are subject to leasing for grazing purposes under the Alaska Grazing Law of March 4, 1927; Section 15 of the Taylor Grazing Act of June 28, 1934; The Oregon Timber Conservation Act of August 28, 1937; or the Reindeer Act of September 1, 1937.

GRAZING LICENSE: An authorization which permits the grazing of a specified number and class of livestock on a designated area of grazing district lands for a specified period of time, usually not in excess of one year. Grazing licenses are issued to applicants for grazing privileges within grazing districts as a temporary measure pending final adjudication of their applications.

GRAZING PERMIT: An authorization which permits the grazing of a specified number and class of livestock on a designated area of grazing district lands during specified seasons each year. (Section 3 of the Taylor Grazing Act). Grazing permits are issued to applicants for grazing privileges within grazing districts after final adjudication of their applications.

GRAZING SERVICE: The agency which was formerly responsible for the administration of grazing on grazing district lands. Organized in the Department of the Interior after the passage of the Taylor Grazing Act, it was abolished in 1946 when its functions were transferred to the newly created Bureau of Land Management.

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HABITAT DISKING AND CHAINING: Involved use of heavy equipment to remove undesirable vegetation such as juniper trees (chaining) and sagebrush (disking). Usually done to induce the growth of more desirable species.

HALF SECTION: Any two quarter sections within a section which have a common boundary; usually identified as the north half, south half, east half, or west half of a particular section, e.g., W1/2 Sec. 32 (the west half of Section 32).

HARDROCK MINERALS: Locatable minerals that are neither leasable minerals (oil, gas, coal, oil shale, phosphate, sodium, potassium, sulphur, asphalt, or gilsonite) nor saleable mineral materials (e.g., common variety sand and gravel). Hardrock minerals include, but are not limited to, copper, lead, zinc, magnesium, nickel, tungsten, gold, silver, bentonite, barite, feldspar, fluor spar, and uranium.

HEARING, CONTEST: Contest proceedings during which testimony is given by the parties to the contest and their witnesses.

HERD MANAGEMENT AREAS: Areas established for wild and free-roaming horses and burros through the land use planning process. The Wild Free-Roaming Horses and Burros Act of 1971 requires that wild, free-roaming horses and burros be considered for management where they were found at the time Congress passed the Act. The BLM initially identified 24 areas of use as herd areas.

HOMESTEAD ENTRY: An entry initiated under any of the homestead laws, which provide for issuance of patents to entrymen who settle upon and improve agricultural public lands.

HOMESTEAD ENTRY, ORIGINAL: An original entry under the homestead laws; also, the first homestead entry that was made by an individual; also, a homestead entry that was made pursuant to the first homestead law, the Act of May 20, 1862 (12 Stat. 392) as codified in Sec. 2289 of the Revised Statutes. (Also see **ENTRY, ORIGINAL; STOCKRAISING HOMESTEAD.**)

HUNTING: Includes big- and small-game hunting, waterfowl hunting, and trapping.

IMPROVEMENTS: Includes any structures or developments of a permanent nature which tend to increase the value of land, such as buildings, fences, clearings, wells, etc.

INDEMNITY LIMITS: In railroad and wagon road grants, the strips of land lying within a specified distance on each side of, and adjacent to, the primary limits, within which the grantee could make lieu selections for lands lost to the grantee in the primary limits; also, the outside boundaries of these strips.

INDEMNITY SCHOOL SELECTION: See **SCHOOL LAND INDEMNITY SELECTION.**

INDEMNITY SELECTION: A selection made to compensate for lands that were lost. See **LIEU SELECTION.**

INDEPENDENT RESURVEY: A cadastral survey which supersedes a prior cadastral survey and which creates and establishes new land boundaries. The new boundaries may, to some extent, be identical with the superseded boundaries. An establishment of new section lines for the public land which are independent and without reference to the corners of the original survey, while, at the same time, preserve the boundaries of alienated lands.

INDIAN ALLOTMENT: An allocation of a parcel of public lands or Indian reservation lands to an Indian for individual use; also, the lands so allocated.

INDIAN FEE PATENT: An Indian patent which conveys fee title to qualified Indians to lands entered under an Indian allotment.

INDIAN HOMESTEAD ENTRY: A homestead entry which is made by an Indian.

INDIAN LANDS: See **CEDED INDIAN LANDS** and **INDIAN RESERVATION.** Lands withdrawn to establish various Indian Reservations throughout the country. The lands are totally under the administration of the Bureau of Indian Affairs and the various tribal councils on the reservation.

INDIAN PATENT: A patent which is issued to a native American Indian (and Eskimos in Alaska).

INDIAN RESERVATION: A reservation for the use of native American Indians (and Eskimos in Alaska).

INDIAN TRUST FUND: An account in the Federal Treasury to which money belonging to Indian tribes is credited.

INDIAN TRUST PATENT: An Indian patent which is issued with the condition that title to the land remains for a specified period of time in the United States in trust for the patentee.

INDUSTRIAL DEVELOPMENT: Management of public lands for industrial development involves the protection, regulated use, and development of public lands in a manner to facilitate the growth and stability of industry, whether offsite or onsite, long term, or short term.

INHOLDINGS: Privately owned or state-owned lands located within the boundary of lands owned by the United States.

INLAND WATER AREA: Includes permanent inland water surface, such as lakes, ponds, and reservoirs having 40 acres or more of the area; streams, sloughs, estuaries, and canals 1/8 of a statute mile or more in width; deeply indented embayments and sounds, other coastal waters behind or sheltered by headlands, or islands separated by less than 1 nautical mile of water; and islands having less than 40 acres of area.

INTEREST: Ownership in a lease or prospective lease of all or a portion of the record title, working interest, operating rights, overriding royalty, payments out of production, carried interests, net profit share, or similar instruments for participation in the benefit derived from a lease.

INTERNAL IMPROVEMENT GRANT: A grant made to aid in the construction of roads, canals, railroads, or for other public improvements.

IRRIGATION DISTRICT: A private or state water development project which is administered under state laws; also, the lands embraced within such a project.

ISOLATED OR DISCONNECTED TRACT: A tract of one or more contiguous legal subdivisions completely surrounded by lands held in non-Federal ownership or so effectively separated from other Federally-owned lands by some permanent withdrawal or reservations as to make its use with such lands impracticable. A tract is considered isolated if the contiguous lands are all patented, even though there are other public lands cornering upon the tract. For sale purposes under R.S. 2455, an isolated tract is a parcel of vacant public lands (not exceeding 1,520 acres) which is surrounded by appropriated public lands and/or private lands. A parcel of vacant public lands completely surrounded by lands held in non-Federal ownership or separated from other Federally-owned lands by some permanent withdrawal or reservation.

-K-

K.C.L.A.: KNOWN COAL LEASING AREA.

K.G.R.A.: KNOWN GEO-THERMAL RESOURCE AREA. An area in which the geology, nearby discoveries, competitive interests, or other indicators would, in the opinion of the Secretary, engender a belief in men who are experienced in the subject matter that the prospects for extraction of geothermal steam or associated geothermal resources are good enough to warrant expenditures of money for that purpose.

K.G.S.: KNOWN GEOLOGICAL STRUCTURE. A geological trap in which an accumulation of a valuable mineral product has been discovered by drilling and determined to be productive, the limits of which include all acreage that is presumptively productive.

KINKAID HOMESTEAD ENTRY: A homestead entry, not exceeding 320 acres (formerly 640 acres), initiated under the Act of April 28, 1904 (33 Stat. 547, 43 U.S.C. Sec. 224), which provides for the homesteading of non-irrigable agricultural lands in parts of Nebraska.

-L-

LACHES: Delay attended by or inducing change of condition or relation; a failure to do something which should be done or to claim or enforce a right at a proper time.

LAKE: A natural standing body of water.

LAKE IMPROVEMENTS: Consists of many different techniques to improve water temperature, oxygen content, silt load, etc. This may include the planting of ground cover in the lake watershed and planting shade trees.

LAKE TODATONTEN SPECIAL MANAGEMENT AREA: The U.S. Congress authorized the creation of the Lake Todatonten Special Management Area—a 37,579-acre parcel of public lands in Interior Alaska for the protection of fish, wildlife, and habitat—in its Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333). The area was withdrawn by Public Land Order No. 7372 on December 15, 1998,

LAND AREA: Includes dry land and land temporarily or partially covered by water, such as marshlands, swamps, and river flood plains, streams, sloughs, estuaries, and canals less than 1/8 of a statute mile in width; and lakes, reservoirs, and ponds having less than 40 acres of water-surface area.

LAND CLASSIFICATION, TAYLOR GRAZING ACT: Determination pursuant to the Taylor Grazing Act of the suitability of public lands for land disposal under a particular public land law or other authorized use.

LAND DESCRIPTION: A statement as to the location of a tract of land which is the basis for the identification of the tract on the ground in relation to the public land survey (see **LEGAL DESCRIPTION**).

LAND STATUS: The information concerning any particular parcel of land, its legal description, its cadastral survey status (surveyed or unsurveyed), the non-Federal rights or privileges which attach to it or its resources, the withdrawals or special laws which apply to it, and other pertinent information which may influence the operation of the public land laws so far as its use or disposition is concerned. The information would include such things as: ownership, claims, or applications outstanding, known minerals (if any), withdrawals, or in general, any information that might affect how the land laws would operate with respect to the land.

LATE SERAL: An ecological condition classification that means that the current vegetation is between 51 and 75 percent similar to the potential natural plant community. Late seral means that the vegetation is in "good" condition.

LEASABLE MINERALS: Oil and gas; oil shale; coal; potash phosphate; sodium; sulphur in Louisiana and New Mexico; gold, silver, and quicksilver in certain private land claims, silica deposits in certain parts of Nevada; and certain minerals under special Acts, i.e., the Acquired Lands Acts (see **MINERAL LEASE** and **MINING CLAIM**).

LEASE: An authorization to possess and use public land for a period of time sufficient to amortize capital investments in the land. (See also **COMPETITIVE LEASING** and **NONCOMPETITIVE LEASING**.)

LEASE BOND: The bond or equivalent security given the Department to assure payment of all obligations under a lease, exploration license, or license to mine, and to assure that all aspects of the mining operation other than reclamation operations under a permit on a lease are conducted in conformity with the approved mining or exploration plan.

LEAVE OF ABSENCE: The authorized absence of an entryman or a settler for a specified period of time from the public lands upon which he has established residence pursuant to the public land laws.

LEGAL DESCRIPTION: As to any particular parcel of land, the description of its location according to the official plat of its cadastral survey; e.g., Lot 3, SE1/4NW1/4 Sec. 6, T. 8 N., R. 20 W., 5th P.M., Arkansas is the legal description of the following land in Arkansas: Lot 3 of Section 6 and the southeast quarter of the northwest quarter of Section 6 of the township which is 18 townships north of the base line of the Fifth Principal Meridian and 20 townships west of the Fifth Principal Meridian. Examples of legal descriptions of lands which were not surveyed according to the rectangular system of surveys included Mineral Survey 6789; Homestead Entry Survey 340, Colorado; and United States Survey 123, Alaska.

LEGAL SUBDIVISION: In a general sense, a subdivision of a township, such as a section, quarter section, lot, etc., which is authorized under the public land laws; in a strict sense, a regular subdivision (see **SMALLEST LEGAL SUBDIVISION**).

LEGAL TITLE: One enforceable in a court of law, which is apparently complete and perfect and is generally associated with record ownership.

LEGISLATION, WITHDRAWAL IN AID OF: A withdrawal which is made pending enactment of legislation relative to the public lands so withdrawn.

LICENSE: An authority granted by the United States to do a particular act or series of acts upon public lands without the licensee possessing any estate or interest in the land itself.

LIEU SELECTION OR INDEMNITY SELECTION: A selection in exchange for which the applicant relinquishes his rights or title to other lands which he for some reasons cannot or does not wish to acquire or hold. A selection made to compensate for lands that were lost.

LIVESTOCK: Cattle, sheep, horses, burros, and goat.

LOCATABLE MINERALS: Whatever are recognized as minerals by the standard authorities, whether metallic or other substances, and are found in sufficient quantity and quality to justify their location under the Mining Law of 1872, as amended. (See also **HARDROCK MINERALS**.)

LOCATION: A claim to public lands which is established either by the surrender of scrip or by the initiation of a mining or settlement claim.

LODE CLAIM: A mining claim located for "veins or lodes of quartz or other rock in place" (30 U.S.C. 23). Lode claims may extend for 1,500 feet along the strike of the vein or lode and to a maximum of 300 feet on either side of the vein or lode.

LOGICAL MINING UNIT (LMU): An area of land in which the recoverable coal reserves can be developed in an efficient, economical, and orderly manner as a unit with due regard to conservation of coal reserves and other resources. An LMU may consist of one or more Federal coal leases and may include intervening or adjacent lands in which the United States does not own coal. All lands in an LMU are under the control of one operator or lessee, can be developed as a single operation, and are contiguous. Formation of LMUs was authorized by the Federal Coal Leasing Amendments Act of 1976, which amended the Mineral Leasing Act (30 U.S.C. 181 *et seq.*).

LOT: A subdivision of a section which is not described as an aliquot part of the section but which is designated by number; e.g., Lot 2. A lot is ordinarily irregular in shape and its acreage varies from that of a regular subdivision.

LU PROJECT LANDS: Privately owned submarginal farmlands incapable of producing sufficient income to support the family of a farm owner and purchased under Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937. These acquired lands became known as "Land Utilization Projects" and were subsequently transferred from jurisdiction of the U.S. Department of Agriculture to the U.S. Department of the Interior. They are now administered by the Bureau of Land Management.

-M-

MASTER TITLE PLAT: The master title plat or ownership plat shows the land which has been patented, the patent numbers, the reservations to the United States as stated in the patent, and the land which is still vacant Federal land—often referred to as public domain land. Withdrawals, rights-of-way, national forests, Indian reservations, wildlife refuges, and other similar reservations and actions are also shown. Lands which have been patented and then reacquired by the United States are shown on the records as acquired lands. Master title plats show information concerning one township or if the situation exists where the scale is too small to show complex data, a supplemental plat of not more than four sections pertaining to the base township is prepared at a larger scale.

MATERIAL SITE: The public lands from which sand and gravel may be taken (with the proper permit and authorization) for construction or maintenance of state or Federal-aid highways.

MBF: Thousand board feet. A board foot is a unit of lumber measurement 1 foot long, 1 foot wide, and 1 inch thick, or its equivalent. It is the standard unit of measurement in the logging and lumber industry by which standing timber is measured and sold and manufactured lumber is merchandised.

MEANDER LINE: The traverse of the margin of a permanent natural body of water executed for the purpose of determining the quantity of land remaining after the segregation of the water area. A line established in connection with cadastral surveys, which outlines the sinuosities of the bank or shoreline of a permanent natural body of water.

MID SERAL: An ecological classification that means that the current vegetation is between 26 and 50 percent similar to the potential natural plant community. Mid seral describes vegetation that is in "fair condition.

MILITARY BOUNTYLAND WARRANT: Scrip which was issued as a reward for military service.

MILITARY RESERVATION: A withdrawal for the use of the Department of Defense for military purposes. Lands withdrawn from appropriation under the various land and mining laws for military purposes such as training areas, bombing ranges, etc. Usually closed to public access and use.

MILLSITE: A site located on non-mineral land and used for mining or milling purposes (30 U.S.C. 42). Millsites are limited to 5 acres and may be located either by metes and bounds or by legal subdivision.

MILLSITE ENTRY: A cash entry of non-mineral public lands which are to be used as a millsite for the reduction of ore or in the development of a lode claim.

MINERAL: Organic and inorganic substances occurring naturally, with characteristics and economic uses that bring them within the purview of mineral laws; a substance that may be obtained under applicable laws from public lands by purchase, lease, or preemptive entry.

MINERAL ADVERSE CLAIM: A notice of protest filed by a rival claimant against the approval of a mineral application.

MINERAL APPLICATION: An application to purchase public lands which are held as a mining claim or which are desired as a millsite (see **MINERAL ENTRY**).

MINERAL CLASSIFICATION: Classification of public lands as being valuable for a specific mineral (or minerals); also, the public lands so classified.

MINERAL ENTRY: A cash entry of public lands which are held as a mining claim or desired as a millsite.

MINERAL IN CHARACTER: Lands where the mineral is ordinarily in sufficient quantity to add to their richness and to justify expenditures for its extraction.

MINERAL LANDS: Public lands which have been designated as containing valuable minerals; or are known to contain, valuable minerals.

MINERAL LEASE: A lease which authorizes the development and production of leasable minerals from public lands. (See **COMPETITIVE LEASE**, **EXCHANGE LEASE**, **NONCOMPETITIVE LEASE**, **PRODUCING LEASE**, and **PROSPECTING LEASE**.)

MINERAL LEASING ACT: Act of February 25, 1920 (41 Stat. 437, 30 U.S.C. 181 *et seq.*), as amended and supplemented.

MINERAL LOCATION: A mining claim.

MINERAL MATERIALS: Minerals such as common varieties of sand, stone, gravel, pumice, pumicite, and clay that are not obtainable under the mining or leasing law but that can be obtained under the Materials Act of 1947, as amended.

MINERAL MONUMENT: A monument which is established in connection with a mineral survey.

MINERAL PERMIT: A permit that authorizes prospecting for certain leasable minerals on public lands described in the permit.

MINERAL PRODUCTION: Management of public lands for mineral production involves the protection, regulated use, and development of public lands in a manner to facilitate the extraction and processing of minerals, whether offsite or onsite, long-term or short-term.

MINERAL RESERVATION: A clause in a patent, certification, deed, or other document of conveyance which retains the grantor the right to all or certain minerals in the land; also, a reservation of Federally owned minerals or of public lands which contain minerals (see also **MINERAL WITHDRAWAL FOR CLASSIFICATION**). Retention of the mineral estate by the grantor of a property; the grantee or patentee owns the land surface but not the minerals.

MINERAL RIGHTS: Rights which attach only to mineral deposits (see **SURFACE RIGHTS**).

MINERAL SURVEY: A cadastral survey of a mining claim.

MINERAL WITHDRAWAL FOR CLASSIFICATION: A withdrawal of public lands which are potentially valuable for leasable minerals precluding the disposal of the lands except with a mineral reservation clause unless the lands are found, upon examination or by other competent evidence, not to contain a valuable deposit of minerals.

MINIMUM STATUTORY PRICE: The minimum price established by law, for which the lands may be sold.

MINING CLAIM: A mineral entry and appropriation of public land under the Mining Law of 1872, as amended (30 U.S.C. 22 *et seq.*). There are four types of mining claims: lode claims, placer claims, millsites, and tunnel sites. Only tunnel sites may not be patented. A valid lode or placer claim contains a discovery of a valuable mineral deposit subject to location under the Mining Law of 1872. A valid millsite is one that is being used for the support of a mining or milling operation. A valid tunnel site is one that is being diligently worked and maintained. Discovery of valuable minerals, other than leasable or salable minerals, on claimed public land entitles the claimant to a patent for such lands upon the completion of at least \$500 in improvements, the payment of \$2.50 per acre for placer or \$5.00 per acre for lode claims and all other necessary requirements are met. (See **MINERAL APPLICATION** and **MINERAL ENTRY**.)

MINING CLAIM LOCATION: The staking and recordation of a lode or placer claim, millsite, or tunnel site on public land. A valid location is one that is properly located, recorded, and maintained under Section 314 of the Federal Land Policy and Management Act of October 21, 1976, and the mining laws of the state where the claim or site is located.

MINING LOCATION: A mining claim.

MMBF: Million board feet. (See **MBF**).

MODIFIED COMPETITIVE SALE: A competitive offering at which a bidder or bidders are designated and/or may have the right to meet the highest bid.

MONUMENT, SURVEY: A physical object, such as an iron post or a stone, which marks the location of a point that was established by a cadastral survey.

MOTORIZED RECREATION TRAVEL (OTHER THAN OFF-ROAD VEHICLE): Includes driving for pleasure (driving or riding in motorized land-based vehicles on roads). Vehicles include cars, vans, campers, mopeds, and motorcycles. The primary purpose of the riding or driving, train or bus touring (riding in buses, trains, and similar vehicles), and other motorized travel activities must be for recreation. This does not include interstate highway traffic, nor does it include sight-seeing on major thoroughfares unless there is a quantitative evidence (activity participation survey) that the public lands are being used for these recreation purposes.

MULTIPLE USE: A combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limit to, recreation, range, timber, minerals, watershed, and wildlife and fish, along with natural scenic, scientific, and historical values.

MULTIPLE USE COMPONENT: Section 1 of the Classification and Multiple Use Act lists ten objectives of public land management. The methods of management of the public lands will be governed by the provision of existing laws. The listed objectives as interpreted by the Secretary are as follows:

a. Domestic livestock grazing.

- b. Fish and wildlife development and utilization.
- c. Industrial development.
- d. Mineral production.
- e. Occupancy.
- f. Outdoor recreation.
- g. Timber production.
- h. Watershed protection.
- i. Wilderness preservation.
- j. Preservation of public values.

-N-

NATIONAL BACK COUNTRY BYWAYS: A program developed by the BLM to complement the National Scenic Byway program. The BLM's byways show enthusiasts the best the West has to offer—from the breathtaking thunder of waterfalls to the geology sculpted by ancient volcanoes, glaciers, and rivers. Back Country Byways vary from narrow, graded roads, passable only during a few months of the year, to two-lane paved highways providing year-round access.

NATIONAL CONSERVATION AREA: Areas designated by Congress so that present and future generations of Americans can benefit from the conservation, protection, enhancement, use, and management of these areas by enjoying their natural, recreational, cultural, wildlife, aquatic, archaeological, paleontological, historical, educational, or scientific resources and values.

NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA): Public Law 91-190, 83 Stat. 852.

NATIONAL FOREST: A forest or weathershed reservation which is administered by the Forest Service, United States Department of Agriculture for multiple uses including grazing, logging, recreation, etc.

NATIONAL FOREST HOMESTEAD ENTRY: A homestead entry initiated under the act of June 11, 1906 (34 Stat. 233; 16 U.S.C. 506), which provided for homesteading within national forests or public lands classified as more valuable for agriculture than for forestry products.

NATIONAL FOREST LIEU SELECTION: A lieu selection which is based on the relinquishment (prior to March 3, 1905) of the rights to or the ownership of lands lying within the exterior boundaries of a national forest.

NATIONAL FOREST EXCHANGE: An exchange whereby the Federal government received title to lands within a national forest.

NATIONAL MONUMENT: A reservation of lands embracing values and/or objects of historic and/or scientific interest which is administered by the National Park Service, United States Department of the Interior. Disturbing surface uses such as logging and mining are normally restricted.

NATIONAL HISTORIC TRAILS: Trails established to identify and protect historic routes; they follow as closely as possible the original trails or routes of travel of national historic significance.

NATIONAL LANDSCAPE CONSERVATION SYSTEM (NLCS): An organized system of BLM lands that have received special designation for their scientific, cultural, educational, ecological, and other values. The NLCS was formally established by Title II of the Omnibus Public Land Management Act of 2009 and it includes national monuments, national conservation areas, wilderness, wilderness study areas, national wild and scenic rivers, national scenic and historic trails, and other units.

NATIONAL NATURAL LANDMARKS: Areas having significance because they represent one of the best known examples of a natural region's characteristic biotic or geologic features. National Natural Landmarks must be located within the boundaries of the United States or on the Continental Shelf and are designated by the Secretary of the Interior. To qualify as a National Natural Landmark, the area must contain an outstanding representative example of the nation's natural heritage, including terrestrial communities, aquatic communities, landforms, geologic features, habitats of native plant and animal species, or fossil evidence of the development of life on Earth.

NATIONAL OUTSTANDING NATURAL AREAS: Protected lands designated either by Congress or administratively by an agency to preserve exceptional, rare, or unusual natural characteristics and to provide for the protection and enhancement of natural, educational, or scientific values. These areas are protected by allowing physical and biological processes to operate, usually without direct human intervention.

NATIONAL PARK: A reservation embracing recreational areas which is administered by the National Park Service, United States Department of the Interior. Disturbing surface uses such as logging and mining are normally restricted.

NATIONAL RECREATION AREA: An area designated by Congress to ensure the conservation and protection of natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of recreational values.

NATIONAL RECREATION TRAILS: Trails established administratively by the Secretary of the Interior to provide for a variety of outdoor recreation uses in or reasonable close to urban areas. They often serve as connecting links between the National Historic Trails and the National Scenic Trails.

NATIONAL REGISTER OF HISTORIC PLACES: A Federal government listing of "... districts, sites, buildings, structures, and other objects significant in American history, architecture, archeology, and culture." The National Register is maintained by the National Park Service, U.S. Department of the Interior, and is published in its entirety in the *Federal Register* each year in February.

NATIONAL RESOURCE LANDS: Original public domain lands which have never left Federal ownership; also lands in Federal ownership which were obtained by the government in exchange for national resource lands.

NATIONAL SCENIC TRAILS: Trails established by an Act of Congress that are intended to provide for maximum outdoor recreation potential and for the conservation and enjoyment of nationally significant scenic, historical, natural, and cultural qualities of the areas through which these trails pass. National Scenic Trails may be located to represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as land forms that exhibit significant characteristics of the physiographic regions of the nation.

NATIONAL WILD AND SCENIC RIVERS: Rivers designated in the National Wild and Scenic Rivers System that are classified in one of three categories, depending on the extent of development and accessibility along each section. In addition to being free flowing, these rivers and their immediate environments must possess at least one outstandingly remarkable value: scenic, recreational, geologic, fish and wildlife, historical, cultural, or other similar values.

NATURAL AREA: An area set aside in an undisturbed state to preserve natural and environmental values.

NATURAL HISTORY RESOURCES: Features of the environment which represent natural phenomena dealing with the development of the earth's surface or the evolution of life and which have scientific values or evoke human interest.

NAVAL RESERVE: A reservation for naval purposes.

NON-BUREAU ENERGY INITIATIVE: A lands and realty action resulting from an application to acquire or use BLM-managed lands for purposes related to the development or the distribution of energy resources.

NONCOMPETITIVE LEASE, OIL OR GAS: An oil or gas mineral lease which is issued to the first qualified applicant for the lease of public lands that are outside of a known producing oil or gas field at the time of application.

NONCOMPETITIVE MINERAL LEASING: Refers to leases issued to qualified applicants for lands not specifically known or presumed to contain mineral or petroleum deposits in quantity. Such leases can be issued on a first-come, first-served basis or through a random drawing procedure. (See also **COMPETITIVE MINING LEASING** and **LEASABLE MINERALS**.)

NONCONSUMPTIVE TRIPS: Wildlife-associated recreation which is not fishing, hunting, or trapping. Non-harvesting activities, such as feeding, photographing, observing fish and other wildlife, picnicking, camping, etc. are non-consumptive wildlife activities.

NONEXCLUSIVE SITES: Mineral material disposal areas, such as community pits or common use areas that are designated, maintained, and managed by the Bureau of Land Management and from which many small disposals are authorized under the Materials Act of 1947, as amended.

NONMOTORIZED RECREATION TRAVEL: Activities that require non-motorized equipment. Such activities include bicycling, horseback riding, running or jogging, sand sailing, backpacking, hiking, or walking for pleasure.

NONOPERATING REVENUE: Receipts of a miscellaneous nature, such as incidental receipts from taxes, fines, etc., that are not related specifically to, or received in the process of, conducting normal and regular business of the Bureau of Land Management as it pertains to the management of public lands and resources.

NONUSE: An authorization issued to an applicant for nonuse of grazing privileges in whole or part; usually issued for one grazing season.

NOTICE: The communication of a pending action; the notification of parties of actions about to be taken. This is a part of due process.

-O-

O&C LANDS: Public lands in Western Oregon that were granted to the Oregon central railroad companies (later the Oregon & California Railroad Company) to aid in the construction of railroads but that were later forfeited and returned to the Federal government by revestment of title. The term "O&C" lands, as often used, also refers to the reconveyed Coos Bay Military Wagon Road lands, which are public lands in Western Oregon that were once granted to the State of Oregon to aid in the construction of the Coos Bay Military Wagon Road but that were later forfeited and returned to Federal ownership by reconveyance.

OBLIGATIONS: Payments, and amounts which the government is obligated to pay, for goods and services received (or contracted for future delivery) made from appropriations during the fiscal year indicated.

OCCUPANCY: Actual possession and use of land in something more than a slight or sporadic manner. As defined as a multiple use component, it is the management of public lands for occupancy involves the protection, regulated use, and development of lands as sites for economically and socially useful structures, either publicly or privately owned.

OFFERED LANDS: Public lands in which the Secretary or, under old laws now for the most part repealed, the President had authorized to be sold; also, base lands. The lands owned by the proponent and being offered in exchange.

OFF-ROAD VEHICLE (ORV): Any vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, deriving motive power from any source other than muscle. The term excludes (1) any non-amphibious registered motorboat; (2) any fire, emergency, or law enforcement vehicle while being used for official or emergency purposes; and

(3) any vehicle whose use is expressly authorized by a permit, lease, license, agreement, or contract issued by the authorized officer or otherwise approved.

OFF-ROAD VEHICLE (ORV) TRAVEL: Driving or riding in off-road areas (including trails). The type of vehicle and its capabilities are secondary to where and how the vehicle is used. The primary purpose of the riding or driving must be for recreation. Off-road travel includes off-road motorcycle and scooter driving, snowmobiling, etc.; specialized craft such as all-terrain vehicles, swamp buggies, and four-wheel drives; and conventional vehicles for off-road or trail purposes.

OLD CASH ENTRY: A cash entry under certain old laws, now repealed, which provided for public sale entries and private entries.

OPENING: An action which permits the submittal of applications for public lands that had not been available for acquisition under the public land laws.

OPENING ORDER: The order which opens the lands to the operation or partial operation of the public land laws. May be a part of the revocation order. It need not be a separate document.

OPERATOR: An individual, group, association, or corporation authorized to conduct livestock grazing on public lands.

ORIGINAL ENTRY: An entry in connection with which the entryman must comply with further requirements of the public land laws before final certificate will be issued. An original entry becomes a final entry upon issuance of a final certificate (see **ORIGINAL HOMESTEAD ENTRY**).

ORIGINAL HOMESTEAD ENTRY: An original entry under the homestead laws; also, the first homestead entry which was made by an individual (see **ADDITIONAL HOMESTEAD ENTRY** and **SECOND HOMESTEAD ENTRY**); also, a homestead entry which was made pursuant to the first homestead law, the Act of May 20, 1862 (12 Stat. 392) as codified in Section 2289 of the Revised Statutes.

ORIGINAL PUBLIC DOMAIN: All the lands, regardless of whether they are still in Federal ownership or not, which the Federal government obtained by cession for the 13 original states (1789-1802), by the Louisiana Purchase (1803), by cession from Spain (1819), by the occupation of the Oregon Territory (1846), by the Mexican Cession (1848), by the purchase from Texas (1850), by the Gadsden Purchase (1853), and by the purchase of Alaska (1867). The drainage basin of the Red River of the North, south of the 49th parallel and west of the cessions by the 13 original states, is a part of the original public domain. Authorities differ as to the method and to the exact date of its acquisition by the United States, some holding that it was part of the Louisiana Purchase. The area included within the present boundaries of the State of Tennessee, although included in the cessions of the 13 original states, is usually not considered a part of the original public domain because, by the terms of its cession, the State of North Carolina passed title to only a small acreage in that area to the United States. The United States in turn ceded its unappropriated lands to the State of Tennessee. (See **PUBLIC LANDS**).

ORIGINAL SURVEY: A cadastral survey which creates land boundaries and establishes them for the first time (see **DEPENDENT RESURVEY** and **INDEPENDENT RESURVEY**).

OUTDOOR RECREATION: Includes but is not limited to, hunting, fishing, trapping, photography, horseback riding, picnicking, hiking, camping, swimming, boating, rock and mineral collecting, sight-seeing, mountain climbing, and skiing. As defined as a multiple use component, it is the management of public lands for outdoor recreation; involves the protection, regulated use, and development of public lands having open space values in a manner that will preserve those values and will make them available for appropriate recreation enjoyment by the public.

-P-

PALEONTOLOGY: A science dealing with the life of past geological periods as known from fossil remains.

PATENT: A government deed; a document or instrument that conveys legal title to public lands to the patentee.

RESERVATION: A clause in a patent or instrument of conveyance by which the grantor creates and reserves to himself, some right or interest in the estate granted, which had no previous existence, but is called into being by the patent. The reservation is always in favor of and for the benefit of the grantor, thus a right-of-way grant which exists at the time of the patent is issued and can never amount to a reservation unless the right-of-way is for the benefit of the United States. Otherwise, a valid existing right-of-way should be protected by issuing the patent, "subject to" the right-of-way.

PATENTED: Lands which have been conveyed to private ownership in fee simple, and over which the Federal government exercises no control. In some patents, or "deeds" the mineral rights were retained and are administered by the Bureau of Land Management.

PERMIT: A revocable authorization to use public land for a specified purpose for up to 3 years.

PIERCE ACT: Act of June 23, 1938 (52 Stat. 1033, 43 U.S.C. Secs. 315m-1, 315m-4), which authorizes the Department of the Interior to secure leasehold interest in non-Federal lands that are within grazing districts (Taylor Grazing Act) and that are chiefly valuable for grazing and are necessary to promote the orderly use, improvement, and development of grazing districts.

PLACE, GRANT IN: A grant in connection with which the Congress specifically states, or implies, the legal description of the public lands which are granted.

PLACER CLAIM: A mining claim located for "all forms of deposits, excepting veins of quartz or other rock in place" (30 U.S.C. 35). A placer claim must generally be located by legal subdivision in conformance with the public land survey rather than by metes and bounds. A placer claim is limited to 20 acres per individual, although a placer claim may be up to 160 acres for an association of eight or more persons. Corporations are limited to 20-acre claims.

PLAN OF DEVELOPMENT: The general outline of how a definitely proposed and authorized project is to be implemented.

PLAN OF MANAGEMENT: A plan showing how lands are to be managed after development has progressed to the point where the project is in operation.

PLAT, SUPPLEMENTAL: A (survey) plat which shows new or corrected features for a portion of the area covered by a previous (survey) plat.

PLAT, SURVEY: A drawing which shows the boundaries, subdivisions, acreage, and often topography, improvements, and other features of an area included in a cadastral survey.

PLO: See **PUBLIC LAND ORDER.**

PLUGGED AND ABANDONED: This refers to new wells that have been drilled to total depth during the reporting period and did not encounter oil or gas in paying quantities. (Approved plugging and abandonment may or may not have yet occurred).

POTENTIAL NATURAL COMMUNITY: An ecological condition classification that means that the current vegetation is between 76 and 100 percent similar to the potential natural plant community. Potential natural community describes vegetation that is in "excellent" condition.

POWERSITE CLASSIFICATION: Classification of public lands as having potential value for water power development; also, the public lands so classified. A classification which in reality is a segregation against the operation of the land laws made by the Federal Power Commission for lands having potential for or needed for power projects and associated transmission lines. Lands classified to benefit transmission lines are open to the operation of the public land laws subject to the use for transmission lines.

POWERSITE DESIGNATION: A power site classification which is made under the Act of June 20, 1910 (36 Stat. 557A), June 9, 1916 (39 Stat. 218), or February 26, 1919 (40 Stat. 1178).

POWERSITE RESERVE: A reservation of public lands which have potential value for water power development.

POWERSITE WITHDRAWALS: Lands which may have potential for water generated power through the construction of dams. The lands are withdrawn from the general land laws to protect that potential. The withdrawal can be lifted under certain conditions.

PREEMPTION ENTRY: A cash entry, under laws which are now for the most part repealed, made by a claimant who had settled upon and improved public lands.

PREFERENCE RIGHTS: The right of an individual applicant, or class of applicants, to apply for public lands or resources prior to the general public or to assert claims superior to those of other applicants. The right of contiguous landowners to purchase lands placed for sale under

R.S. 2455 by meeting the highest bid price or by paying three times the appraised value. In the case of a small tract, the earliest applicant has a preference right of sale or lease under certain conditions. The right of an individual applicant or class of applicants to assert rights or claims to the public lands which rights are not available to the general public.

PRESCRIBED BURNING: See **PRESCRIBED FIRE PROJECTS**

PRESCRIBED FIRE PROJECTS: Includes the BLM's efforts to use fire as a critical natural process to maintain and restore ecosystems, rangelands, and forest lands, and to reduce the hazardous buildup of fuels that may threaten healthy lands and public safety.

PRESERVATION OF PUBLIC VALUES: Management of public land for preservation of public values that would be lost if the land passed from Federal ownership involves the protection, regulated use, and development of any public lands having unique or scarce characteristics or site values in a manner to insure their continued availability to the general public, either national or local, temporarily or permanently. It also involves the prevention of avoidable losses and damage, including avoidance of use and development which may require future expenditures for flood protection and flood damage relief.

PRIMARY OR PLACE LIMITS: In railroad and wagon road grants, the strip of land lying within a specified distance on each side of, and adjacent to, the right-of-way, within which every odd-numbered section (usually) was granted to the grantee; also, the outside boundaries of this strip.

PRINCIPAL MERIDIAN: A line which runs in a north-south direction from an initial point and from which are initiated other lines for the cadastral survey of the public lands within a specified area. Each principal meridian has a correlated base line that runs through the same initial point. Every principal meridian has a distinctive name; e.g. Wind River Meridian and Sixth Principal Meridian.

PRIVATE CONTEST: A contest in which the proceedings have been initiated on the basis of charges preferred by anyone other than a representative of the United States (see **GOVERNMENT CONTEST**).

PRIVATE EXCHANGE: Strictly speaking, an exchange between the Federal government and any land owner other than a state.

PRIVATE LAND CLAIM: A claim based on the assertion that the claimant (or his predecessors in interest) derived his right while the land was under the dominion of a foreign government.

PRIVATE LEASES: Private leases (ACQ) refer to oil and gas leases between private parties that are in existence at the time the Federal government purchases the mineral estate along with the surface as part of a Federal government acquisition, for which a BLM serial number is assigned.

PRODUCIBLE COMPLETIONS (OIL AND GAS): Separate completions existing on producible (i.e., physically and mechanically capable of production of oil and/or gas) or service wells at the end of the reporting period; or, separate completions that are made during the reporting period on newly drilled wells.

PRODUCIBLE LEASES: Leases that have at least one producible well actually located within the lease, as of the last day of the reporting period; includes producible leases that received allocated production from wells located off the lease and which have no producible wells actually located on the lease, as of the last day of the reporting period.

PRODUCIBLE AND SERVICE HOLES: Wells with one or more producible oil or gas service completions.

PRODUCING LEASE, OIL OR GAS: A mineral lease authorizing the development and production of oil or gas from public lands which are within a known producing structure or upon which a discovery of valuable deposits of oil or gas has been made.

PROPOSED REGULATION: Any formal proposal (either proposed rulemaking or final regulation) made to the Secretary by BLM for addition to or amendment of Federal regulations affecting BLM programs.

PROPOSED RULEMAKING: Any proposed regulation published in the *Federal Register* for public comment and review.

PROSPECTING LEASE, OIL OR GAS: A mineral lease authorizing the development and production of oil and gas from public lands which are not known to contain valuable oil or gas deposits.

PROTEST: A statement of objection to an application, entry, claim, etc.

PROTESTANTS: Those who raise objections but do not have sufficient standing to initiate a contest. Such an objection will be deemed a protest.

PROTRACTION DIAGRAM: A diagram representing the plan of extension of cadastral surveys over unsurveyed public lands based upon computed values for the corner positions.

PUBLIC AUCTION: A sale of land through competitive, usually oral, bidding.

PUBLIC DOMAIN LANDS: Original public domain lands that have never left Federal ownership; also, lands in Federal ownership that were obtained by the government in exchange for public domain lands or for timber on public domain lands. One category of public land. The lands are administered by the Bureau of Land Management, and are those lands remaining in public ownership after all other needs for special uses have been met, i.e., national forests, parks, withdrawals, grants, etc.

PUBLIC LAND ORDER (PLO): An order affecting, modifying, or canceling a withdrawal or reservation that has been issued by the Secretary of the Interior pursuant to powers of the President delegated to the Secretary by Executive Order 9146 of April 24, 1942, or No. 9337 of April 24, 1943.

PUBLIC LANDS: Any land and interest in land owned by the United States that are administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except for (1) lands located on the Outer Continental Shelf, and (2) lands held for the benefit of Indians, Aleuts, and Eskimos. Includes public domain and acquired lands. Vacant, unappropriated, and unreserved public lands, or public lands withdrawn by E.O. 6910 of November 26, 1934, as amended, or E.O. 6964 of February 5, 1935, as amended, and not otherwise withdrawn or reserved, or public lands within grazing districts established under Section 1 of the Act of June 28, 1934 (48 Stat. 1269), as amended, and not otherwise withdrawn or reserved.

PUBLIC LAND LAWS: The body of laws which regulates the administration of the public lands and the resources thereon.

PUBLIC LAND STATES: Refers to the 30 states that made up the public domain at its greatest extent. The states which were created out of the original public domain include these states: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

PUBLIC VALUE: An asset held by, or a service performed for, or a benefit accruing to the people-at-large.

PUBLIC WATER RESERVE: A reservation of public land which contain a spring or water hole for purpose of keeping the water available for public use. Pursuant to and under the authority of Sec. 10 of the Act of December 29, 1916, and in aid of pending legislation, the President issued the Executive Order of April 17, 1926. This reserved for public use every vacant, unappropriated, and unreserved smallest legal subdivision which contains a spring or waterhole. If the lands are unsurveyed, the reservation covers all lands within 1/4 mile of the spring or waterhole.

-Q-

QUANTITY GRANT: A grant in which Congress specifies the number of acres or the general type of public lands which are to be granted. The grantee must then select from the qualifying, available public lands.

QUARTER SECTION: One of the quadrants of a section; normally a quadrangle measuring approximately one-half mile on each side and containing approximately 160 acres, and the southwest quarter of a particular section; e.g. SE1/4 Sec. 6 (the southeast quarter of Section 6).

QUARTER-QUARTER SECTION: One of the quadrants of a quarter section; normally a quadrangle measuring approximately one-fourth mile on each side and containing approximately 40 acres, and usually identified as the northeast quarter, northwest quarter, southwest quarter, or southeast quarter of a particular quarter section; e.g., NW1/4NE1/4 Sec. 10 (the northwest quarter of the northeast quarter of Section 10).

QUITCLAIM DEED, BUREAU OF LAND MANAGEMENT: A document which relinquishes all claim by the United States to land which had been conveyed to it in connection with some transaction with the Bureau of Land Management which had not been consummated.

-R-

R&PP: Recreation and Public Purposes Act (See definition).

RADIO & AIR FACILITIES: Small public land sites on which air navigational equipment is located. The sites are part of the national VOR radio net which assists in cross-country aircraft navigation. The sites are withdrawn for that specific purpose.

RAILROAD CLAIMS (RELEASED): The lands to which a railroad claim might have attached, and which had not been patented or deeded to bona fide purchasers prior to September 18, 1940. These lands, which might have passed to the railroads, were relinquished by the railroads pursuant to the Transportation Act of 1940.

RAILROAD GRANT: A grant made to a state or corporation to aid in the construction of railroads.

RAILROAD INDEMNITY SELECTION: A lieu selection, which is made by a railroad, based upon rights to railroad grant lands lost to the railroad within the primary limits, selection being made within the indemnity limits (see **RAILROAD LIEU SELECTION**).

RAILROAD LIEU SELECTION: A lieu selection, which is made by an applicant other than a railroad, for lands lost or relinquished within a railroad grant (see **RAILROAD INDEMNITY SELECTION**).

RECEIPTS: All money received and credited to the proper account as required by law. Does not include collections held by the U.S. Treasury pending future determination of disposition by the Bureau of Land Management.

RECLAMATION HOMESTEAD ENTRY: A homestead entry initiated under the Act of June 17, 1902 (32 Stat. 338; 43 U.S.C., Sec. 43 *et seq.*), that provides for the issuance of patents to applicants who settle upon and improve agricultural public land parcels not exceeding 160 acres within reclamation projects.

RECLAMATION PROJECT: A water development project for irrigation of arid lands and for other purposes which is administered by the Bureau of Reclamation, United States Department of the Interior.

RECLAMATION STATES: The public land states in which the Bureau of Reclamation is authorized to function, i.e., Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming (see **RECLAMATION PROJECT**).

RECLAMATION TOWN LOT: A town lot of a town site which is within a reclamation project.

RECLAMATION WITHDRAWAL: A withdrawal of public lands in connection with a reclamation project.

FIRST FORM: A reclamation withdrawal of public lands that are or may be needed in connection with the construction work and maintenance of a reclamation project. This is segregated from mineral location.

SECOND FORM: A reclamation withdrawal of public lands that are susceptible of irrigation from a reclamation project. This is not segregated from mineral location. The distinction of first and second form withdrawals have recently been eliminated and now all such withdrawals are merely "reclamation withdrawals."

RECREATION AND PUBLIC PURPOSE ACT (R&PP): Act of June 14, 1926 (44 Stat. 741), as amended, that provides for the purchase or lease of public lands by (a) Federal, state, or local governmental units for any activity that serves the interest of the general public consistent with public policy or (b) nonprofit organizations if the lands are to be used for recreation purposes in an established or proposed recreation project area.

RECREATION CONCESSION LEASE: A lease that is a long-term authorization for private parties to possess and use public land to provide recreation facilities and services for a fixed period. These leases are authorized under 43 CFR 2920 and the Land and Water Conservation Fund Act. Recreation concession leases establish the obligations that the BLM and the concessionaire agree to in providing visitor services necessary for full enjoyment of the public lands or related waters.

RECREATION RESOURCES: Natural and cultural resources which are used by individuals during leisure time and which provide a change of pace, a change of social environment, and other physical or mental satisfactions.

RECREATION SITES: Relatively small tracts of land which have value for concentrated and intensive recreation use that usually requires construction and maintenance of public facilities.

RECREATION VISIT: A visit to Bureau of Land Management lands and waters by an individual for the purpose of engaging in any activities, except those that are part of or incidental to the pursuit of a gainful occupation, whether for a few minutes or a full day.

RECREATIONAL ENTRY: A cash entry by a state, county, or municipality of public lands which are to be used for public recreational purposes.

RECREATIONAL LANDS: A tract of land usually several thousand acres in size where recreation is or is expected to be a major use.

RECREATIONAL WITHDRAWAL: A reservation of public lands which have been designated as chiefly valuable for recreational purposes and as suitable for State exchange, recreational entry, or recreational lease pursuant to the Act of June 14, 1926 (44 Stat. 741, 43 U.S.C. Sec. 869).

RECTANGULAR SYSTEM OF SURVEYS: The system of cadastral surveys by means of which the original public domain has been, and is being subdivided into townships, sections, and sectional subdivisions.

REFORESTATION: The reestablishment of forest cover, either naturally or artificially.

REGISTRAR: An official in the General Land Office District Office.

REGULAR SUBDIVISION: A subdivision of a section which is an aliquot part of 640 acres, such as a half section of 320 acres, quarter section of 160 acres, and quarter-quarter section of 40 acres (see **LEGAL SUBDIVISION**).

REGULATION: An administrative statement describing the requirements which an applicant or claimant must meet under particular public land laws and describing the procedures to be followed in the execution of such laws. Many acts passed by Congress are not sufficiently detailed to spell out totally the minute requirements of the law. Regulations which are promulgated pursuant to law are considered by the courts to have equal weight with the law they help to interpret and spell out.

REJECTION: A denial or refusal to accept an application on the grounds that it was not properly filed, or that it conflicts with the public land laws or with public policy.

RELICTION: Land that is uncovered by the gradual subsidence of water.

RELINQUISHMENT: A voluntary surrender of an application, right, or claim. A forsaking, abandoning, renouncing, or giving over of a right. When real property is involved, it must usually be in writing.

RENTAL: The amount paid periodically (usually annually) by the holder of a lease or right-of-way grant for the right to use land or resources for the purposes set out in the lease or grant.

RESEARCH NATURAL AREAS: Special management areas designated by Congress or by a public or private agency to preserve and protect typical or unusual ecological communities, associations, phenomena, characteristics, or natural features or processes for scientific and educational purposes. They are established and managed to protect ecological processes,

conserve biological diversity, and provide opportunities for observation for research and education.

RESERVATION: A withdrawal, usually of a more or less permanent nature; also, any Federal lands which have been dedicated to a specified public purpose (but see **MINERAL RESERVATION**).

RESERVATION LANDS: Includes national parks and monuments, or any other reservations of the United States for the use of or administration by the National Park Service, the Fish and Wildlife Service, the Bureau of Reclamation, or any agency outside the Department of the Interior.

RESERVED LANDS: Federal lands that are dedicated or set aside for a specific public purpose or program and that are, therefore, generally not subject to disposition under the operation of all the public land laws. (See also **REVOCATION** and **WITHDRAWAL**.)

RESERVOIR: A man-made, standing body of water whose water levels may be controlled.

RESTORATION: A revocation of a withdrawal which also effects the opening of the public lands in the withdrawal; also, an action which returns ceded Indian lands to tribal ownership. This is the restoring of the lands to the status of unreserved public lands and it opens them to the operation of the public land laws plus the mining and mineral leasing laws.

RESURVEY: A cadastral survey to identify and re-mark the boundaries of lands that were established by a prior survey.

REVERSION CLAUSE: A clause in an order of withdrawal providing that the lands shall revert to their former status after they have served the purpose for which they are withdrawn; also, a clause in a patent providing that title to the lands shall revert to the United States upon failure of the patentee to use the lands for the purpose stated in the patent.

REVERSIONARY CLAUSE OR REVERTER: A provision in a patent for the lands to return to United States ownership for failure of development or upon the happening of a prescribed event.

REVOCATION: Generally, an action which cancels a previous official act; specifically, an action that cancels a withdrawal. Revocation is usually done in conjunction with restoration, which opens the public lands. It need not necessarily "open" the lands to application/entry.

RIGHT-OF-WAY: A permit or an easement which authorizes the use of public land for certain specified purposes, commonly for pipelines, roads, telephone lines, etc.; also, the lands covered by such an easement or permit. Does not grant an estate of any kind, only the right of use. May also include a site.

RIPARIAN HABITAT: Areas of land directly influenced by permanent water. Lakeshores and streambanks are typical riparian areas. Excluded are such sites as ephemeral streams or washes

that do not exhibit the presence of vegetation dependent upon free water in the soil. Wetland and riparian areas are especially important because they are a critical source of biological diversity.

RIPARIAN RIGHTS: The rights of the owners of lands on the banks of watercourses or small lakes, relating to the ownership of soil under the water, and to accretions and relictions.

ROYALTY: Payment to the United States, by a holder of a mineral lease, of a share of his production of minerals from public lands; also, payment by certain lessees of public lands, of a specified percentage of their cash receipts from the leased lands.

RULES OF PRACTICE: The established procedures within the Department of the Interior which govern the conduct of contests, the taking of appeals from official decisions of field officials and the Director, and the proceedings on such appeals before the Secretary.

-S-

SALABLE MINERALS: Sand, gravel, stone, soil, and other common-variety mineral materials disposed of through sales at not less than their appraised price or through free-use permits (see definition).

SALE OF MATERIALS: A competitive or noncompetitive sale by contract at not less than the appraised price of materials (timber and mineral) under the Materials Act of 1947, as amended.

SANITARY LANDFILL: A method of disposing of solid waste by spreading the waste in thin layers, compacting to reduce volume, and covering with soil to prevent environmental pollution.

SANTINI-BURTON ACT: Act of December 23, 1980 (Public Law 96-586, 94 Stat. 3381) that provides for the orderly disposition of Federal lands in Clark County, Nevada, and also provides for the acquisition of environmentally sensitive lands in the Lake Tahoe Basin.

SAWTIMBER: Logs of sufficient size and quality to be suitable for conversion into lumber or veneer.

SCHOOL LAND DEFICIENCY OR LOSS: The amount of land lost by the state, for which it is entitled to make a school land indemnity selections.

SCHOOL LAND INDEMNITY SELECTION: A lieu selection which is made by a state to take the place of school lands which the state could not receive.

SCHOOL LAND PATENT: A patent which is issued to a state to give it additional evidence of title to a school section since title to school sections ordinarily passes to a state merely upon filing of the accepted survey of the lands. Title can automatically pass without issuance of a patent.

SCHOOL LANDS: The lands included in a state grant which was made to aid in the support of common schools. Usually Sections 16 and 36.

SCHOOL SECTIONS: A section of school lands which were granted in place.

SCRIP: A certificate which allows the owner to make a selection of a certain number of acres from vacant, unappropriated public lands.

SECOND FORM RECLAMATION WITHDRAWAL: See **RECLAMATION WITHDRAWAL**.

SECRETARY: The Secretary of the Interior unless otherwise noted.

SECTION: The major subdivision of a township; normally a quadrangle approximately one mile square containing approximately 640 acres and identified by number; e.g. Sec. 36 (Section 36).

SECTION 3: (See **GRAZING PERMIT**).

SECTION 15: (See **GRAZING LEASE**).

SECTION 2289 R.S. HOMESTEAD ENTRY: A homestead entry, not exceeding 160 acres, initiated under the provision of Section 2289 of the Revised Statutes, which provides for the homesteading of agricultural lands.

SEGREGATION: Any action, such as a withdrawal, allowed application, desert land segregation, etc., which suspends the operation of the general public land laws as to particular public lands; as to applications, the effect of certain types of applications which prevent any disposition of the public lands or resources involved until the application is adjudicated. To separate or set apart; to remove lands from the operation of part or all the public land mineral laws.

SELECTED LANDS: The public domain lands sought by the proponent in an exchange.

SELECTION: An application to acquire title to public lands which is submitted by an applicant who acquired the right to apply for public lands by receipt of a grant, by surrender of his own lands in an exchange, by relinquishment of his rights to other lands (lieu selection), by surrender of scrip, or similar means.

SERVICE COMPLETION OR HOLE: Separate service completions that are for the benefit of oil and gas operations, e.g. water disposal, salt water disposal, water injection, gas injection, water source, steam injection, or monitoring.

SITE-BASED RECREATION ACTIVITIES (OTHER THAN CAMPING, HUNTING, OR NONMOTORIZED TRAVEL): Includes sight-seeing (the viewing of scenery; natural, historic, and archaeological sites; landscapes; or other features), picnicking, nature study and photography, mountain climbing and caving, gathering and collecting activities (mushrooms, rocks, and flowers), interpretation (guided and unguided touring, talks, and programs), and other environmental education events.

SMALL GAME HABITAT: Habitat areas used by small game animals (including upland game species) at some time during their yearly life cycle.

SMALL TRACT: A parcel of public lands of five acres or less which has been found to be chiefly valuable for sale or lease as a home, cabin, camp, recreational, health, convalescent, or business site under the Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. Sec. 782a).

SMALL TRACT CLASSIFICATION: Classification of public lands as being chiefly valuable for sale or lease as small tracts; also, the public lands so classified.

SMALL TRACT LEASE: A parcel of public lands of 5 acres or less that has been found to be chiefly valuable for sale or lease as a home, cabin, camp, recreational, convalescent, or business site under the Act of June 1, 1938.

SMALLEST LEGAL SUBDIVISION: A quarter-quarter section; 40 acres.

SOLDIERS' ADDITIONAL HOMESTEAD ENTRY: A selection which is based on rights of veterans of the Civil War who had made a homestead entry for less than 160 acres to select enough public lands to make up the difference between the area of their homestead and 160 acres.

SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT (SNPLMA): Act approved October 1998 (Public Law 105-263) that provides for the disposal of public lands within a specific area in the Las Vegas Valley and creates a special account into which 85 percent of the revenue generated by land sales and exchanges in the Las Vegas Valley is deposited. The remaining 15 percent goes to state and local governments. Revenue in the Special Account can be used for the acquisition of environmentally sensitive lands in Nevada; capital improvements; development of a multispecies habitat conservation plan in Clark County; and development of parks, trails, and natural areas in Clark County.

SPAWNING BED DEVELOPMENT: Consists of efforts made to improve spawning condition for fish. May include addition of appropriate natural materials, cleaning of gravels, creating shelter, etc.

SPECIAL LAND USE PERMIT (SLUP): A permit that authorizes the use of public land for a purpose not specifically authorized under other regulation or statute or forbidden by law.

SPECIAL PRICING PROGRAM: A schedule of special prices established by the Secretary of the Interior, based upon the fair market value of the property, less public benefit allowance. Used frequently on applications under the Recreation and Public Purposes Act.

SPECIAL RECREATION PERMIT: A permit that authorizes the recreational use of an area and is issued pursuant to the regulations contained in 43 CFR 8372 and 36 CFR 71. Under the Land and Water Conservation Fund Act, implemented by these regulations, special recreation permits are required for all commercial use, for most competitive events, and for the individual, noncommercial use of special areas where permits are required.

SPECIAL SURVEYS: Cadastral surveys that involve unusual application of, or departure from, the rectangular system. They often carry out the provisions of a special legislative act and include such work as small tract surveys; townsite surveys; island and omitted land surveys; homestead, homesite, trade and manufacturing site surveys; also the survey and resurvey of portions of sections.

SPLIT ESTATE: Land in which the ownership of the surface is held by persons, including governmental bodies, other than the Federal government and the ownership of underlying minerals (coal) is, in whole or in part, reserved to the Federal government.

STATE EXCHANGE: Strictly speaking, an exchange between the Federal government and a State.

STATE GRANT: A grant which is made to a state.

STATE OFFICE: The first-level administrative unit of the Bureau of Land Management field organization. It comprises a geographic area consisting of one or more states.

STATE SELECTION: A selection which is made by a state.

STATUS (LAND): The information concerning a specific piece of land. The information would include such things as: ownership; claims or applications outstanding; known materials (if any); withdrawals; or in general, any information that might affect how the land laws would operate with respect to the land (See also **LAND STATUS**).

STOCK DRIVEWAY: A reservation provided for in Sec. 10 of the Act of December 29, 1916 (39 Stat. 865; 42 U.S.C. 300). Lands so withdrawn cannot thereafter be entered (but are open to mining location).

STOCK DRIVEWAY WITHDRAWAL: A reservation of public lands for public use in moving livestock (see **ADMINISTRATIVE STOCK DRIVEWAY**).

STOCKRAISING HOMESTEAD ACT: Western lands that were not suitable for cultivation but were suitable for stock grazing were patented under the Act of December 29, 1916 (39 Stat. 863; 43 U.S.C. 291).

STOCKRAISING HOMESTEAD DESIGNATION: Classification, prior to the Taylor Grazing Act, of public lands as being suitable for stockraising homestead entry; also, the public lands so classified.

STOCKRAISING HOMESTEAD ENTRY: A homestead not exceeding 640 acres initiated under the Stockraising Homestead Act, which provided for the homesteading of lands chiefly valuable for grazing and raising forage crops. Minerals in these lands were reserved to the United States. (Stockraising Homestead Act of December 29, 1916 (39 Stat. 863, 43 U.S.C.

291.) The provisions for stockraising homesteads were by implication repealed by the Taylor Grazing Act.

STREAMBANK STABILIZATION: Accomplished for severe cases of erosion that are not natural, to include efforts to reduce streambank movement by adding materials to deflect water, planting vegetation, etc.

STREAM WITH FISHERY POTENTIAL: A stream that currently does not support a sport fishery but that could be changed into a fishable stream with management (i.e., stocking, removal of barriers, etc.).

SUBPOENA DUCES TECUM: A court process that orders the production of a document or writing.

SUBSTANTIALLY CONTINUOUS USE AND OCCUPANCY: Contemplates the customary seasonality of use and occupancy by the applicant of any land used by him for his livelihood and well-being and that of his family. Such use and occupancy must be substantial actual possession and use of the land, at least potentially exclusive of others, and not merely intermittent use.

SUPPLEMENTAL PATENT: A patent which is issued to modify a previously issued patent. A deed or patent conveying all coal reserved under the Act of March 3, 1909 (35 Stat. 844; 30 U.S.C. 81), or the Act of June 22, 1910 (36 Stat. 583; 30 U.S.C. 83-85), such land having been (subsequent to the original patent which reserved the coal) finally classified as noncoal in character. A patent for additional rights not included in the original patent.

SUPPLEMENTAL PLAT: A plat which shows a revised subdivision of one or more sections without a change in the section boundaries or to the survey record.

SURFACE RIGHTS: Rights to lands exclusive of mineral rights.

SURVEY: See **ACCEPTED SURVEY, APPROVED SURVEY, BASE LINE, CADASTRAL SURVEY, DEPENDENT RESURVEY DIAGRAM, INDEPENDENT RESURVEY, INITIAL POINT, LAND DESCRIPTION, LEGAL SUBDIVISION, LOT, MINERAL MONUMENT, MINERAL SURVEY, MONUMENT, ORIGINAL SURVEY, PLAT, PRINCIPAL MERIDIAN, RECTANGULAR SYSTEM, and SMALLEST LEGAL SUBDIVISION.**

SURVEY APPLICANT: The individual or legal entity requesting the execution of a cadastral survey.

SURVEY MONUMENT: A physical object (iron post, stone, tree, etc.), which marks the location of a point which is established by cadastral survey.

SURVEY PLAT: A plat representing the lines surveyed, established, retraced, or resurveyed, showing the direction and length of each line; the relation to adjoining official surveys; the

boundaries, description, and area of each parcel of land; and the topography, culture, and improvements within the limits of the survey.

SUSPENDED APPLICATION OR ENTRY: An application or entry upon which adverse action has been deferred for good cause shown.

SUSTAINED YIELD: The achievement and maintenance in perpetuity of a high-level annual, or regular periodic, output of the various renewable resources of the public lands consistent with multiple use.

SWAMP LAND GRANT: A grant of swamp or overflowed lands to the state. This was to encourage such lands reclamation.

-T-

TAYLOR GRAZING ACT: Act of June 28, 1934, (48 Stat. 1269, 43 U.S.C. Sec. 315), as amended.

TAYLOR GRAZING ACT EXCHANGE: An exchange under the provisions of the Taylor Grazing Act.

TEMPORARY USE PERMIT: A revocable, non-possessory, non-exclusive privilege, authorizing temporary use of public lands in connection with construction, operation, maintenance, or termination of a project.

THREATENED SPECIES: Any animal or plant species likely to become endangered within the foreseeable future throughout all or a part of its range. (Also see **CANDIDATE SPECIES** and **ENDANGERED SPECIES**). Officially listed pursuant to Section 4 of the Endangered Species Act of 1973 (P.L. 93-205).

TIMBER AND STONE ENTRY: A cash entry covering public lands which are valuable for timber or stone and which are unfit for cultivation.

TIMBER APPLICATION: An application to purchase timber or to secure timber for free use.

TIMBER CULTURE ENTRY: An entry under laws, now repealed, which provided that the entrymen plant and cultivate trees on the public lands which he entered.

TIMBER PRODUCTION: The growth and harvest of trees in forests and woodlands. As defined in multiple use, management of public lands for timber production in development of public forest and woodland areas to obtain a sustained yield of forest products.

TOWN LOT: A subdivision of a town site.

TOWNSHIP: The major subdivision of the public lands the rectangular system of surveys; normally a quadrangle measuring approximately six miles on each side and containing approximately 23,040 acres and identified by its relation to a base line and principal meridian;

e.g., Township 5 North, Range 4 West, Boise Meridian, Idaho, or T. 5 N., R. 4 W., B.M., Idaho (the township; which is five townships north of the Boise Meridian base line and four townships west of the Boise Meridian). Ideally, it should be six miles square and contain 36 sections.

TOWNSITE: An area of public land which has been segregated for disposal as an urban development, often subdivided into blocks, which are further subdivided into town lots.

TOWNSITES:

PREEMPTION RIGHTS: A guaranteed right of purchase at the minimum price at any time before the sale, of not exceeding two lots, to an actual qualified resident.

PREEMPTION PROOF: That proof required to qualify for preemption rights.

TRACT BOOKS: The central records which showed the status of the public domain.

TRANSFEE: A recipient or grantee.

TRANSFEROR: A person who transfers a right.

TRANSPORTATION ACT OF 1940: Act of September 18, 1940 (54 Stat. 954), that allowed the railroads to release any claim it may have remaining against unsatisfied grant lands in return for full commercial rates except for military or naval property and personnel transportation.

TREASURE OR TREASURE TROVE: Gold or silver in coin, plat, or bullion, and loose gem stones and other valuable property, including, but not limited to, vases, cups, ornaments, rings, jewelry, or other articles of art of historical value and interest, but whose primary value is usually considered to be monetary.

TRESPASS: Any occupancy, use or development of the public lands or their resources of the United States without authority.

TRUSTEE DEED: Most often, a deed to a town lot in a townsite.

TUNNEL SITE: A site located for the development of a vein or lode for the anticipated discovery of previously unknown veins or lodes. The locator of a tunnel site is give the right to all veins cut by the tunnel within 3,000 feet of its portal, and to 1,500 feet along the length of each blind vein or lode cut. A tunnel site location lapses if not worked for a period of at least six months.

-U-

UNADJUSTED RAILROAD GRANT: A railroad grant that had not been completely adjudicated prior to passage of the Transportation Act of 1940.

UNEARNED MONEY: Receipts of the Bureau of Land Management which are being held pending final determination whether they should be returned to the payor or whether they should be covered into the Treasury as Federal funds (see **EARNED MONEY**).

UNLAWFUL ENCLOSURE OR OCCUPANCY: Enclosures of public lands made or maintained by any party, association, or corporation without valid claim.

UNNECESSARY OR UNDUE DEGRADATION: Surface disturbance greater than that which would normally result when the same or a similar activity is being accomplished by a prudent person in a usual, customary, and proficient manner that takes into consideration the effects of the activity on other resources and land uses outside the area of activity.

UNPERFECTED ENTRY: An entry that requires further compliance with the public land laws.

UNRESERVED PUBLIC LANDS: Public lands which are not covered by a withdrawal or reservation; for general purposes, the public lands which are not reserved except by the general orders or withdrawal, by a mineral withdrawal for classification, or by inclusion within a grazing district (Taylor Grazing Act), are considered unreserved public lands since they are subject to classification and land disposal under Section 7 of the Taylor Grazing Act.

U.S.C.: United States Code.

USE AUTHORIZATION: Approval of a proposed use for land or resources on the prescribed form or document designated for such use; a document showing permission to use land or the resources thereon; a formalized grant pursuant to a request to use land or resources.

-V-

VACANT PUBLIC LANDS: Public land that is not reserved, appropriated, or set aside for a specific or designated purposes. Such land is not covered by any non-Federal right or claim other than permits, leases, rights-of-way, and unreported mining claims. Lands that are not reserved except by the general orders or withdrawal.

VALID CLAIM: A mineral or ore body of sufficient size and quality to justify an ordinarily prudent man in the expenditure of his labor and means in an effort to develop a paying mine.

VALID EXISTING RIGHT: A valid discovery had been made on a mining claim on October 21, 1976, and continues to be valid at the time of exercise.

VALUABLE MINERAL: A deposit of a mineral, ore, or substance which is useful in commerce or the arts, occurring in quantity and quality of such ore substance in a vein or lode, the size and continuity of which are such as to justify an ordinarily prudent man in the expenditure of his labor and means in an effort to develop a paying mine.

VISITOR HOUR: A unit used to measure duration of recreation use. A visitor hour involves the presence of a person on a recreation area or site for the purpose of engaging in recreation activities for either continuous, intermittent, or simultaneous periods of time aggregating 60 minutes.

VISUAL RESOURCES: The composite of land, water, vegetation, animals, structures, and other visible features.

-W-

WATER RIGHT: The authority, whether by prior ownership, contract, purchase, or appropriation in accordance with state law, to use water for any beneficial use.

WATER SUPPLY: To be adequate, must be sufficient to irrigate successfully and to reclaim all of the irrigable land embraced in an entry.

WATER WELL LEASE: A lease which authorizes the use of a water well which was developed by a holder of an oil or gas mineral lease.

WATER-BASED RECREATION ACTIVITIES (OTHER THAN BOATING OR FISHING): Includes swimming, general water play, water-skiing, ski jumping, platter riding, and other similar activities that occur outside a boat.

WATERFOWL HABITAT: The total acreage of all wetlands, lakes, ponds, and reservoirs on BLM lands. Uplands used for nesting are not included.

WATERSHED PROTECTION: Maintenance of the stability of soil and soil cover and the control of the natural flow of water. As defined as a multiple use, management of public lands for watershed protection involves the protection, regulated use, and development of any public lands in a manner to control runoff; to minimize soil erosion, siltation, and other destructive consequences of uncontrolled waterflows; and to maintain and improve storage, yield quality, and quantity of surface and subsurface waters.

WETLAND IMPROVEMENTS: Consists of techniques to restore wetlands to their proper functioning condition. Improvements may consist of establishing vegetation, such as willow, to reduce erosion and improve water retention.

WETLANDS: Permanently wet or intermittently flooded areas where the water table (fresh, saline, or brackish) is at, near or above the soil surface for extended intervals, where hydric wet soil conditions are normally exhibited, and where water depths generally do not exceed 2 meters. Marshes, shallows, swamps, muskegs, lake bogs, and wet meadows are examples of wetlands.

WILD FREE-ROAMING HORSES AND BURROS: All unbranded and unclaimed horses and burros using public lands as all or part of their habitat.

WILDERNESS: An area of undeveloped Federal land retaining its primeval character and influence, without permanent improvement or human habitation, that is protected and managed so as to preserve its natural conditions and that (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation; (3) has at least 5,000 acres of land or is of sufficient size as to make practicable its preservation and

use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

WILDERNESS PRESERVATION: Management of public lands for wilderness preservation involves the protection and regulated use of public lands which are in a roadless and primitive condition in a manner to preserve their essential wilderness character.

WILDERNESS STUDY AREAS (WSA): An area having the following characteristics: (1) Size—roadless areas of at least 5,000 acres of public lands or of a manageable size; (2) Naturalness—generally appears to have been affected primarily by the forces of nature; and (3) Opportunities—provides outstanding opportunities for solitude or primitive and unconfined types of recreation. FLPMA directed the BLM to inventory and study its roadless areas for wilderness characteristics.

WILDLIFE REFUGE: A reservation for the protection of wildlife. Lands withdrawn specifically for the management and protection of wildlife, and which are administered by the U.S. Fish and Wildlife Service.

WILLFUL TRESPASS: The voluntary or conscious trespass. The term does not include an act made by mistake or inadvertence. The term includes actions taken with criminal or malicious intent. A consistent pattern of trespass may be sufficient to establish the knowing or willful nature of the conduct, where such consistent pattern is neither the result of mistake or inadvertence. Conduct which is otherwise regarded as being knowing or willful does not become innocent through the belief that the conduct is reasonable or legal.

WINTER SPORTS: Includes ice skating, skiing (downhill and cross-country), snowshoeing, sledding, snowmobiling, and tobogganing as well as activities such as snow sculpture and general snow play.

WITHDRAWAL: An action which restricts the disposition of public lands and that holds them for specific public purposes; also, public lands which have been dedicated to public purposes (see also **RESERVED LANDS** and **REVOCAION**).

WOODLANDS: Forest lands usually supporting open-grown, widely scattered trees of marginal merchantability and generally more valuable for watershed or wildlife protection purposes than for the production of timber for commercial purposes.

UNITED STATES DEPARTMENT OF THE INTERIOR

STRATEGIC PLAN FOR FISCAL YEARS 2011-2016



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LETTER FROM THE SECRETARY

I am pleased to present the Department of the Interior Strategic Plan for Fiscal Years 2011-2016. The Department of the Interior is the custodian of America's natural resources and America's heritage.

This Plan presents a new vision for the Department and its bureaus and offices, and incorporates input from tribes, Congress, Federal employees, citizens, and organizations. It is the framework that the Department will use to focus the efforts of its bureaus and offices over the next five years on a set of strategic goals. It will also guide investments and the allocation of resources and help to integrate and align responsibilities across multiple bureaus and offices. The Plan is a tool that the Department will use in the prioritization of activities and to improve communication and collaboration with a diverse array of stakeholders.



In accordance with the Government Performance and Results Act of 1993, the 2011-2016 Strategic Plan is updated from the prior plan (FY 2007-2012). It includes a simpler and more strategic set of goals and strategies and more finite and focused performance measures. The Plan demonstrates the importance and relevance of the Department to the Nation and the American people. Five mission areas capture the Department's overarching mission for stewardship of America's natural resources and America's heritage.

Measured in economic terms, the Department's programs support approximately \$370 billion in economic activity each year and 1.4 million jobs. In measures that cannot be translated into dollars and cents, the Department offers unparalleled recreational opportunities, protects the Nation's monuments and priceless landscapes, conserves wildlife and fisheries, protects and interprets cultural collections that tell the Nation's history, and manages resources that help to fulfill the Nation's demands for energy, minerals, and water. In addition, the Department has a special role in fulfilling trust responsibilities for American Indians and Alaska Natives and fulfilling commitments to affiliated island communities.

Embedded within the Plan is a set of High Priority Goals to focus efforts on near term achievements in renewable energy, sustainable water management and conservation, climate change adaptation, youth in natural resources, and efforts to improve the safety of Indian communities. These goals complement the mission areas and serve as indicators of the Department's performance in particular areas of reform. The Department will gauge its success in achieving results with accountability and transparency based on the performance targets presented in the Plan. The targets reflect the aspirations of the Department's bureaus and offices over the next five years and integrate their planned achievements. These goals are reinforced through bureau and office plans and personnel performance plans for the Department's 70,000 employees. The Plan reinforces the importance of accountability, transparency, and ethics with a presentation of core principles that guide the actions of the Department's cadre of skilled, committed individuals.

The new Strategic Plan is designed to position the Department for its path towards the future, but it also responds directly to some of our current challenges. It reflects the lessons learned from the unprecedented disaster at the Deepwater Horizon rig in the Gulf of Mexico, placing a focus on the safety and environmental protection aspects of managing

Outer Continental Shelf resources. The Plan also incorporates the input we received in a national dialogue with the Nation about conservation and the stewardship of America's Great Outdoors. The Department hosted the President's White House Conference on the Great Outdoors in April 2010 and engaged in 25 listening sessions across the country. Finally, the Strategic Plan creates a new mission goal that recognizes the importance of our responsibilities to American Indians and embraces the spirit of the President's Executive Order on consultation and the commitments made at the President's November 2009 and December 2010 Tribal Nations Conferences, which were attended by many tribal leaders.

I hope you will take the time to read the Plan, as it will help you to understand our mission, priorities, and vision for the future. We are determined to make measurable progress in fulfilling the commitments presented here. Our efforts will be guided by this new Plan and it will be the basis for assessing our progress over the next five years. Please feel free to contact us with your comments at www.doi.gov.

Sincerely,

A handwritten signature in blue ink that reads "Ken Salazar". The signature is written in a cursive, flowing style.

Ken Salazar

MISSION & ORGANIZATION

Mission

The Department of the Interior protects and manages the Nation's natural resources and cultural heritage; provides scientific and other information about those resources; and honors its trust responsibilities or special commitments to American Indians, Alaska Natives, and affiliated island communities.

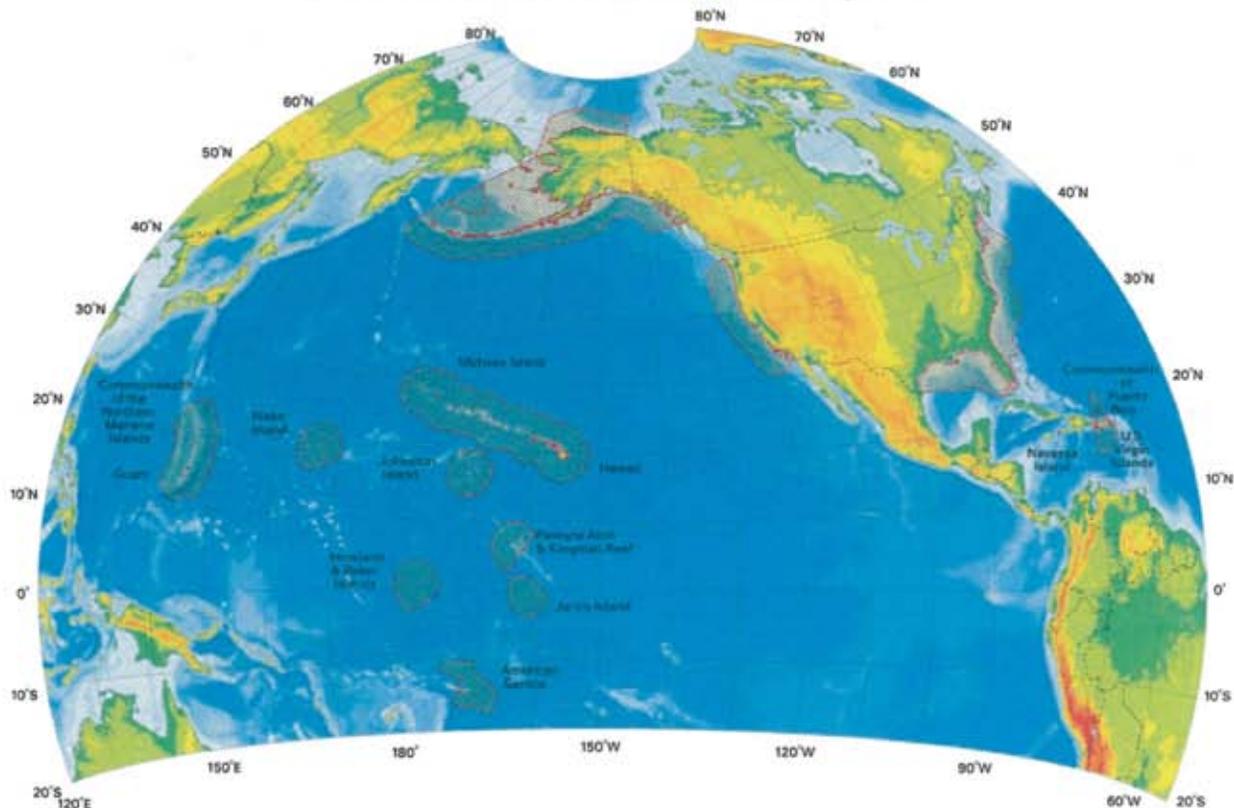
History

The last day of the Thirtieth Congress, March 3, 1849, was also the eve of President-elect Zachary Taylor's inauguration. The House of Representatives and the Senate were busy at work on two bills: the first, to find a formula for giving the newly acquired territory of California a civil government. The second, no less contentious, was also related to the recent enlargement of the national domain: legislation to create a Cabinet agency known as the Home Department, or Department of the Interior. The bill to create such a Department passed the House of Representatives on February 15, 1849. Two weeks later, the bill reached the Senate floor and, late in the evening of March 3, the Senate voted 31 to 25 on the House-passed bill. President Polk was waiting in the Senate chambers and signed the bill creating a Department of the Interior.¹

In 1849, when the Congress created the Home Department, it was charged with managing a wide variety of programs. In the last half of the 19th century, these programs ran the gamut of over-seeing Indian Affairs, exploring the western wilderness, directing the District of Columbia jail, constructing the National Capital's water system, managing hospitals and universities, improving historic western emigrant routes, marking boundaries, issuing patents, conducting the census, and conducting research on the geological resources of the land.

Following Theodore Roosevelt's conservation summit and the conservation movement at the beginning of the 20th century, there was an increasing urgency to protect and more effectively manage the country's natural resources. Accordingly, the Department's mission shifted to focus on the preservation, management, understanding, and use of the great natural and cultural resources of the land while retaining responsibilities related to Indian Nations.

United States Continental Shelf Boundary Areas

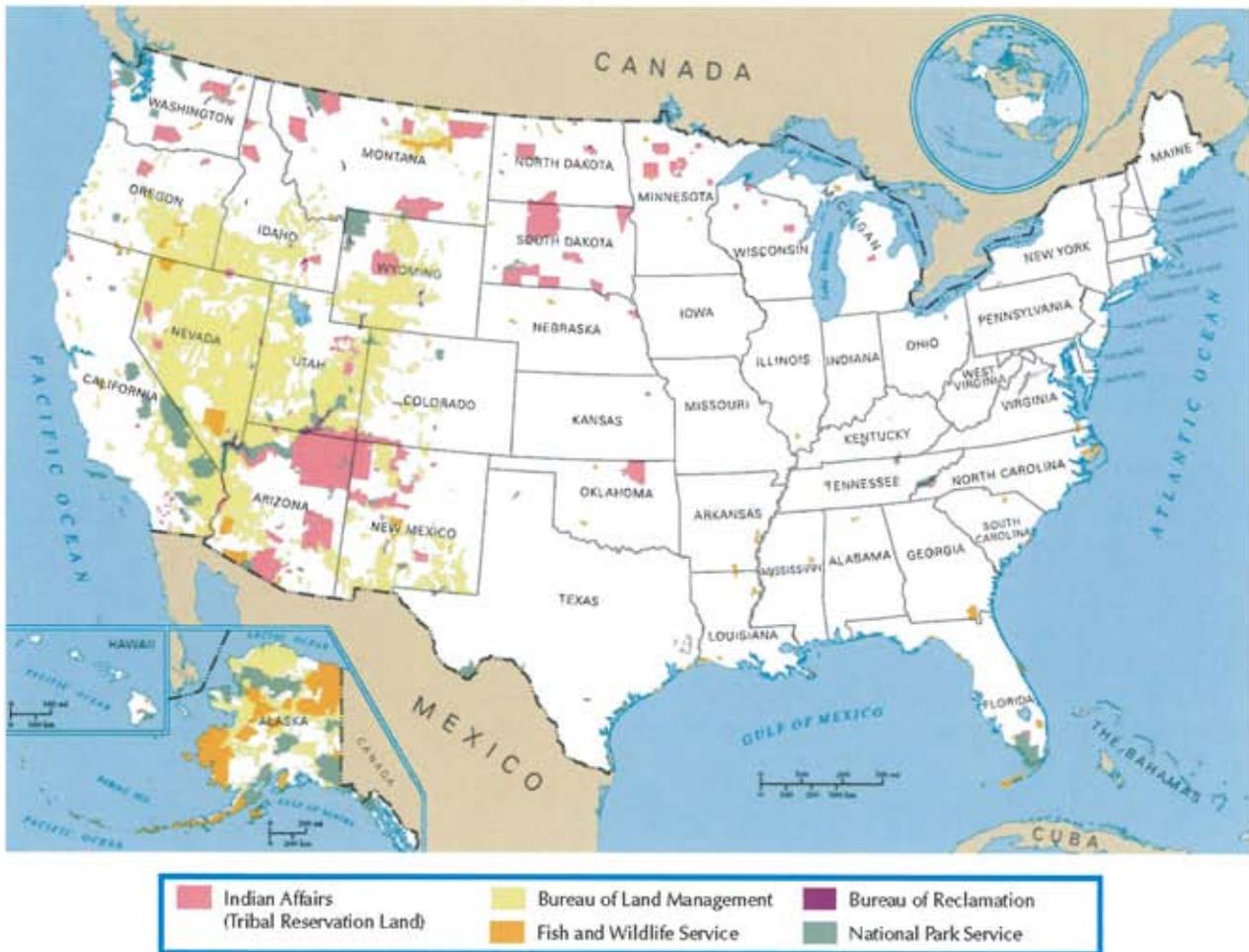


¹ Robert Utley and Barry Mackintosh, *The Department of Everything Else: Highlights of Interior History*, 1988, pp 1-2.

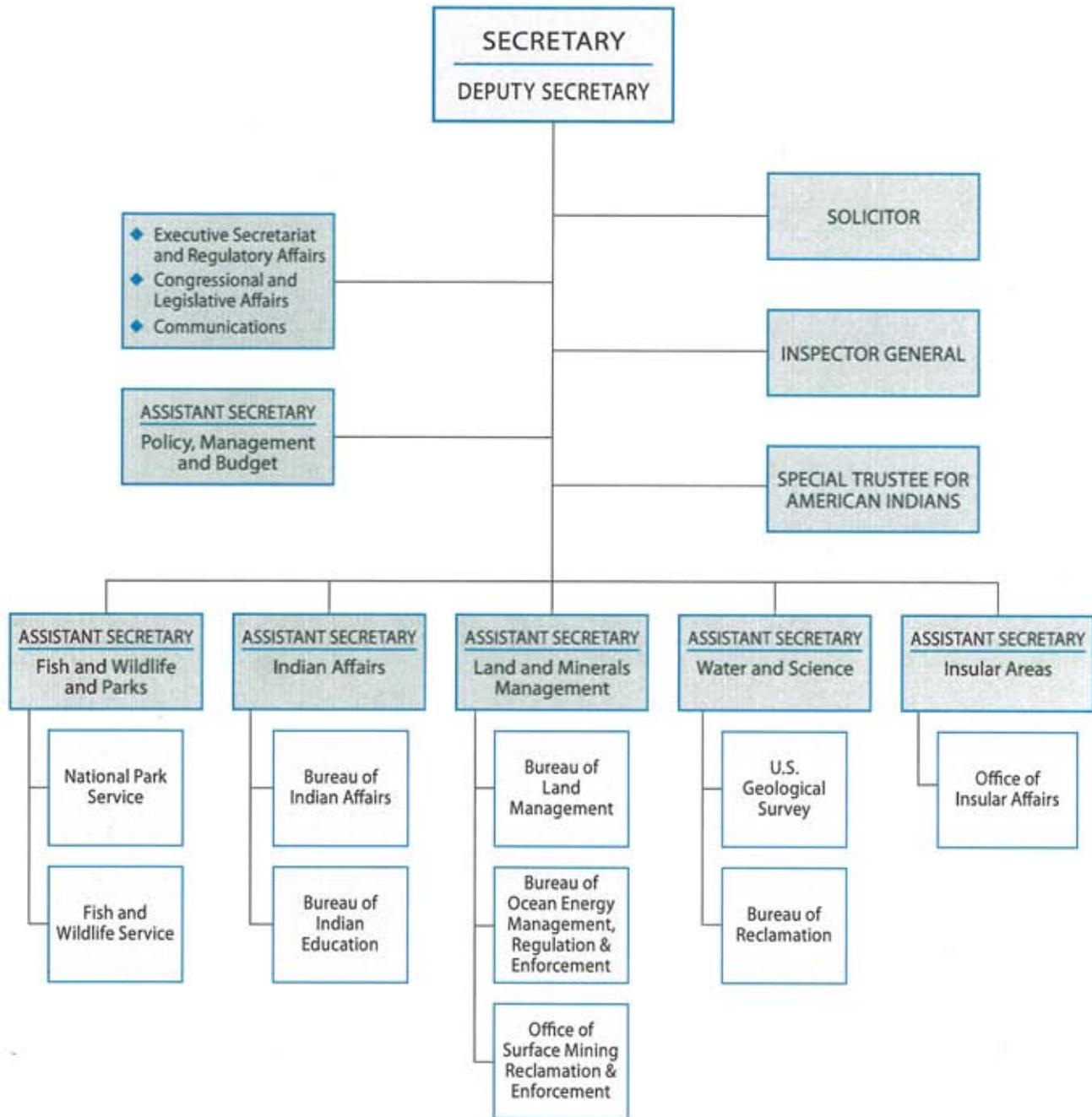
Today, the Department manages the Nation's public lands and minerals, including providing access to public lands and the Outer Continental Shelf for renewable and conventional energy; is the steward of 20 percent of the Nation's lands including national parks, national wildlife refuges, and the public lands; is the largest supplier and manager of water in the 17 western states and a supplier of hydropower energy; and upholds Federal trust responsibilities to Indian tribes and Alaska Natives. It is responsible for migratory wildlife conservation; historic preservation; endangered species conservation; surface-mined lands protection and restoration; mapping, geological, hydrological, and biological science for the Nation; and financial and technical assistance for the insular areas.

Interior's programs that are encompassed in this Strategic Plan cover a broad spectrum of activities that are performed by bureaus and offices and are captured in the following presentation of each entity's unique mission and set of responsibilities. The Strategic Plan's five mission areas capture the vitality, inventiveness, and potential of the bureaus and offices and the Department's 70,000 dedicated and skilled employees. Along with employees, almost 280,000 volunteers contribute their time in support of bureau and office missions, bringing unique local knowledge to park operations, assisting in recovery from natural disasters, and participating in environmental education, among other activities.

Surface Lands Managed by the Department of the Interior



U.S. DEPARTMENT OF THE INTERIOR



Bureau and Office Summary

Each Interior bureau or office has discrete responsibilities that are derived from their legislative authorities.



Bureau of Land Management (BLM)

- ▶ Manages and conserves resources for multiple use and sustained yield on approximately 253 million acres of public land, including the following:
 - ▷ Renewable and conventional energy and mineral development
 - ▷ Forestry management, timber and biomass production
 - ▷ Wild Horse and Burro management
 - ▷ Domestic livestock grazing
 - ▷ Recreation and resource protection at sites of natural, scenic, scientific, and historical value including the National Landscape Conservation System



Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE)

- ▶ Manages access to renewable and conventional energy resources of the Outer Continental Shelf (OCS)
- ▶ Administers over 7,600 active fluid mineral leases on approximately 41 million OCS acres
- ▶ Oversees 15 percent of the natural gas and 27 percent of the oil produced domestically
- ▶ Oversees lease and grant issuance for offshore renewable energy projects
- ▶ Promotes and enforces safety in offshore energy exploration and production operations and assures that potential negative environmental and other impacts on marine ecosystems and coastal communities are appropriately considered and mitigated



Office of Surface Mining Reclamation and Enforcement (OSMRE)

- ▶ Protects the environment during coal mining through Federal programs, grants to states and tribes, and oversight activities
- ▶ Ensures the land is reclaimed afterwards
- ▶ Mitigates the effects of past mining by pursuing reclamation of abandoned coal mine lands



U.S. Geological Survey (USGS)

- ▶ Conducts reliable scientific research in ecosystems, climate and land use change, mineral assessments, environmental health, and water resources to inform effective decision making and planning
- ▶ Produces information to increase understanding of natural hazards such as earthquakes, volcanoes, and landslides
- ▶ Conducts research on oil, gas, and alternative energy potential, production, consumption, and environmental effects
- ▶ Leads the effort on climate change science research for the Department
- ▶ Provides ready access to natural science information that supports smart decisions about how to respond to natural risks and manage natural resources



Bureau of Reclamation (BOR)

- ▶ Manages, develops, and protects water resources in an environmentally and economically sound manner
- ▶ Largest supplier and manager of water in the 17 western states
- ▶ Manages 476 dams and 348 reservoirs
- ▶ Delivers water to 1 in every 5 western farmers and over 31 million people
- ▶ America's second largest producer of hydroelectric power



Fish and Wildlife Service (FWS)

- ▶ Manages the 150 million-acre National Wildlife Refuge System primarily for the benefit of fish and wildlife
- ▶ Manages 70 fish hatcheries and other related facilities for endangered species recovery and to restore native fisheries populations
- ▶ Protects and conserves:
 - ▷ Migratory birds
 - ▷ Threatened and endangered species
 - ▷ Certain marine mammals
- ▶ Hosts about 42 million visitors annually at 552 refuges located in all 50 states and 37 wetland management districts



National Park Service (NPS)

- ▶ Maintains and manages a network of 394 natural, cultural, and recreational sites for the benefit and enjoyment of the American people
- ▶ Manages and protects over 28,000 historic structures, over 52 million acres of designated wilderness, and a wide range of museum collections and cultural and natural landscapes
- ▶ Provides outdoor recreation to over 285 million annual park visitors
- ▶ Provides technical assistance and support to state and local natural and cultural resource sites and programs, and fulfills responsibilities under the National Historical Preservation Act



Indian Affairs (IA)

- ▶ Fulfills Indian trust responsibilities
- ▶ Promotes self-determination on behalf of 565 federally recognized Indian tribes
- ▶ Funds compact and contracts to support education, law enforcement, and social service programs that are delivered by tribes
- ▶ Operates 183 elementary and secondary schools and dormitories, providing educational services to 42,000 students in 23 states
- ▶ Supports 30 tribally controlled community colleges, universities, and post-secondary schools



Departmental Offices

- ▶ Policy, Management and Budget provides leadership and support for the following:
 - ▷ Budget, Finance, Performance and Acquisition
 - ▷ Law Enforcement, Security and Emergency Management
 - ▷ Natural Resources Revenue Management
 - ▷ Human Capital and Diversity
 - ▷ Technology, Information and Business Services
 - ▷ Youth, Partnerships and Service
 - ▷ Policy Analysis
 - ▷ International Affairs
 - ▷ Natural Resource Damage Assessment
 - ▷ Wildland Fire Management
- ▶ Office of Inspector General
- ▶ Office of the Solicitor
- ▶ Office of the Special Trustee for American Indians
- ▶ Assistant Secretary for Insular Affairs and the Office of Insular Affairs
- ▶ Central Utah Project Completion Act

Overview of the 2011-2016 Plan

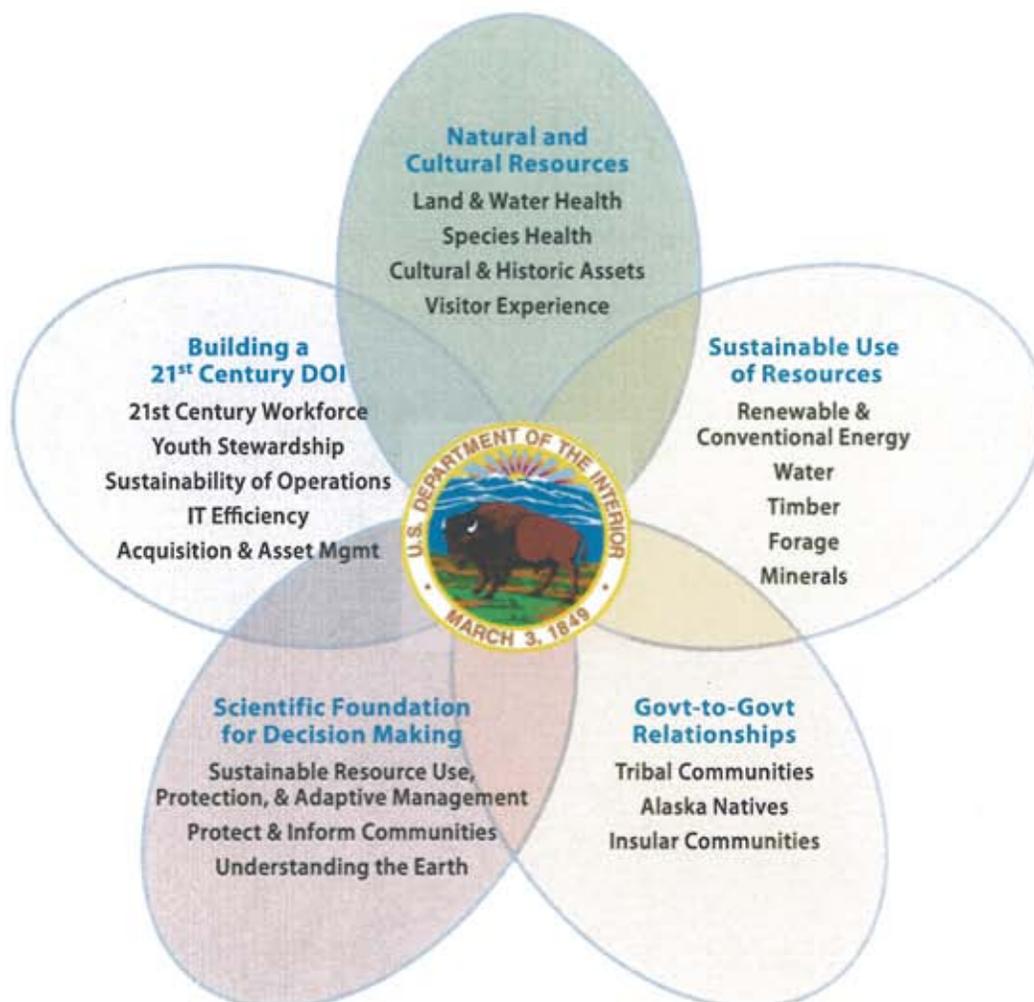
The Department of the Interior's 2011-2016 Strategic Plan provides the framework for the programs and activities that are performed by nine bureaus and multiple offices, and that take place at 2,400 locations throughout the Nation. A summary of the framework is provided on pages 42-43.

The Strategic Plan facilitates the integration of programs, the allocation and alignment of resources to achieve key goals, and collaboration and coordination with stakeholders. A set of five mission goals, strategies, and measures will guide the Department's activities for the next five years. The performance measures will be used to gauge progress and enable the President, Congress, and the public to assess the Department's performance. The Plan was developed over the course of 18 months including extensive consultation to incorporate lessons learned and reflect a more integrated, simpler, and focused presentation. The Department incorporated expanded consultation with Indian tribes. In keeping with the President's Executive Order 13175, a series of nine consultation sessions were held across the Nation and the comment period was extended several times to accommodate additional input.

The five mission areas that are depicted below provide the framework for the Department's overarching stewardship responsibilities and define our long-term areas of focus over the next five years. The combined mission areas contain 23 goals, including five priority goals. Each goal has one or more strategies that define how the Department plans to accomplish its goals. The Plan identifies performance measures for each strategy that relate the contributions of programs to the goals for the five mission areas.

Five priority goals define areas of notable reform set forth by the Secretary with a particular emphasis on achieving results in the near-term, including renewable energy, sustainable water management and conservation, climate change adaptation, youth in natural resources, and efforts to improve the safety of Indian communities.

Finally, the last section of the Plan discusses principles that pertain to the entire Department and guide ethical, accountable, and transparent operations.



MISSION AREA 1

PROVIDE NATURAL AND CULTURAL RESOURCE PROTECTION AND EXPERIENCES

Since its inception in 1849, the Department's resource protection and recreation management responsibilities have grown dramatically: lands have been added to the stewardship inventory, the complexity of managing lands has increased, and the number of people visiting recreational areas has grown. The Department is committed to stewardship of the Nation's natural and cultural resources – America's Great Outdoors.



Vermilion Cliffs National Monument, Paria Canyon, Arizona

GOAL #1

Protect America's Landscapes

We will ensure that America's natural endowment – America's Great Outdoors – is protected for the benefit and enjoyment of current and future generations. We will maintain the condition of lands and waters that are healthy, and we will restore the integrity of natural areas that have been damaged. We will strive to retain abundant and sustainable habitat for our diverse fish and wildlife resources, and we will reduce or eliminate threats to at-risk plant and animal species.

STRATEGY #1

Improve land and water health by managing the wetlands, uplands, and riparian areas that comprise our national parks, wildlife refuges, and BLM lands.

The Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and the Bureau of Reclamation are stewards of the lands and waters managed by the Department. These bureaus maintain and restore uplands, wetlands, and streams through efforts that include controlling invasive plants and animals, restoring land to a condition that is self-sustaining, and ensuring that habitats support healthy fish and wildlife populations.

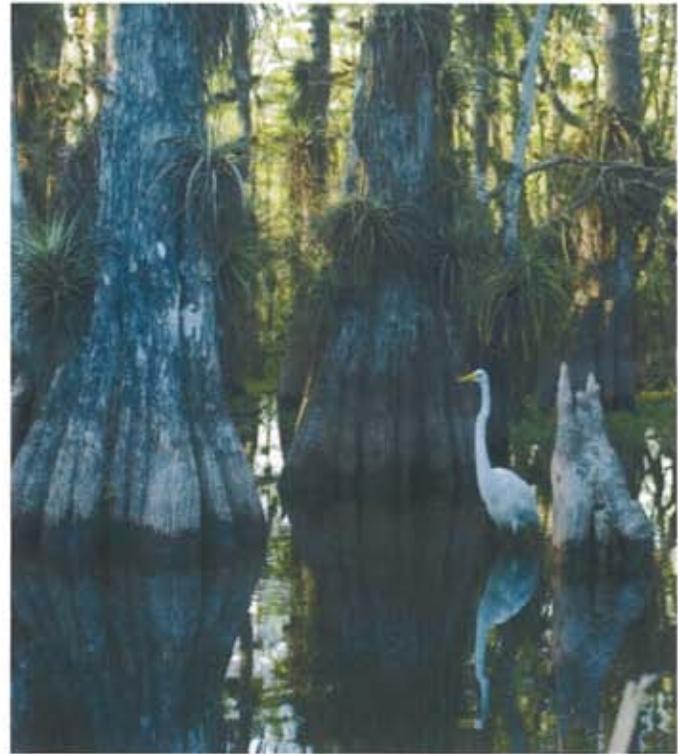
Annually, bureaus administer resource protection programs on more than 400 million acres of upland, wetland, and aquatic lands within their jurisdiction. Many of these lands have special status as national parks, seashores, monuments, wildlife refuges, wilderness areas, or wild and scenic rivers. They are protected because of their important and often unique ecological characteristics, physical geography, or historical features. The Department also works in partnership with others by providing and leveraging resources for conservation activities on non-Federal lands.



Northern spotted owl



Distillery Run, Catoctin Mountain Park, Maryland



Everglades National Park, Florida

Bureaus Reporting	Supporting Performance Measures	2016 Target
BLM, FWS, NPS	Percent of DOI acres that have achieved desired conditions where condition is known and as specified in management plans.	78%
BLM, FWS, NPS	Number of DOI acres restored to the condition specified in management plans.	1,106,905 acres
FWS	Number of DOI acres managed or protected to maintain desired condition as specified in management plans.	140,044,342 acres
BLM, FWS, NPS	Percent of DOI riparian (stream/shoreline) miles that have achieved desired condition where condition is known and as specified in management plans.	93%
FWS, BLM, NPS	Number of DOI riparian (stream/shoreline) miles restored to the condition specified in management plans.	879 miles
FWS	Number of DOI riparian (stream/shoreline) miles managed or protected to maintain desired condition as specified in management plans.	310,032 miles
BLM, BOR, FWS, NPS	Percent of baseline acres infested with invasive plant species that are controlled.	1.3%
BLM, FWS, NPS	Percent of invasive animal species populations that are controlled.	developing baseline
OSM	Number of Federal, private, and tribal land and surface water acres reclaimed or mitigated from the effects of natural resource degradation from past coal mining.	14,000 acres
FWS	Number of non-DOI acres restored, including through partnerships, as specified in plans or agreements that involve DOI.	599,636 acres
FWS	Number of non-DOI acres managed or protected to achieve desired condition, including through partnerships, as specified in plans or agreements that involve DOI.	872,877 acres
FWS, BOR	Number of non-DOI riparian (stream/shoreline) miles restored, including through partnerships, as specified in plans or agreements that involve DOI.	developing baseline
FWS	Number of non-DOI riparian (stream/shoreline) miles managed or protected to achieve desired condition, including through partnerships, as specified in plans or agreements that involve DOI.	1,295 miles



Arctic Ocean

PRIORITY GOAL

CLIMATE CHANGE By the end of 2012, for 50 percent of the Nation, the Department will identify resources that are particularly vulnerable to climate change and implement coordinated adaptation response actions.

The Department will develop the means by which better coordinated science-based decisions can be made for managing our natural resources using climate science centers and multi-bureau conservation cooperatives across the country. These centers will develop and deploy adaptation strategies to regional climate change impacts to land, water, fish and wildlife, cultural heritage, and tribal resources.

Bureaus Reporting	Supporting Performance Measures	2012 Target
BLM, BOR, FWS, NPS	Number of regions with vulnerability assessments completed.	12
BLM, BOR, FWS, NPS	Number of regions implementing climate change adaptation actions.	7

STRATEGY #2

Sustain fish, wildlife, and plant species by protecting and recovering the Nation’s fish and wildlife in cooperation with partners, including states.



Golden-Cheeked Warbler

Showy Indian Clover

Grizzly Bear

Bay Checkerspot Butterfly

The Fish and Wildlife Service is tasked with the conservation and protection of fish, wildlife, plants, and their habitats. FWS conducts these activities in partnership with others along with NPS, BLM, Reclamation, and state and local agencies. The strategy to sustain species focuses on identifying and implementing corrective actions that will lead to species recovery. The Department’s responsibility to protect fish, wildlife, and native plants transcends jurisdictional boundaries, and includes efforts that affect almost 1,300 species with special status under the Endangered Species Act and more than 1,000 migratory birds that receive Federal protection under the Migratory Bird Treaty Act.

Bureaus Reporting	Supporting Performance Measures	2016 Target
FWS	Percent of threatened and endangered species that have improved based on the latest 5-year status review recommendation.	TBD
FWS	Percent of threatened and endangered species recovery actions implemented.	62%
BLM, FWS, BOR	Number of threatened and endangered species recovery activities implemented.	developing baseline
FWS	Percent of migratory bird species that are at healthy and sustainable levels.	71%
FWS	Percent of fish species of management concern that are managed to self-sustaining levels, in cooperation with affected states, tribes, and others, as defined in approved management documents.	8%
FWS	Number of international species of management concern whose status has been improved in cooperation with affected countries.	260 species

GOAL #2

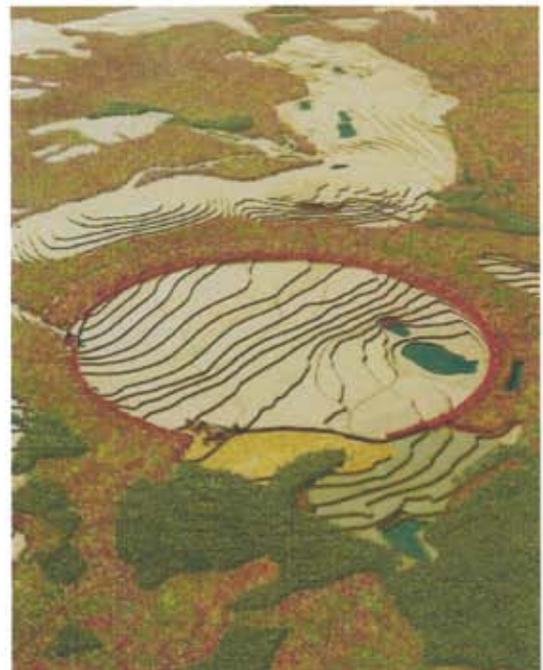
Protect America’s Cultural and Heritage Resources

We will ensure that our Nation’s rich cultural heritage and abundant historic and prehistoric resources are preserved for the enjoyment and enlightenment of current and future generations.

STRATEGY #1

Protect and maintain the Nation’s most important historic areas and structures, archaeological sites, and museum collections.

The Department maintains over 30,000 historic structures among four bureaus – NPS, BLM, FWS, and BIA. The largest portion of historic structures on DOI lands is found in the National Park System. The Department also protects many of the Nation’s most important cultural heritage resources as part of America’s Great Outdoors. They range in size from Civil War uniform buttons to the massive granite carvings of Mount Rushmore. The Department is the steward of millions of cultural and natural artifacts including those from the earliest days of settlement to monuments commemorating recent heroic events, such as the Flight 93 National Memorial in Pennsylvania. These treasured collections tell the history of the Nation. They are used by the Department, universities, historians, and others to expand understanding of our culture. They remind us of who we are and where we came from.



Flight 93 National Memorial, Field of Honor, Pennsylvania



Ancient petroglyphs (rock art), Aqua Fria National Monument, Arizona

Bureaus Reporting	Supporting Performance Measures	2016 Target
BIA, BLM, FWS, NPS	Percent of historic structures in DOI inventory in good condition.	55%
BIA, BOR, BLM, FWS, NPS	Percent of collections in DOI inventory in good condition.	38%
BIA, BLM, FWS, NPS	Percent of archaeological sites in DOI inventory in good condition.	60%

GOAL #3
Provide Recreation and Visitor Experience

We will endeavor to encourage the appreciation and use of our lands by facilitating visitor use and recreational experiences. We will strive to provide visitors with beneficial physical, mental, and social opportunities including those that result from outdoor recreational experiences.

STRATEGY #1

Enhance the enjoyment and appreciation of our natural and cultural heritage by creating opportunities for play, enlightenment, and inspiration.

Over 450 million Americans and foreign visitors traverse public lands each year. The bureaus that provide recreational opportunities – BLM, FWS, and NPS – are particularly dedicated to ensuring that visitors have the best possible experiences.



Denali National Park, Alaska

In a national dialogue about America’s Great Outdoors, citizens reiterated the importance of open spaces and recreation to their quality of life, health, and commitment to conservation. National parks, FWS refuges, and BLM public lands provide recreation experiences that include many forms: camping or hiking; catch and release trout fishing; canoeing; bird watching; biking, swimming, and many other activities. Many water-related recreational options are also available as a result of Bureau of Reclamation projects. These bureaus make special accommodations to address the need for accessibility to public lands and to better engage underserved communities.

Bureaus Reporting	Supporting Performance Measures	2016 Target
BLM, FWS, NPS	Percent of visitors satisfied with the quality of their experience.	89%
BLM, NPS	Percent of satisfaction among visitors served by facilitated programs.	89%



Wild and scenic river

GOAL #4

Manage the Impacts of Wildland Fire

We will swiftly act to minimize the risk of unwanted wildland fire whenever possible. When unwanted wildfires occur, we will work to control their spread and effects on safety, public and private property, and the environment.

The Department's Office of Wildland Fire Coordination organizes the activities of the four bureaus that manage and operate wildland fire programs in coordination with the Department of Agriculture's Forest Service – BLM, FWS, NPS, and BIA. These bureaus deploy strategies to mitigate the effects of wildland fire and restore burned acres, educate communities that are at highest risk from fire by assisting to develop fire action plans, and respond quickly when fire strikes. Reducing the risk of unplanned wildland fires depends on our success in building long-term strategic relationships and a cohesive approach with the Forest Service and other Federal organizations, states, tribes, local governments, and citizens.



Yosemite Valley, California prescribed fire

STRATEGY #1 Establish fire-adapted ecosystems.

Declining vegetative health has contributed to the increasing risk of wildfire which threatens landscapes and communities. Factors contributing to this decline include weather variability, climate change, fire exclusion, spread of insects and diseases and non-native species, changing land use, and fragmentation. In the aggregate, these factors pose a significant challenge to establishing and maintaining healthy, resilient landscapes and communities. A principal mechanism for restoring areas that have become unacceptable wildland fire risks is reducing the types and amounts of fire fuels. One measure of the effectiveness of these treatments is the degree to which a treated area moves toward its historical fire regime, or condition class.

Office Reporting	Supporting Performance Measures	2016 Target
PWF	Percent of acres treated which are moved toward the desired condition class.	80%
PWF	Percent of acres treated which are maintained in the desired condition class.	10%

STRATEGY #2 Adapt communities to wildfires.

Wildland fire management requires understanding, predicting, and planning that considers a complex matrix of fuel types, climate effects, fire behavior, land and resource values, social concerns, and costs. These elements, individually and collectively, are dynamic. The fire community is continually adapting and evolving management approaches to meet the challenges posed by wildland fire. The past two decades have seen an escalation of fire behavior, increased risk to responders, greater home and property losses, and increased threats to communities. These trends call for an intergovernmental broad-based, collaborative and cohesive response to better address these mounting challenges. The Department has entered into this collaborative approach with the Forest Service and other Federal, state, and local governments and stakeholders.

Office Reporting	Supporting Performance Measures	2016 Target
PWF	Percent of acres treated which achieve fire management objectives as identified in applicable management plans.	90%

STRATEGY #3 Respond to wildfires.

Some of the conditions that contribute to the number of wildland fire ignitions include climate change and drought, the proliferation of highly combustible invasive species in arid ecosystems, and excessive hazardous fuel accumulations from decades of fire suppression. The Department strives to achieve a technically effective fire management program that meets resource and safety objectives, while minimizing both the cost of suppression and damage to resources. Although the intent is to minimize the number of unplanned and unwanted wildland fires, thousands still occur each year. When they do, an aggressive response is mounted to ensure that risks to safety and damage to property are minimized.

Office Reporting	Supporting Performance Measures	2016 Target
PWF	Percent of unplanned and unwanted wildfires on DOI lands that are controlled during initial attack.	95%

MISSION AREA 2

SUSTAINABLY MANAGE ENERGY, WATER, AND NATURAL RESOURCES

The Department provides access to and manages energy and other resources including oil, gas, coal, water, timber, grazing, and non-energy minerals on public lands and the Outer Continental Shelf. The Department is committed to renewable energy development and the protection of people, wildlife, and the environment.

GOAL #1

Secure America's Energy Resources

We will promote responsible development of renewable energy and ensure safe and environmentally responsible access to natural resources.

As manager of one-fifth of the Nation's landmass and energy resources on 1.7 billion acres of the Outer Continental Shelf (OCS), the Department plays a critical role in meeting America's energy needs and moving the Nation toward a clean energy future. The Department's lands and waters provide 30 percent of the Nation's domestically-produced energy. We are creating a New Energy Frontier, responsibly advancing renewable energy on the Nation's lands and waters, and supporting tribal communities in the development of conventional and renewable energy resources and non-energy mineral resources on trust land.



BOEMRE Inspector witnesses testing of safety device at instrumentation panel.

Work continues to implement the reform agenda including recommendations made in the 30-day report to the President, *Increased Safety Measures for Energy Development on the Outer Continental Shelf*, May 27, 2010, and the report of the Safety Oversight Board, *U.S. Department of the Interior Outer Continental Shelf Safety Oversight Board Report to Secretary of the Interior Ken Salazar*.

The Department is also similarly concerned about the responsible management of our coal, oil, and gas resources onshore. These responsibilities ensure compliance with energy and environmental legislation through the performance or oversight of leasing, permitting, inspection, and enforcement activities; as well as ensuring the land is adequately reclaimed after drilling or mining.

Federal Laws Affecting DOI Energy Programs

- ★ Antiquities Act
- ★ Endangered Species Act
- ★ Federal Land Policy & Management Act
- ★ Energy Act of 2000
- ★ Energy Policy Act of 2005
- ★ Lacey Act
- ★ Mineral Leasing Act
- ★ National Park Service Organic Act
- ★ National Wildlife Refuge System Administration Act
- ★ Outer Continental Shelf Lands Act
- ★ Surface Mining Control & Reclamation Act

STRATEGY #1

Ensure environmental compliance and the safety of energy development.

The Department is committed to developing energy resources in a responsible manner. Following the Deepwater Horizon explosion and subsequent oil spill, the Department has undertaken extensive reforms to its energy programs to improve safety and environmental protection. The reforms include establishing the Bureau of Ocean Energy Management, Regulation and Enforcement to replace the Minerals Management Service; transferring revenue management programs to the Office of Natural Resources Revenue under the Assistant Secretary – Policy, Management and Budget; planning to restructure ocean energy management programs into new entities that will continue the Department's focus on energy management and safety and environmental enforcement; expanding inspections; and issuing new regulations, standards, and guidance to ensure safety and environmentally sound operations on the OCS.



Regulatory oversight of active coal mining on Navajo and Hopi lands in northeastern Arizona.



Successful establishment of wildlife habitat after coal mining at Antelope Mine, north of Douglas, Wyoming.

Bureaus Reporting	Supporting Performance Measures	2016 Target
OSM	Percent of active coal mining sites that are free of off-site impacts.	88%
OSM	Percent of coal mine acreage reclaimed.	75%
BLM	Percent of oil and gas acres reclaimed to appropriate final land condition.	25%
BLM	Percent of producing fluid mineral cases that have a completed inspection during the year.	20%
BOEMRE	Amount (in barrels) of operational offshore oil spilled per million barrels produced.	4.5
BOEMRE	Number of recordable injuries per 200,000 offshore man hours.	0.5

STRATEGY #2 Develop renewable energy potential.

A key component of securing America’s energy future is the responsible development of renewable energy on public lands, tribal lands, and the OCS. The Department is facilitating environmentally appropriate renewable energy projects involving solar, wind and wave, geothermal, biofuels, and hydropower energy sources. Development of these resources and effective transmission networks will help reduce the Nation’s dependence on foreign oil, reduce the use of fossil fuels, and promote jobs here in America.

Reclamation’s water projects also create opportunities for energy production. Reclamation is the Nation’s second largest producer of hydroelectric power, generating 40 billion kilowatt hours from 58 power plants.



Wind turbines, Colorado

Bureaus Reporting	Supporting Performance Measures	2016 Target
BOR	Percent of hydropower facilities in good condition as measured by the Facility Reliability Rating.	74.5%
BOR	Percent of time that BOR hydroelectric generating units are available to the inter-connected western electrical system during daily peak demand periods.	87.5%
BLM, BOEMRE	Number of megawatts of approved capacity authorized on public land and the OCS for renewable energy development while ensuring full environmental review (cumulative).	16,900 MW



View from Hoover Dam crest during test of jet flow gates

PRIORITY GOAL

RENEWABLE ENERGY SOURCES Increase approved capacity for production of renewable (solar, wind, and geothermal) energy resources on Department of the Interior managed lands, while ensuring full environmental review, to at least 10,000 megawatts by the end of 2012.

Through responsible development of federally managed onshore and offshore renewables, such as wind, solar, and geothermal energy, the Department can play a central role in moving the Nation toward a clean energy economy. In addition, the Department's leadership in science and land-based knowledge of the Nation's resources can facilitate development to increase the delivery of renewable energy to consumers. Most importantly, this can all be accomplished while protecting our treasured landscapes, preserving land health, and maintaining high environmental standards.

Bureau Reporting	Supporting Performance Measures	2012 Target
BLM	Number of megawatts of approved capacity authorized on public land for renewable energy development while ensuring full environmental review (cumulative).	10,000 MW

STRATEGY #3 Manage conventional energy development.

In order to reduce the Nation’s reliance on energy imports, the Department continues to manage programs that oversee the orderly development of oil, natural gas, and coal. The Department ensures responsible development of these resources and that the American public receives a fair return.

Bureaus Reporting	Supporting Performance Measures	2016 Target
BOEMRE	Number of offshore lease sales held consistent with the Secretary’s 5-Year Oil and Gas Program.	TBD
BLM	Percent of coal lease applications processed.	14%
BLM	Percent of pending fluid minerals Applications for Permit to Drill (APDs) which are processed.	developing baseline

What Do Federal Lands and Waters Contribute to the Nation’s Energy Needs?

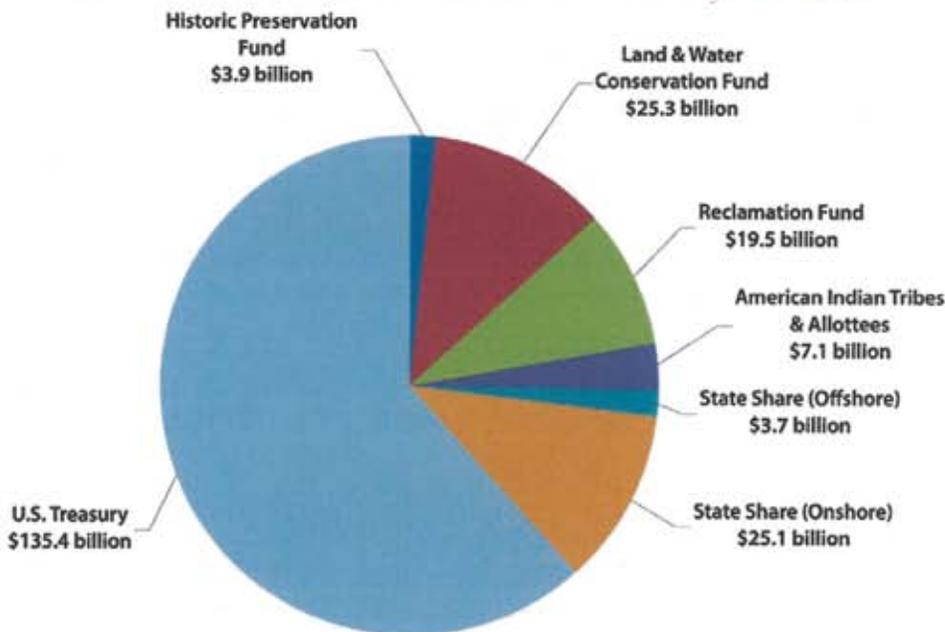
30% of domestic energy production

- ◆ 35% oil (25% from OCS)
- ◆ 30% natural gas production
- ◆ 44% coal production
- ◆ 17% hydropower production
- ◆ 50% geothermal energy production



Coal mining operation, Montana

Cumulative Mineral Lease Revenue Disbursements (1982-2010)



STRATEGY #4 Account for energy revenues.

Interior is committed to ensuring a full and fair return from Federal and Indian lands leased for energy development. The Department will fulfill its role by accurately and efficiently collecting, accounting for, substantiating, and distributing revenues associated with offshore and onshore energy production. Revenues generated from these activities are distributed to states and tribes, fund land protection and historic preservation, and are deposited in the U.S. Treasury.

Office Reporting	Supporting Performance Measures	2016 Target
ONRR	Percent of Federal and Indian revenues disbursed on a timely basis per statute.	99%
ONRR	Percent of unique mineral royalty companies covered by compliance activities.	66%

GOAL #2

Manage Water for the 21st Century

We will deliver water in the 17 western states; managing water resources through the safe and effective performance of our facilities. For almost a decade, the Nation has experienced drought in major river basins while population and resulting demands for water have increased. The Department has a role in developing innovative approaches to meet water needs and anticipate future challenges.

STRATEGY #1 Conserve water.

Climate change, extended droughts, and depleted aquifers are impacting water supplies and availability. A new approach and creative efforts are required to sustain the economy, environment, and culture of the American West. The Department will "increase" the water supply by conservation through BOR's WaterSMART and Title XVI grants. The projects supported by these grants improve the use of our important water resources.

Bureau Reporting	Supporting Performance Measures	2016 Target
BOR	Acre feet of water conservation capacity enabled through Reclamation's conservation-related programs such as water reuse and recycling (Title XVI) and WaterSMART grants.	930,000 acre feet
BOR	Potential acre-feet of water made available through the completion of projects (other than Title XVI and WaterSMART).	1,500 acre feet

PRIORITY GOAL

WATER CONSERVATION

Enable capability to increase available water supply for agricultural, municipal, industrial, and environmental uses in the western United States by 490,000 acre feet by the end of 2012 through Reclamation's conservation-related programs, such as water reuse and recycling (Title XVI), and WaterSMART grants.

The American West is now the fastest growing region of the country and faces serious water challenges. Competition for finite water supplies is increasing as a result of population growth, agricultural demands, and water for environmental needs. An increased emphasis on domestic energy development will place additional pressure on limited water supplies, as significant amounts of water may be required for unconventional and renewable energy development.

At the same time, climate change, extended droughts, and depleted aquifers are impacting water supplies and availability. A new approach and creative efforts are required to sustain the economy, environment, and culture of the American West. One approach is to effectively "increase" the water supply by conservation through BOR's WaterSMART and Title XVI grants. The projects supported by these grants improve the use of our important water resources. BOR's WaterSMART Grants also provide funding for projects that address the connection between water and energy use.



Replacement of manual gates with Rubicon standard programmable flume gate, Cameron County Irrigation District No. 2, TX, funded through the WaterSMART Grants program.

Bureau Reporting	Supporting Performance Measures	2012 Target
BOR	Acre feet of water conservation capacity enabled through Reclamation's conservation-related programs such as water reuse and recycling (Title XVI) and WaterSMART grants.	490,000 acre feet

STRATEGY #2 Improve reliability of water delivery.

The Bureau of Reclamation operates and maintains its water facilities in a safe, efficient, economical, and reliable manner, and assures that systems and safety measures are in place to protect the facilities and the public. Reclamation's Facility Reliability Rating (FRR) system was established to score and provide a general indication of Reclamation's ability to maintain the reliability of its facilities. With the use of FRR data, Reclamation is alerted to activities or areas needing attention to help ensure water storage and delivery for its customers.

Bureau Reporting	Supporting Performance Measures	2016 Target
BOR	Percent of water infrastructure in good condition as measured by the Facility Reliability Rating.	71%

STRATEGY #3 Improve infrastructure and operation efficiency of tribal water facilities.

The BIA Irrigation, Power and Safety of Dams program operates and manages irrigation, power, and dam infrastructure. The program sets high standards for maintenance, collaboration with stakeholders, and effective water and power distribution. BIA manages facilities to ensure they do not present an unacceptable risk to downstream lives and property; and are managed in an economically, technically, environmentally, and culturally sound manner.

Bureau Reporting	Supporting Performance Measures	2016 Target
BIA	Number of linear miles of functional BIA irrigation project canals servicing irrigated lands.	developing baseline
BIA	Annual percentage improvement in the mean BIA Dam Facility Reliability Rating.	developing baseline



Drop Structure – Pine River Irrigation Project



Coolidge Dam – San Carlos Irrigation Project

GOAL #3

Sustainably Manage Timber, Forage, and Non-energy Minerals

Interior lands designated for multiple use offer harvestable timber, grasslands for grazing, and deposits of non-energy minerals. Interior will manage these lands sustainably to enhance public benefit, promote responsible use, and generate economic value.



Camas East Timber Sale in Late Successional Reserve, Oregon

STRATEGY #1

Manage timber and forest product resources.

Interior's forests or woodlands are managed by BLM for the benefit of the American public. The BLM maintains a permanent source of timber supply, which supports the production of products such as lumber, plywood, and paper, while also protecting watersheds, regulating stream flow, contributing to the economic stability of local communities and industries, and providing recreational opportunities.

Bureau Reporting	Supporting Performance Measures	2016 Target
BLM	Percent of allowable sale quantity timber offered for sale consistent with applicable resource management plans.	74%
BLM	Volume of wood products offered consistent with applicable management plans.	230 mmbf*

* million board feet of timber

STRATEGY #2

Provide for sustainable forage and grazing.

The BLM manages livestock grazing on over half of its public lands. The BLM's overall objective is to ensure the long-term health and productivity of these lands. BLM uses a variety of methods to accomplish this objective – periodic rest or deferment of grazing in pastures in specific allotments during critical growth periods; vegetation treatments; and projects such as water developments and fences. The terms and conditions for grazing on BLM-managed lands such as stipulations on forage use and season of use are set forth in the permits and leases issued by the Bureau to public land ranchers.



Miller Ranch, North Dakota

Bureau Reporting	Supporting Performance Measures	2016 Target
BLM	Percent of grazing permits and leases processed as planned consistent with applicable resource management plans.	39%



Little Boulder Basin showing operations of Newmont's Gold Quarry Mine and Barrick's Betzel/Post Mine, Nevada

STRATEGY #3 Manage non-energy mineral development.

Non-energy minerals development on BLM lands, such as gold, zinc, lead, copper, iron, salt, sand, potassium, phosphate, stone, gravel, and clay, support a broad array of uses including medical applications, computer production, coastal restoration, automobile production, and highway construction and maintenance. The BLM is committed to sustaining mineral development in an environmentally responsible way by ensuring the reclamation of areas that have been mined and minimizing environmental impacts during the mining process.

Bureau Reporting	Supporting Performance Measures	2016 Target
BLM	Percent of non-energy mineral exploration and development requests processed.	developing baseline
BLM	Number of mined acres reclaimed to appropriate land condition and water quality standards.	3,500 acres

MISSION AREA 3

ADVANCE GOVERNMENT-TO-GOVERNMENT RELATIONSHIPS WITH INDIAN NATIONS AND HONOR COMMITMENTS TO INSULAR AREAS



San Carlos Navajo Indian Irrigation Project, Arizona

The Department of the Interior has a solemn responsibility to uphold the Federal Government's unique government-to-government relationship with federally recognized American Indian tribes and Alaska Natives. This mission is accomplished through coordinated efforts between the Department's bureaus and offices, other Federal agencies, and relationships with tribes. The Department also carries out the Secretary's responsibilities for U.S. affiliated insular areas.

GOAL #1

Meet Our Trust, Treaty, and Other Responsibilities to American Indians and Alaska Natives

We will restore the integrity of nation-to-nation relationships with tribes and work diligently to fulfill the United States' trust responsibilities. We will work in partnership with tribes to build stronger economies and safer Indian communities.

STRATEGY #1 Protect Indian treaty and subsistence rights.

The Department will assist tribes and Alaska Natives in developing the most effective practices for responsible and successful use of subsistence resources. For the purposes of this measure, subsistence means the gathering and harvest, processing, consumption, and use of all wild resources – birds, mammals, fish, and plants – from all the varied environments found throughout tribal communities. For American Indians and Alaska Natives, subsistence use embodies a culturally significant lifestyle and is an important component of Indian communities. Subsistence resources are important to these economies and for the continuation of traditions and practices that are a part of these diverse cultures. The term "customary and traditional" is included in the Code of Federal Regulations to describe the historic and current use of wildlife and fisheries resources for subsistence by residents of rural communities.

Bureau Reporting	Supporting Performance Measures	2016 Target
BIA	Percent increase in the number of federally-recognized American Indian tribes and Alaska Native organizations involved with studies and projects to improve Federal and tribal management of subsistence resources.	9%

STRATEGY #2 Fulfill fiduciary trust.

Interior has ongoing responsibilities for the timely reporting of Indian trust ownership information to its beneficiaries. We will make certain that the trust and restricted Federal Indian-owned lands are managed effectively and revenues accurately accounted for in a timely and efficient manner. The Office of the Special Trustee for American Indians and Bureau of Indian Affairs are the entities that oversee fiduciary trust activities.

Bureaus Reporting	Supporting Performance Measures	2016 Target
BIA	Percent of active, supervised Individual Indian Monies (IIM) case records reviewed in accordance with regulations.	100%
OST	Percent of financial information initially processed accurately in trust beneficiaries' accounts.	99%
OST	Percent of oil and gas revenue transmitted by ONRR recorded in the Trust Funds Accounting System within 24 hours of receipt.	99%
OST	Percent of timeliness of financial account information provided to trust beneficiaries.	99%

STRATEGY #3 Strengthen tribal judicial systems.

Tribal justice systems are an essential part of tribal governments, which interface with BIA and tribal law enforcement activities. Congress and the Federal courts have repeatedly recognized tribal justice systems as the appropriate forums for adjudicating disputes and minor criminal activity within Indian Country. It is important that the BIA and tribal law enforcement activities complement the operations of the tribal courts to ensure that justice in the tribal forums is administered effectively.

Bureau Reporting	Supporting Performance Measures	2016 Target
BIA	Percent of BIA funded tribal judicial systems receiving an acceptable rating under independent tribal judicial system reviews.	50%

STRATEGY #4 Manage and develop resources assets.

An integral part of building stronger economies within American Indian and Alaska Native communities is developing conservation and resource management plans that ensure sustainable use of trust land. Income is derived from leasing the land for timber and forest biomass harvests, grazing, and farming. These plans are reviewed by BIA to help safeguard the income-generating assets that sustain the economy of communities.

Bureau Reporting	Supporting Performance Measures	2016 Target
BIA	Number of fractionated interests acquired.	developing baseline
BIA	Percentage of grazing permits monitored annually for adherence to permit provisions, including permittee compliance with requirements described in conservation plans.	developing baseline
BIA	Percentage of active agricultural and grazing leases monitored annually for adherence to lease provisions, including lessee compliance with responsibilities described in conservation plans.	developing baseline
BIA	Percent of range units assessed during the reporting year for level of utilization and/or rangeland condition/trend.	developing baseline
BIA	Percent of sustainable harvest of forest biomass utilized for energy and other products.	developing baseline

STRATEGY #5 Create economic opportunity.

The Department assists Indian Nations develop capabilities and infrastructure needed to attain economic self-sufficiency on reservations to enhance their quality of life. One critical path is economic development and job creation. BIA coordinates the development of comprehensive tribal programs with the Departments of Labor and Health and Human Services. Interior offers programs and financial services which encourage start-ups and help position Indian businesses and individuals to compete in today's economy. Interior supports tribal communities in the development of conventional and renewable energy resources (e.g. solar and wind) and non-energy mineral resources on trust land.

Bureau Reporting	Supporting Performance Measures	2016 Target
BIA	Total average gain in earnings of participants that obtain unsubsidized employment through Job Placement Training program.	\$6.50 per hour
BIA	Loss rates on DOI guaranteed loans.	<5%
BIA	Fee to trust: Increase in the percentage of submitted applications with determinations.	developing baseline

STRATEGY #6 Strengthen Indian education.

The Department is allocating funds to replace and upgrade its Bureau of Indian Education funded schools, and improve the learning environment of BIE students. Improving performance in BIE schools is a challenge the Department is addressing through initiatives aimed at increasing student achievement with a focus on reading and math. Schools are assessed for their Adequate Yearly Progress (AYP) which is defined by each state based on judging reading and mathematics proficiency along with attendance for elementary and middle schools, and graduation rates for high schools.



Bureau Reporting	Supporting Performance Measures	2016 Target
BIE	Percent of BIE schools achieving AYP (or comparable measure).	100%
BIE	Percent of BIE school facilities in acceptable condition as measured by the Facilities Condition Index.	65%

STRATEGY #7 Make communities safer.

Interior will strengthen law enforcement in Indian Country by putting more officers on the streets, bolstering tribal courts, and helping fight violent crime and drug abuse. Crime control, however, is only one component of a safe community. New construction, renovation, and maintenance of facilities, including detention facilities and roads and bridges also contribute to the safety and well-being of the tribal populace.

Bureau Reporting	Supporting Performance Measures	2016 Target
BIA	Percent of law enforcement facilities that are in acceptable condition as measured by the Facilities Condition Index (FCI).	88%
BIA	Percent of miles of road in acceptable condition based on the Service Level Index.	10%
BIA	Percent of bridges in acceptable condition based on the Service Level Index.	59%
BIA	Part I violent crime incidents per 100,000 Indian Country inhabitants receiving law enforcement services.	419 Incidents



Law enforcement training

PRIORITY GOAL

SAFE INDIAN COMMUNITIES Achieve significant reduction in crime of at least 5 percent within 24 months on targeted tribal reservations by implementing a comprehensive strategy involving community policing, tactical deployment, and critical interagency and intergovernmental partnerships.

Customized community policing programs are being employed to ensure the reduction of violent crime incidents on Indian lands. The rate of violent crime estimated from reported incidents for American Indians is more than twice the national average. It is the goal of the Department to reduce the incidence of crime, with an emphasis on violent crime, in Indian Country through development of a community assessment and police improvement project that initially focuses on four communities with excessive crime problems.

Bureau Reporting	Supporting Performance Measures	2012 Target
BIA	Change in violent crime offenses in targeted areas.	-5%

STRATEGY #8 Support self-governance and self-determination.

Interior is strengthening the government-to-government relationship between the Federal Government and tribal nations because self-determination, sovereignty, self-government, and self-reliance are not abstract concepts. Rather, they are the tools that will enable tribal nations to shape their collective destiny. Tribes have also assumed an expanded role in the operation of Indian programs through Public Law 93-638 contracting. Tribes contract with the Federal Government to operate programs serving their tribal members and other eligible persons.

Bureau Reporting	Supporting Performance Measures	2016 Target
BIA	Percent of Indian Affairs programs executed by Indian tribes through contract and compact agreements.	developing baseline
BIA	Percent of P.L. 93-638 Title 4 contracts with clean audits.	67%
BIA	Percent of Single Audit Act reports submitted during the reporting year for which management action decisions on audit or recommendations are made within 180 days.	87%

STRATEGY #9

Management for Protection of Water Rights.

The BIA water program functions are divided into two distinct but overlapping elements. The Water Rights Negotiation/Litigation Program defines and protects Indian water rights and settles claims through negotiations if possible, or alternatively, through litigation. The Water Management Program assists tribes in managing, conserving, and utilizing trust water resources.



Two Medicine Mountain River headwaters on the Blackfeet Indian Reservation

Bureau Reporting	Supporting Performance Measures	2016 Target
BIA	Annual percent of projects completed in support of water management, planning, and pre-development.	developing baseline



American Samoa

GOAL #2

Empower Insular Communities

The Department empowers insular communities by improving the quality of life, creating economic opportunity, and promoting efficient and effective governance. The U.S.-affiliated insular areas include: the territories of American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands. Interior also administers and oversees Federal assistance provided to the three Freely Associated States: the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. The Assistant Secretary and the Office of Insular Affairs carry out these responsibilities on behalf of the Secretary.

STRATEGY #1 Improve quality of life.

The Department will assist the insular areas to improve the quality of life by pairing access to financial resources for capital improvements and public services with robust oversight, and by improving interagency coordination on insular issues. We will also pursue sustainable, indigenous energy strategies to lessen dependence on oil imports and provide more reliable and affordable energy.



Guam

Office Reporting	Supporting Performance Measures	2016 Target
OIA	Percent of Community Water Systems (CWS) that receive health-based violation notices from the U.S. Environmental Protection Agency.	9%
OIA	Change in the amount of petroleum used by utilities to deliver a megawatt of power.	-2%
OIA	Percent of schools in acceptable condition based on specified safety and functionality standards.	developing baseline
OIA	Number of patients requiring off-island medical referrals.	2,500 patients

STRATEGY #2 Create economic opportunity.

The Department will help create economic opportunity by forging partnerships that bolster tourism and attract industry by promoting the unique island cultures, natural resources, and by preparing the next generation of business leaders. We will pursue economic development initiatives that encourage private sector investment in the insular areas.

Office Reporting	Supporting Performance Measures	2016 Target
OIA	Percent change in mean real GDP per capita.	+1.5%

STRATEGY #3 Promote efficient and effective governance.

The Department will work with the insular areas to ensure that local and Federal funding is being used efficiently and effectively by improving insular government financial policies and procedures, financial management systems, and technical planning abilities. We will also strive to equip insular area leadership with the statistical tools necessary for informed decision making.

Office Reporting	Supporting Performance Measures	2016 Target
OIA	Number of insular governments with on-time and unqualified single audits.	5



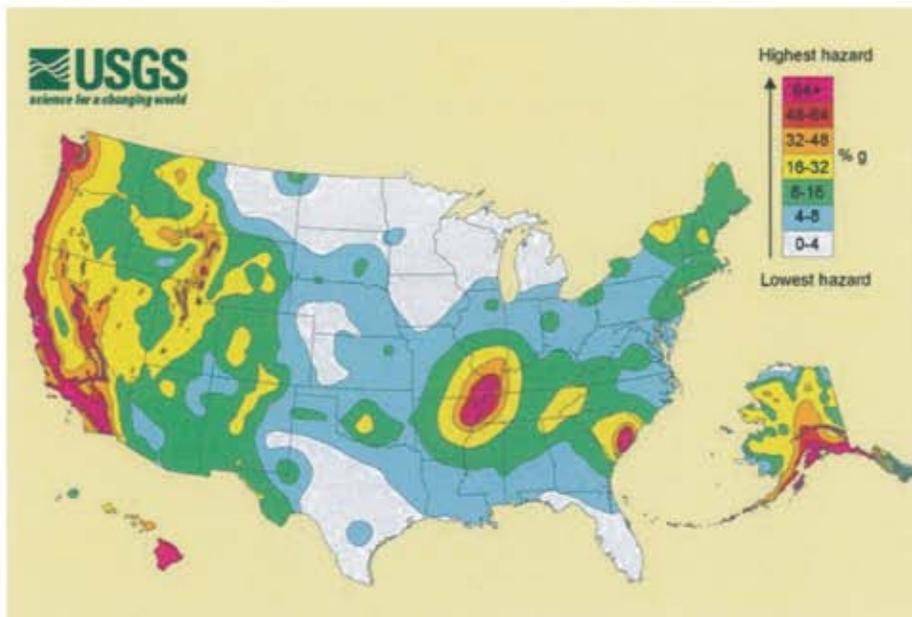
Palau



Federated States of Micronesia

MISSION AREA 4 PROVIDE A SCIENTIFIC FOUNDATION FOR DECISION MAKING

Science is a key component of the Department of the Interior mission. The U.S. Geological Survey serves as the Department's primary science organization, and each bureau also conducts mission-specific research to support its programs. Science is an essential, cross-cutting element that assists bureaus in land and resource management and regulation. Department science also reaches beyond the boundaries of Interior lands and the United States. Research reports, publications, monitoring information, and other products are available worldwide to provide credible, applicable, unbiased information to inform decision making related to ecosystems, climate change, land use change, energy and mineral assessments, environmental health, natural hazards, and water resources.



Earthquake shaking hazard maps provide essential information for creating and updating the seismic design provisions of building codes used in the U.S. to enable structures to better withstand earthquakes, save lives, and allow critical activities to continue with less disruption.

GOAL #1

Ensure the Quality and Relevance of Science Products to Partners and Customers

We will continue to provide impartial research results and conclusions on the health of our ecosystems and environment, the natural hazards that threaten us, the natural resources on which we rely, the impacts of climate and land-use change, and the core science systems that help us provide timely, relevant, and useable information. The USGS is a widely-used scientific data provider for accessing information and improving its understanding to help resolve complex natural resource problems across the Nation and around the world.

STRATEGY #1 Ensure overall customer satisfaction.

The Department supports applied and basic research and the development of science products for use by Interior bureaus and offices, local, state, national, and international communities, and science partners. For example, the USGS assists governments in understanding how to reduce the impact of potential natural hazards; monitoring water quality and quantity; analyzing energy and mineral potential, consumption, and environmental effects; and tracking changes to the land and ocean environments. Timely feedback from partners and customers is essential to ensuring the quality and relevance of science products.

Bureau Reporting	Supporting Performance Measures	2016 Target
USGS	Percent of partners or customers satisfied with scientific, technical and data products.	≥90%

GOAL #2

Provide Science for Sustainable Resource Use, Protection, and Adaptive Management

We will support scientific research to assess, understand, model, and forecast the impacts of climate change and other environmental drivers on our ecosystems, natural resources, and communities. Our bureaus will develop and construct strategies for adapting to climate change based on scientific analysis. The Department will assist Federal, state, local, and tribal entities by monitoring water quality and quantity; analyzing energy and mineral resources potential and environmental effects of their extraction and use; and analyzing and monitoring changes to the land and ocean environments.

STRATEGY #1 Identify and predict ecosystem changes.

The Department will conduct ongoing research to support and inform decisions related to ecological systems for land, water, and fish and wildlife population management. Climate and land use changes are the key drivers of changes in ecosystems, and strategies for protecting climate-sensitive ecosystems will be increasingly important. Terrestrial and aquatic populations and their habitats are studied to understand their condition and function within ecosystems and provide information to improve management and conservation actions. For example, the USGS will endeavor to determine the impacts and interactions that climate change, invasive plant and animal species, wildfire, disease, and other stressors have on the state of the Nation's biological resources. Managing and protecting the biological and physical components that support ecosystem services and processes is a priority of the Department, especially as it relates to the impacts of climate change.

Bureau Reporting	Supporting Performance Measures	2016 Target
USGS	Percent of targeted fish and aquatic populations and their habitats for which information is available regarding limiting factors such as migratory barriers, habitat, and effects of disturbance (fire, flood, nutrient enhancement).	45%
USGS	Percent of targeted wildlife populations for which science information is provided for management decision making to inform and improve conservation.	72%
USGS	Percent of targeted species for which monitoring and decision support information on their status and trends are available.	30%
USGS	Percent of targeted science information products available for successful control and management of priority groups of invasive species.	47%
USGS	Percent of targeted ecosystems with information products forecasting ecosystem change.	44%



There are a wide range of ecological systems, each comprised of a unique suite of species, habitats, and abiotic components. These images from Glacier National Park, taken nearly 90 years apart (circa 1920 and 2008), show significant differences in riparian vegetation, timber stands, and glacier size.

STRATEGY #2 Identify and model causes and impacts of changes to the Earth and ocean systems.

The Department is actively engaged in developing and employing many tools and datasets to better understand the causes and consequences of land cover change, and to analyze and visualize the changes taking place. In particular, the USGS uses satellite observations at local, regional, and continental scales to detect, analyze, and monitor changes on the land, study the connections between people and the land, and provide society with relevant science information to inform public decisions. These data are necessary to provide a baseline composite of the characteristics and geographic variability of land cover to understand the dynamic relationships of biologic, geologic, oceanographic structure, and processes of coastal and marine environments.



Landsat satellite images show the population changes in Las Vegas, Nevada, over a forty year span. In May 1973, the population was 358,400; in February 2006 it grew to 2,013,267. One of the consequences of such growth is water availability.

Bureau Reporting	Supporting Performance Measures	2016 Target
USGS	Percent of U.S. surface area with contemporary land cover data needed for major environmental monitoring and assessment programs.	95%
USGS	Percent of regional and topical ocean and coastal studies that cite USGS products within three years of study completion.	81%



Glacier near Seward, Alaska

STRATEGY #3

Assess and forecast climate change and its effects.

The extent to which U.S. communities and ecosystems may be affected by climate change will depend on the nature of the impacts and the sensitivity of the ecosystem to the changes. Successful adaptation to climate change will depend on access to a variety of options for effective management responses. The Department will support research and monitoring initiatives of carbon, nitrogen, and water cycles, and their effects on ecosystems. The USGS will provide tools for managers to develop, implement, and test adaptive strategies, reduce risk, and increase the potential for ecological systems to be self-sustaining, resilient, and adaptable to environmental changes. Interior also considers the application of traditional knowledge when making decisions affecting tribal communities.

The USGS will, through its existing scientific assets and the new DOI Landscape Conservation Cooperatives and Climate Science

Centers, implement partner-driven science to improve understanding of past and present land use change, develop relevant climate and land use forecasts, and identify lands, resources, and communities that are most vulnerable to adverse impacts of change from the local to global scale.

Bureau Reporting	Supporting Performance Measures	2016 Target
USGS	Number of fish and wildlife climate-based habitat and population models developed by scientists and in cooperation with land managers.	14

STRATEGY #4

Monitor and assess water availability and quality.

The Nation faces an increasing set of water resource challenges. The Department will continue to monitor and conduct research to generate a more precise estimate of water availability and use for meeting current and future human, environmental, and wildlife requirements. These research and monitoring activities will help identify water resources for use by humans and the environment while also developing tools to forecast likely outcomes for water use and quality, and aquatic ecosystem health affected by changes in land use and land cover, natural and engineered infrastructure, water use, and climate. State and local governments rely heavily on the monitoring data that is provided by USGS monitoring systems that operate across the country.



Hydrologic technicians measure the overflow from the swollen Withlacoochee River, a tributary of Florida's Suwannee River, during a flood in April 2009.

Bureau Reporting	Supporting Performance Measures	2016 Target
USGS	Percent of U.S. with current groundwater quality status and trends information.	40%
USGS	Percent of U.S. with groundwater availability status and trends information.	33%
USGS	Percent of U.S. with current streamwater quality status and trends information.	40%
USGS	Percent of USGS planned streamgages that are fully funded by the National Streamflow Information Program.	30%
USGS	Number of water monitoring sites supported jointly with state, local or Tribal cooperators.	22,000
USGS	Percent of U.S. with completed, consistent water availability products.	50%

STRATEGY #5 Assess national and international energy and mineral resources.

The Nation faces increasing demands for energy and mineral resources, particularly in light of concerns about our dependence on resources imported from other countries. Interior's energy and mineral resources research, assessments, and information will improve our understanding of resource occurrence, distribution, and quality, and foster multidisciplinary analyses of the broad economic, environmental, and societal consequences of resource extraction and use. The outcomes of these activities will inform decision making with respect to such issues as natural resource protection, environmental health, economic vitality, and responsible resource management on Department and other lands.

Bureau Reporting	Supporting Performance Measures	2016 Target
USGS	Percent of targeted non-fuel mineral commodities for which up-to-date deposit models are available to support decision making.	100%
USGS	Number of USGS energy products accessed online.	6 million

GOAL #3

Provide Scientific Data to Protect and Inform Communities

We will support scientific research to improve the resilience of communities to natural hazards and wildlife diseases in order to preserve the quality of life and reduce the likelihood of fatalities and economic losses. The USGS will lead the scientific research on the environment and natural hazards and provide information to partners and stakeholders for use in making decisions that will protect lives.

STRATEGY #1 Monitor and assess natural hazards risk and resilience.

The Department’s monitoring and assessments provide information and the scientific understanding that will help protect communities by significantly reducing the vulnerability of millions of people to natural hazards. For example, the USGS, working with many partners, collects accurate and timely data from modern earth observation networks, analyzes those data to assess areas that are at risk due to natural hazards, and conducts focused research to improve hazard predictions.



When lava meets the ocean at Kilauea Volcano, Hawaii



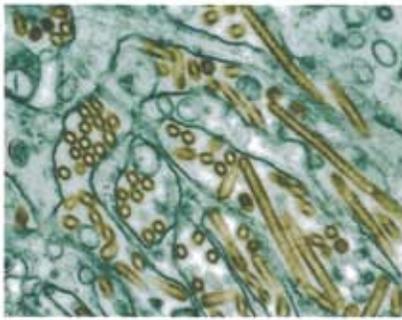
Loma Prieta earthquake, Beach and Divisadero Streets, Marina District, San Francisco, California, October 1989

Bureau Reporting	Supporting Performance Measures	2016 Target
USGS	Percent completion of earthquake and volcano hazard assessments for moderate to high hazard areas.	39%
USGS	Percent implementation of optimal earthquake and volcano monitoring for moderate to high hazard areas.	31%

STRATEGY #2 Identify the connection between the natural environment and wildlife and human health.

Human health is often related to the health of the environment and wildlife health. The emergence of diseases transferred between animals and humans is a growing concern. The Department is taking a leadership role in providing the natural science information needed by health researchers, policy makers, and the public to safeguard public health by monitoring wildlife, identifying wild animal disease reservoirs, and maintaining and integrating critical knowledge about wild animal disease transmission to humans, and the use of wild animals as sentinels of human health.

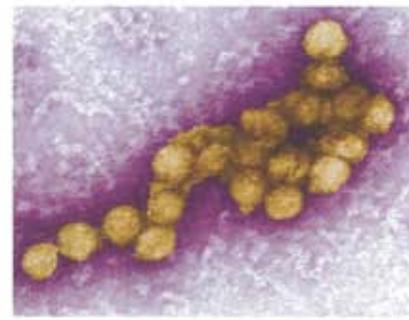
Bureau Reporting	Supporting Performance Measures	2016 Target
USGS	Number of emerging disease outbreak (contaminants and pathogens) investigations.	463



The Avian influenza A (H5N1) pathogen knows no borders



USGS scientists are working to identify high risk areas to prevent introduction of various pathogens into the U.S.

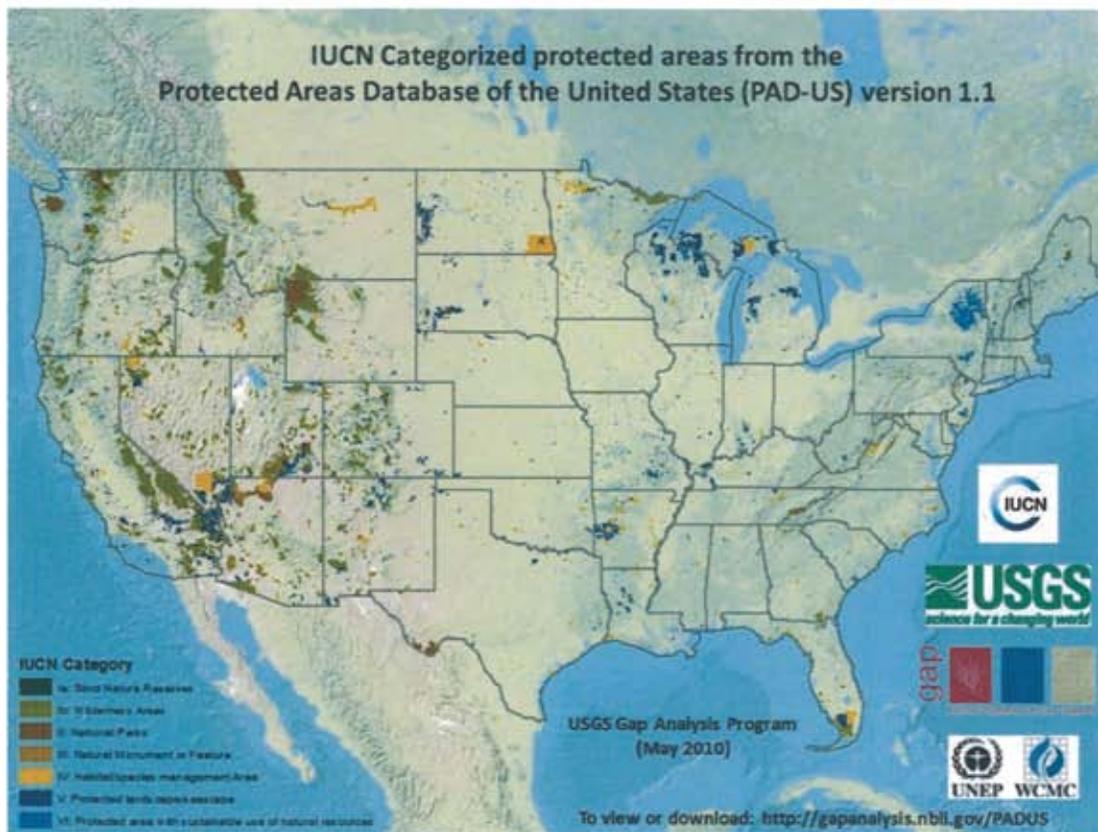


West Nile virus is carried by mosquitoes and transmitted to humans

GOAL #4

Develop a Comprehensive Science Framework for Understanding the Earth

The Department, through the USGS, will lead the effort to create a scientific framework that will provide knowledge of the ever-changing Earth. We will invest in cyber-infrastructure, nurture and cultivate programs in Earth systems science informatics, and participate in efforts to build and connect a global integrated science and computing platform. The USGS will gather, integrate, and present data in multi-dimensional ways to advance and refine our understanding of the Earth and its geologic and ecologic systems. Three-dimensional models of ground water aquifers and energy and mineral deposits in the subsurface will be generated to help identify prospective areas for exploration and utilization. We will produce vegetation maps to pinpoint areas with high risks of wildland fire occurrence. We will deliver high resolution geospatial databases and topographic map images to support public purposes and enhance resource management.



The Gap Analysis Program national land cover viewer identifies places in the country with sufficient good quality habitat to support wildlife. By identifying their habitats, GAP gives land managers, planners, scientists, and policy makers the information they need to make better-informed decisions when identifying priority areas for conservation.

STRATEGY #1

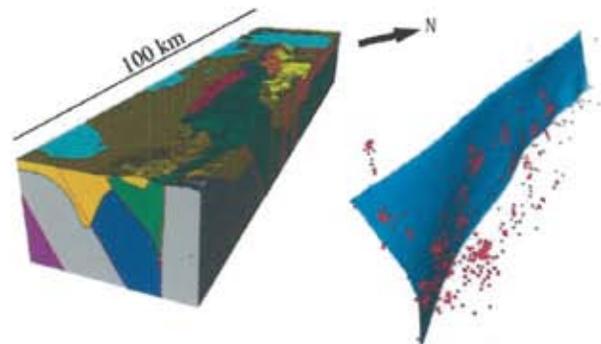
Develop an integrated data framework that is used to guide science-based stewardship of natural resources.

Conscientious stewardship of our Nation’s resources begins with policy and decision making that is informed by and grounded in the natural sciences. Central to the improvement in decision making is the accessibility of data and information across multiple disciplines, geographic, temporal, and political boundaries. The Department’s bureaus, and USGS in particular, serve as world leaders and partners in natural science monitoring, assessing, and researching – having the reputation of being the “authoritative source” of a wealth of data sets collected through long-standing research programs. These data provide immeasurable value in the understanding of complex natural processes – a key to effective decision making.

Bureau Reporting	Supporting Performance Measures	2016 Target
USGS	Percent of on-line natural resource products available via National Biological Information Infrastructure whose utility is validated through user interactions and downloads.	15%

STRATEGY #2 Generate geologic maps and models for sustaining resources and protecting communities.

The Department’s science arm, USGS, produces accurate geologic maps and three-dimensional geologic frameworks that provide indispensable data for sustaining and improving the quality of life and economic vitality of the Nation. Geologic maps and research are foundational for exploring, developing, and preserving mineral, energy, and water resources; evaluating and planning for land management and environmental protection; supporting the Department’s land management decisions, reducing losses from natural hazards, including earthquakes, volcanoes, landslides, and other ground failures; mitigating effects of coastal and stream erosion; placement of critical infrastructure and facilities; and conducting basic earth science research. The geologic maps and interpretive products produced through the USGS and its state partners are served through the National Geologic Map Database, which is an authoritative and comprehensive data source for the general public, scientists, and decision makers.



3-D geologic models, such as this portrayal of the Hayward fault zone in California, aid scientists and local planners to reduce the impact of earthquakes.

Bureau Reporting	Supporting Performance Measures	2016 Target
USGS	Percent of the U.S. that is covered by at least one geologic map available to the public through the National Geologic Map Database.	56%



STRATEGY #3

Advance the Earth science application of geospatial information.

For the Department, the USGS organizes, maintains, and publishes The National Map, a set of databases of geospatial data of the Nation’s topography, natural landscape, and built environment. Updating high-resolution geospatial databases and topographic map images takes place on a three-year cycle. These products and services are used to support public purposes such as resource management, climate and environment, infrastructure and human services, energy, disaster response, and public safety.

Department of Defense and Emergency Response personnel work with USGS map products in New Orleans disaster assistance operations.

Bureau Reporting	Supporting Performance Measures	2016 Target
USGS	Percent of the area of 48 states and DC published as high-resolution base geospatial databases and topographic map images that depict current geospatial information.	67%

MISSION AREA 5 BUILDING A 21ST CENTURY DEPARTMENT OF THE INTERIOR

The Department's vision for a 21st Century Interior includes a highly skilled workforce that reflects the diversity of the Nation, optimization of youth engagement throughout the Department's programs, sustainable operations, and effective and efficient management. Attainment of the Department's strategic goals will be facilitated by the cross-cutting efforts that are highlighted here. Success in these areas will be assessed with representative performance metrics geared to specific outcomes for youth stewardship and engagement, building a 21st Century workforce, sustainability, information technology, and acquisition and real property management.



Baca Dlo'ay azhi Consolidated School on Navajo reservation, Prewitt, New Mexico. First DOI LEED certified building, 2004

Building a 21st Century Workforce

Our ability to maintain a highly effective organization that meets the needs of the Nation is challenged by a highly decentralized organization, which employs significant numbers of employees and volunteers at the local level and a variety of models for service delivery that are unique to Interior's nine bureaus and multiple offices. Over 70,000 employees, including a cadre of seasonal employees, and over 280,000 volunteers perform a spectrum of duties that require highly skilled and unique disciplines to conduct specialized activities such as firefighting, inspection of oil and gas operations, management of wild horse and burros, migratory bird aerial surveys, wildlife disease necropsy, and others.

The Department benefits from a workforce that is passionate about the mission, dedicated to public service, and highly skilled and knowledgeable. These are the Department's greatest asset. They are challenged by factors including an aging workforce and the demands of technology and knowledge management. Interior is focusing on the improvement of key areas that will strengthen workforce management capabilities including recruitment, retention, and development. Activities underway include workforce assessment and planning and hiring reforms to reduce the time it takes to bring employees on board.

Interior's vision for a highly skilled workforce that reflects the diversity of the Nation includes a new inclusivity strategy that uses multiple cultural backgrounds as tools for competition and workforce development. Differences in background, thought, education, and experience contribute to the varied perspectives in the workplace and create a dynamism for higher performance and success in achieving mission goals.

Office Reporting	Supporting Performance Measures	2016 Target
PHR	The amount of time it takes to hire an employee.	80 days

Youth Stewardship and Engagement

Youth engagement is a key component of the Department's vision with benefits that are far reaching. Youth involvement in Interior's stewardship agenda infuses energy and new thinking, educates a generation that has lost touch with nature in values surrounding conservation, and has the potential to improve the health of younger generations. It also has important economic benefits. According to the Department of Labor's Bureau of Labor Statistics, the proportion of young people employed in July 2010 was 48.9 percent, the lowest July rate on record – record keeping began in 1948. To focus on this issue, the Department has a priority goal to increase employment for young people by 50 percent by the end of 2012.

The Department is also working with others to expand the benefits of these activities, including working with the Departments of Labor (DOL) and Agriculture and the Environmental Protection Agency to leverage Federal funding for youth employment on our public lands. Specifically, the Office of Youth is working with DOL to leverage Workforce Investment Act funding to support summer youth employment, and with EPA on funding for a Native youth employment program in FWS fish hatcheries.



America's Great Outdoors Youth Listening Session, Los Angeles, California



California Conservation Corps Members, Kings Canyon National Park, Three Rivers, California

PRIORITY GOAL HIRE OR TEMPORARILY ENGAGE INDIVIDUALS AGED 15-25

Office Reporting	Supporting Performance Measures	2012 Target
PYGO	Increase (from 2009 levels) in the employment of youth between the ages of 15-25 in the conservation mission of the Department.	50%

Sustainability of Interior's Operations

Earlier this year, the Department completed a Strategic Sustainability Performance Plan mapping out strategies to reduce Interior's environmental footprint over the coming years with a goal to incorporate sustainable practices throughout and more effectively utilize resources and protect the environment.

The Department is complying with the requirements of *Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance* by aligning sustainability goals with mission goals and focused strategies to reduce greenhouse gas emissions, build and rehabilitate facilities using sustainability principles, and reducing water consumption. The Department's Sustainability Council links the efforts of employees in the field with senior management's efforts to modify policies and practices in order to foster an inclusive and transparent process to promote sustainability including inviting employees to submit their ideas for improving sustainable practices.



Recycling, Alaska Maritime NWR, Homer, Alaska

Offices Reporting	Supporting Performance Measures	2016 Target
PAM	Increase alternative fuels use by 10% annually relative to the FY 2005 baseline.	185%
PAM	Reduce energy intensity by 3% annually relative to the FY 2003 baseline.	33%
PEP	Percent increase of square footage that meets EO 13514 sustainable building goals.	10%

Dependability and Efficiency of Information Technology



Information technology is a key tool that supports the accomplishment of mission goals; technology can significantly advance the effectiveness and efficiency of programs and help employees to be more productive. Information technology can also help Interior to address increasingly complex challenges in managing a large and geographically dispersed organization. Interior's vision is developing and providing the right mix of information technology products and services at a lower cost while delivering greater service to employees and customers.

To realize this vision, the Department is implementing a series of technology innovations and efficiencies to deliver improved services at a lower cost, including consolidation of infrastructure and shifting commodity technology services from in-house delivery mechanisms to capable external providers. These efforts will yield benefits in improved sustainability, reduced carbon footprint, and energy and efficiency savings.

Office Reporting	Supporting Performance Measures	2016 Target
PIO	Percent change in operating costs (as percentage of total IT spending as reported in Exhibit 300) and energy consumption by consolidating and centralizing the information technology infrastructure across the Department, as measured by the reduction in the number of data center facilities, servers, and telecom (data) circuits from the baseline (FY2010).	-4%
PIO	Percent change in number of DOI data centers from FY 2010 base of 426 to 173.	-59%
PIO	Transition all DOI employees to a unified messaging and collaboration solution (e.g., email, collaboration, virtual meeting, etc.).	100%

Improving Acquisition and Real Property Management

Interior's programs utilize the skills and services of the private sector with approximately \$2.7 billion annually in contracted work and including over 50 percent of this work performed by small businesses. The mission goals of the Department are significantly advanced through effective management of contracts in a manner that reduces risk, and achieves desired results that cost less. Through a combination of innovative procurement methods, the Department is focused on the achievement of goals that will leverage purchasing power, promote efficient business practices, and focus on development and retention of a skilled acquisition workforce.

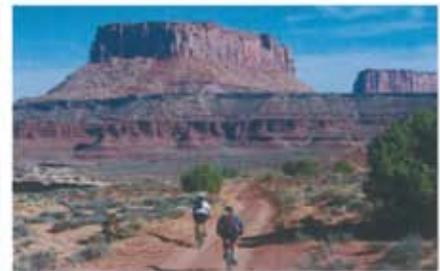
Interior owns and operates 47,000 buildings and 112,000 structures including the iconic monuments and memorials on the National Mall in Washington, D.C., Hoover Dam straddling the border of Arizona and Nevada, and Bureau of Indian Education schools. These assets are treasured for their cultural and historic significance; scenic, recreational, and environmental values; functional purposes like water control; and in some cases the revenues they provide. The Department's asset management programs focus on the proper stewardship of these assets and proper upkeep and maintenance to support mission goals based on the use of condition indices and on incorporating initiatives to promote the effective operation and management of facilities, including the disposal of excess assets.



Folsom Dam



Albright Visitor Center, Yellowstone NP



White Rim Road, Canyonlands NP, Utah

Office Reporting	Supporting Performance Measures	2016 Target
PAM	Percent reduction in high risk acquisitions.	10%
PAM	Percent of assets targeted for disposal that were disposed during the fiscal year.	100%
PAM	Overall condition of buildings and structures, as measured by the Facility Condition Index (FCI), that are mission critical, as measured by the Asset Priority Index (API), with emphasis on improving the condition of assets with critical health and safety needs.	0.10

INTERIOR PRINCIPLES

Interior operates based on a set of key principles and tenets that guide the efforts of the Department's 70,000 employees and serve as the standard of operations. Throughout Interior's organization, the pursuit of these principles ensures that we achieve the highest of ideals while performing our mission.

Ensuring High Ethical Standards

Key to maintaining public trust and confidence in the integrity of government is adherence to high ethical standards and ensuring that government business is conducted with impartiality and integrity. The Department will embody this principle and will follow the law and hold people accountable. Accountability is a key theme – we expect to be held accountable. Interior will not tolerate the types of lapses that detract and distract from the good, honest service to the American people that this Department provides every day. The Department's decisions will be based on sound science and the best interest of the public. The Department will promote and support transparency, accountability, and efficiency.



Department of the Interior Headquarters, Washington, DC

Make Interior the Best and Most Inclusive Place to Work in America

The Department's workforce should be reflective of the Nation's diversity of cultures and talents. The Department will foster an environment that is open and accepting of individual differences and that encourages employees to maximize their potential and to exhibit a commitment to provide quality service. The Department will confront challenges to ensure that policies, practices, and systems do not benefit any one group over another and that the differences that each employee brings to the Department are respected and can enhance the organization's capacity, service, and adaptability.

Financial Integrity and Transparency

The Department will uphold its responsibilities for effective financial operations and accountability including high quality and timely reporting, robust internal controls, clean audits without material weaknesses, and effective follow-up on audit and internal control findings. Interior will effectively utilize the Financial and Business Management System, optimizing functionality and minimizing risk, to consistently and efficiently manage the execution of budgets, reconcile budgetary and financial information, and maintain accountability for resources. Throughout these processes, transparency will be a core value.

In conjunction with the Strategic Plan and Priority Goals, the Department will utilize budgetary, financial, and performance information to ensure high performing programs and cost effective and efficient program delivery.

Safety, Security, and Preparedness

One of the Department's top priorities is safety, security, and preparedness. Interior will uphold its responsibilities for protecting, lives, resources, and property through a wide variety of program areas, including law enforcement, health and safety, security, and emergency management.

Interior has the third largest contingent of Federal law enforcement officers in the Executive Branch. These 3,500 officers patrol vast acres of public lands, national parks, wildlife refuges, and Indian communities and protect natural, cultural, and heritage resources from illegal activities. The Department is responsible for protecting critical infrastructure including dams and national monuments, and icons. The Department also coordinates with law enforcement partners to assist in the protection of assets that Interior does not own including infrastructure in the Outer Continental Shelf, the Trans-Alaska pipeline, and gas transmission lines. Lastly, the Department supports the National Response Framework and other requirements maintaining a robust capability to monitor, respond to, and recover from human-caused and natural catastrophic disasters and other emergencies. The Department's all-hazards preparedness and recovery programs ensure that employees are trained and equipped to respond and provide assistance to communities, protect natural and cultural resources, and provide leadership in restoration activities.



Pu'uhonou o Hōnaunau National Historical Park, Hawaii. Step back in time to a sanctuary where traditional Hawaiian lifestyle is preserved. Ancient temples and ki'i (wooden images) whisper stories from the past. This place provided refuge to Hawaiians who came here.

Promoting Small and Disadvantaged Business

The Department promotes the use of small and disadvantaged businesses in its execution of a \$2.7 billion annual portfolio of contracting and as a result is able to contract with small business for over 50 percent of this amount. The Department's program managers, acquisition specialists, and small business advocates promote the use of small businesses; conduct outreach with small businesses to inform them of upcoming contracting opportunities; and provide advice and counseling about the contracting process.

Respect Indian Cultures

The Department's new Strategic Plan recognizes the importance of the government-to-government relationship with tribes with the creation of a new mission goal to focus on Indian-related issues and programs. The Department will continue to encourage tribal management of resources and self-determination; consultation and support for effective management of the tribal trust; and the need to uphold commitments to tribes and Indian communities. Building cooperation will be an important aspect of these principles, including respect for Indian cultures of the 565 Indian tribes, the importance of the subsistence lifestyle practiced by Indians, and the need to consider and incorporate traditional knowledge in decision making.



Consultation is a key component of respecting Indian cultures and supporting the government-to-government relationship. The Department upholds the President's *Executive Order 13175 Consultation and Coordination with Indian Tribal Governments*. All of the Department's bureaus and offices will operate under a policy consistent with the Executive Order that considers the impacts of policies, processes, rulemaking, and legislation regarding tribes and tribal communities. Implementation of a robust policy will strengthen the government-to-government relationship with tribes and help to achieve the Strategic Plan goal.

Empowering Native Hawaiian Communities

For almost 100 years the Department has been involved in Native Hawaiian issues. Two Public Laws, 108-199 and 104-42, shape the Department's relationship with Native Hawaiians and Hawaiian matters, which are coordinated by the Office of Hawaiian Relations. Interior upholds principles that are relevant to Hawaii in three areas: preservation of Native Hawaiian culture and cultural resources; support for self-governance and self-determination; and promotion of homestead opportunities, economic self-sufficiency, and social well being.

International Engagement and Leadership

Interior participates in the United States' efforts to address climate change; protect biodiversity; sustainably manage energy, water, and natural resources; empower indigenous communities; protect cultural heritage; and ensure sound science as the basis for decision making. The resources for which Interior is responsible cross jurisdictional boundaries and Interior is a key player in the international community confronting the exploitation of natural resources, trade in wildlife, spread of invasive species, and in a multiplicity of scientific issues. The Department is committed to maintaining its relevance and will engage in international efforts as a core mission responsibility, consistent with its unique expertise and mandate.



Prince Kuhio, the U.S. delegate who championed the Hawaiian Homes Commission Act, 1921.

STRATEGIC PLAN FRAMEWORK

<p>PROVIDE NATURAL AND CULTURAL RESOURCE PROTECTION AND EXPERIENCES</p>	<p>Protect America's Landscapes</p> <ul style="list-style-type: none"> ▶ Improve land and water health by managing wetlands, uplands, and riparian areas ▶ Sustain fish, wildlife, and plant species by protecting and recovering the Nation's fish and wildlife ★ <i>Climate change vulnerability assessments and related adaptation</i> <p>Protect America's Cultural and Heritage Resources</p> <ul style="list-style-type: none"> ▶ Protect cultural and historical assets and related resources <p>Provide Recreation and Visitor Experience</p> <ul style="list-style-type: none"> ▶ Enhance the enjoyment and appreciation of our natural and cultural heritage <p>Manage the Impacts of Wildland Fire</p> <ul style="list-style-type: none"> ▶ Establish fire-adapted ecosystems ▶ Adapt communities to wildfires ▶ Respond to wildfires
<p>SUSTAINABLY MANAGE ENERGY, WATER, AND NATURAL RESOURCES</p>	<p>Secure America's Energy Resources</p> <ul style="list-style-type: none"> ▶ Ensure environmental compliance and safety of energy development ▶ Develop renewable energy potential ★ <i>Increase approved capacity for renewable energy development</i> ▶ Manage conventional energy development ▶ Account for energy revenues <p>Manage Water for the 21st Century</p> <ul style="list-style-type: none"> ▶ Conserve water ★ <i>Enable increased water conservation capability</i> ▶ Improve reliability of water delivery ▶ Improve infrastructure and operation efficiency of tribal water facilities <p>Sustainably Manage Timber, Forage, and Non-energy Minerals</p> <ul style="list-style-type: none"> ▶ Manage timber and forest product resources ▶ Provide for sustainable forage and grazing ▶ Manage non-energy mineral development
<p>ADVANCE GOVT-TO-GOVT RELATIONSHIPS WITH INDIAN NATIONS AND HONOR COMMITMENTS TO INSULAR AREAS</p>	<p>Meet Our Trust, Treaty, and Other Responsibilities to American Indians and Alaska Natives</p> <ul style="list-style-type: none"> ▶ Protect Indian treaty and subsistence rights ▶ Fulfill fiduciary trust ▶ Strengthen tribal judicial systems ▶ Manage and develop resources assets ▶ Create economic opportunity ▶ Strengthen Indian education ▶ Make communities safer ★ <i>Reduce violent crime through strategic deployment</i> ▶ Support self-governance and self-determination ▶ Manage for protection of water rights <p>Empower Insular Communities</p> <ul style="list-style-type: none"> ▶ Improve quality of life ▶ Create economic opportunity ▶ Promote efficient and effective governance



Mission Area

Goal

▶ Strategy

★ Priority Goal

PROVIDE A SCIENTIFIC FOUNDATION FOR DECISION MAKING

Ensure the Quality & Relevance of Science Products to Partners & Customers

- ▶ Ensure overall customer satisfaction

Provide Science for Sustainable Resource Use, Protection, and Adaptive Management

- ▶ Identify and predict ecosystem changes
- ▶ Identify and model causes and impacts of changes to the Earth and ocean systems
- ▶ Assess and forecast climate change and its effects
- ▶ Monitor and assess water availability and quality
- ▶ Assess national and international energy and mineral resources

Provide Scientific Data to Protect and Inform Communities

- ▶ Monitor and assess natural hazards risk and resilience
- ▶ Identify the connection between the natural environment and wildlife and human health

Develop a Comprehensive Science Framework for Understanding the Earth

- ▶ Develop an integrated data framework that is used to guide science-based stewardship of natural resources
- ▶ Generate geologic maps and models for sustaining resources and protecting communities
- ▶ Advance the Earth science application of geospatial information

BUILDING A 21ST CENTURY DEPARTMENT OF THE INTERIOR

Building a 21st Century Workforce

- ▶ Hiring reform

Youth Stewardship and Engagement

- ★ *Hire or temporarily engage individuals aged 15-25*

Sustainability of Interior's Operations

- ▶ Use of alternative fuels
- ▶ Reduce energy intensity
- ▶ Sustainable buildings

Dependability and Efficiency of Information Technology

- ▶ Reduce IT infrastructure
- ▶ Decrease operational expense

Improving Acquisition and Real Property Management

- ▶ Reduce high-risk acquisitions
- ▶ Reduce unneeded real property assets
- ▶ Overall condition of building per facility condition index

Mission Area

Goal

▶ Strategy

★ Priority Goal



Ensuring High Ethical Standards / Make Interior the Best and Most Inclusive Place to Work in America / Financial Integrity and Transparency / Safety, Security, and Preparedness / Promoting Small and Disadvantaged Business / Respect Indian Cultures / Empowering Native Hawaiian Communities / International Engagement and Leadership

INTERIOR PRINCIPLES

ACRONYMS FOR DOI BUREAUS AND OFFICES

BLM	Bureau of Land Management
BOEMRE	Bureau of Ocean Energy Management, Regulation and Enforcement
BOR	Bureau of Reclamation
FWS	Fish and Wildlife Service
IA	Indian Affairs
	BIA Bureau of Indian Affairs
	BIE Bureau of Indian Education
NPS	National Park Service
OIA	Office of Insular Affairs
PMB	Office of Policy, Management and Budget
	PAM Office of Acquisition and Property Management
	PIO Chief Information Officer
	PHR Office of Human Resources
	PYGO Office of Youth in the Great Outdoors
	PNH Office of Native Hawaiian Relations
	PSD Office of Small and Disadvantaged Business Utilization
	PWF Office of Wildland Fire Coordination
	PEP Office of Environmental Policy and Compliance
	ONRR Office of Natural Resources Revenue
OST	Office of the Special Trustee for American Indians
OSMRE	Office of Surface Mining Reclamation and Enforcement
USGS	U.S. Geological Survey



For further information, visit the Department of the Interior website at:

www.doi.gov

or contact

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UNITED STATES DEPARTMENT OF THE INTERIOR

Office of the Secretary

Bureau of Land Management

Bureau of Ocean Energy Management, Regulation and Enforcement

Office of Surface Mining Reclamation and Enforcement

U.S. Geological Survey

Bureau of Reclamation

Fish and Wildlife Service

National Park Service

Indian Affairs



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