

From: Wilkinson, Patrick
To: [BLM WO 100](#)
Cc: [Dicerbo, Adrienne](#); [Michael Nedd](#); [Larry Claypool](#); [Steve Tryon](#); [Leah Baker](#); [Jill Ralston](#); [Matthew Varner](#); [Matthew Allen](#); [Craig Leff](#); [Michelle Barret](#); [Beverly Winston](#); [Robert Jolley](#); [Kristin Bail](#); [Jerome Perez](#); [Benedetto, Kathleen](#); [Casey Hammond](#); [Marshall Critchfield](#); [Lara Douglas](#)
Subject: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Tuesday, January 31, 2017 1:01:14 PM
Attachments: [Draft Potentially for Disposal Talking Points clean 1.31.17.docx](#)

WO100:

Please see the following draft talking points concerning requests related to "lands potentially available for disposal" and concerning H.R. 621, the "Disposal of Excess Federal Lands Act."

WO600 has prepared these in coordination with WO300 and WO200. We would like to share these with the External Affairs Chiefs in the field and anyone else who may receive inquiries on these topics.

We will also meet with 300 and eventually 100 to discuss next steps on some related requests we have received from Congress concerning lands identified as potentially available for disposal.

Please let us know ASAP if you have questions or feedback on the draft. There is a 4 pm national PAO call today, and if at all possible we would like to share the approved talking points with the group at that time.

Thanks,

Patrick

DRAFT

Talking Points

Requests Related to "Lands Potentially Available for Disposal"

Background

- Under the Federal Land Policy and Management Act (Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning process that disposal of particular parcels serves the national interest.

- FLPMA mandates that the BLM undertake public land use planning and management on the basis of multiple use and sustained yield.
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- The BLM has not yet taken a position on H.R. 621.

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 - As a result of this law, the BLM produced and delivered to Congress a report in 1997, which includes a county-by-county overview of public lands that may be suitable for disposal or exchange. H.R. 621 references this report.
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Patrick Wilkinson
U.S. Department of the Interior
Bureau of Land Management
Legislative Affairs Division (WO 620)
Phone: (202) 912-7429
Fax: (202) 245-0050

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Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Tuesday, January 31, 2017 1:15:48 PM
Attachments: [Draft Potentially for Disposal Talking Points clean 1.31.17.docx](#)

Pat -

Attached version with 3 questions that could use some clarification.

Thanks,

Kelly Orr
Advisor to the Director's Office
Bureau of Land Management
1849 C St NW, Rm. 5648
Washington DC 20240
Office: 202-208-6262
Mobile: 202-510-5119
korr@blm.gov

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To: Jolley, Robert
Cc: [Orr, Kelly](#); [BLM WO 100](#); [Dicerbo, Adrienne](#); [Michael Nedd](#); [Larry Claypool](#); [Steve Tryon](#); [Leah Baker](#); [Jill Ralston](#); [Matthew Varner](#); [Matthew Allen](#); [Craig Leff](#); [Michelle Barret](#); [Beverly Winston](#); [Kristin Bail](#); [Jerome Perez](#); [Benedetto, Kathleen](#); [Casey Hammond](#); [Marshall Critchfield](#); [Lara Douglas](#)
Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Tuesday, January 31, 2017 2:06:40 PM

Thx Robert - your edits look good.
Kelly - Adrienne will call you to discuss next steps in the review process.
Thx,
Patrick

On Tue, Jan 31, 2017 at 1:54 PM, Jolley, Robert <rbjolley@blm.gov> wrote:

Kelly and Pat,

See attached response to WO100 comments.

Robert

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

On Tue, Jan 31, 2017 at 1:10 PM, Orr, Kelly <korr@blm.gov> wrote:

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From: Michael Nedd
To: [Robert Jolley](#); [Kelly Orr](#)
Cc: [Patrick Wilkinson](#); [BLM_WO_100](#); [Adrienne Dicerbo](#); [Larry Claypool](#); [Steve Tryon](#); [Leah Baker](#); [Jill Ralston](#); [Matthew Varner](#); [Matthew Allen](#); [Craig Leff](#); [Michelle Barret](#); [Beverly Winston](#); [Kristin Bail](#); [Jerome Perez](#); [Kathleen Benedetto](#); [Casey Hammond](#); [Marshall Critchfield](#); [Lara Douglas](#)
Subject: RE: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Tuesday, January 31, 2017 2:11:33 PM
Attachments: [Draft Potentially for Disposal Talking Points_clean_1.31.17-WO-300.docx](#)

Hi all,

Now able to look at this and I do have one comment/proposed changes... See attached...

Take care and have a wonderful day! :)

Michael Nedd
202-208-4201 Office
202-208-4800 Fax
mnedd@blm.gov

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

From: Jolley, Robert [mailto:rbjolley@blm.gov]
Sent: Tuesday, January 31, 2017 1:55 PM
To: Orr, Kelly
Cc: Wilkinson, Patrick; [BLM_WO_100](#); Dicerbo, Adrienne; Michael Nedd; Larry Claypool; Steve Tryon; Leah Baker; Jill Ralston; Matthew Varner; Matthew Allen; Craig Leff; Michelle Barret; Beverly Winston; Kristin Bail; Jerome Perez; Benedetto, Kathleen; Casey Hammond; Marshall Critchfield; Lara Douglas
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Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Tuesday, January 31, 2017 4:01:12 PM
Attachments: [Draft Potentially for Disposal Talking Points clean 1.31.17- WO-300 ASLM \(Recovered\).docx](#)

See attached for ASLM comments and edits. Sorry this is so late, my computer kept crashing. Notice the word recovered.....sigh!

Thanks,
Kathleen.

Kathleen T. Lacko,
Acting Energy Program Analyst - BLM Liaison
Office of the Assistant Secretary - Land and Minerals Management
Department of Interior (MIB)
1849 C Street, NW
Washington, DC 20240
Office: (202) 208-4114
Cell: (307) 554-6334
ktlacko@blm.gov
Until 3/11/2017

On Tue, Jan 31, 2017 at 2:32 PM, Benedetto, Kathleen <kathleen_benedetto@ios.doi.gov> wrote:

Looks good. I've asked our comms and External Affairs people to look it over just so they know what's going on. KB

On Tue, Jan 31, 2017 at 2:07 PM, Michael Nedd <mnedd@blm.gov> wrote:

Hi all,

Now able to look at this and I do have one comment/proposed changes... See attached...

Take care and have a wonderful day! :)

Michael Nedd

202-208-4201 Office

202-208-4800 Fax

mnedd@blm.gov

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

From: Jolley, Robert [mailto:rbjolley@blm.gov]

Sent: Tuesday, January 31, 2017 1:55 PM

To: Orr, Kelly

Cc: Wilkinson, Patrick; BLM_WO_100; Dicerbo, Adrienne; Michael Nedd; Larry Claypool; Steve Tryon; Leah Baker; Jill Ralston; Matthew Varner; Matthew Allen; Craig Leff; Michelle Barret; Beverly Winston; Kristin Bail; Jerome Perez; Benedetto, Kathleen; Casey Hammond; Marshall Critchfield; Lara Douglas

Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"

Kelly and Pat,

See attached response to WO100 comments.

Robert

Robert Jolley, PE

Division Chief

WO-350, Lands, Realty, and Cadastral Survey

Washington Office, Bureau of Land Management

wk: 202-912-7350

cell: 202-669-9736

rbjolley@blm.gov

On Tue, Jan 31, 2017 at 1:10 PM, Orr, Kelly <korr@blm.gov> wrote:

Pat -

Attached version with 3 questions that could use some clarification.

Thanks,

Kelly Orr

Advisor to the Director's Office

Bureau of Land Management

1849 C St NW, Rm. 5648

Washington DC 20240

Office: 202-208-6262

Mobile: 202-510-5119

korr@blm.gov

On Tue, Jan 31, 2017 at 12:56 PM, Wilkinson, Patrick <p2wilkin@blm.gov> wrote:

WO100:

Please see the following draft talking points concerning requests related to "lands potentially available for disposal" and concerning H.R. 621, the "Disposal of Excess Federal Lands Act."

WO600 has prepared these in coordination with WO300 and WO200. We would like to

share these with the External Affairs Chiefs in the field and anyone else who may receive inquiries on these topics.

We will also meet with 300 and eventually 100 to discuss next steps on some related requests we have received from Congress concerning lands identified as potentially available for disposal.

Please let us know ASAP if you have questions or feedback on the draft. There is a 4 pm national PAO call today, and if at all possible we would like to share the approved talking points with the group at that time.

Thanks,

Patrick

DRAFT

Talking Points

Requests Related to “Lands Potentially Available for Disposal”

Background

- Under the Federal Land Policy and Management Act (Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning process that disposal of particular parcels serves the national interest.
- FLPMA mandates that the BLM undertake public land use planning and management on the basis of multiple use and sustained yield.

- The BLM has received multiple inquiries about BLM-managed lands identified as potentially available for disposal following the introduction of H.R. 621, the Disposal of Excess Federal Lands Act.
- H.R. 621 would require the competitive sale of Federal lands identified by the BLM as potentially suitable for disposal for fair market value. Under the bill, net proceeds from the sale would be directed to the Treasury.
- The BLM has not yet taken a position on H.R. 621.

Talking Points

- A 1996 law (PL 104-127) directed the Bureau of Land Management to report to Congress on public lands that may be suitable for disposal or exchange.
 - As a result of this law, the BLM produced and delivered to Congress a report in 1997, which includes a county-by-county overview of public lands that may be suitable for disposal or exchange. H.R. 621 references this report.
 - This report has not been updated since 1997, and there are no maps associated with the report.
- The BLM identifies lands potentially available for disposal in its individual Resource Management Plans (RMPs). These RMPs are the only way the BLM captures this information.
 - Typically, lands identified for disposal during the development of RMP are isolated parcels that have lower resource value than larger and more connected land parcels, and consolidation of BLM land patterns would enhance administration, improve resource management, and promote community development.
 - Lands that have been identified as potentially available for disposal in RMPs will require additional evaluation to determine the presence of resources and uses, including endangered or threatened species, cultural or historic resources, mining claims, mineral leases, rights-of-way, and grazing permits.
 - Because RMPs typically are effective over many years, lands identified as potentially available for disposal at one point in time may be found later

to be unsuitable because of circumstances such as oil and gas leasing, the listing of threatened and endangered species, the establishment of rights-of-way, or other encumbrances.

- Before the BLM disposes of public lands, appropriate environmental reviews, and clearances must be completed in accordance with the National Environmental Policy Act, the Comprehensive Environmental Response, Compensation and Liability Act, and other laws. Fair market value appraisals as well as cadastral surveys of the parcels are also required.
- The [BLM.gov](http://www.blm.gov) website contains a page with state-by-state links to RMPs that identify lands potentially available for disposal (available at: <https://www.blm.gov/programs/planning-and-nepa/planning-101/lands-potentially-for-disposal>).
- Inquiries regarding lands identified as potentially available for disposal are best directed to these RMPs on www.BLM.gov.

--

Patrick Wilkinson
U.S. Department of the Interior
Bureau of Land Management
Legislative Affairs Division (WO 620)
Phone: (202) 912-7429
Fax: (202) 245-0050

DRAFT

**Talking Points
Requests Related to “Lands Potentially Available for Disposal”**

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From: Lacko, Kathleen
To: [Richard Cardinale](#); [Katharine Macgregor](#)
Cc: [Troy Ezell](#); [Ryan Underwood](#); [Satrina Lord](#); [Moran, Jill](#)
Subject: Onshore Offshore leasing information
Date: Tuesday, January 31, 2017 5:12:41 PM
Attachments: [Onshore Offshore Leasing At a Glance.docx](#)
[Onshore Orders List.docx](#)
[Attachment 2 - O&G leasing stats for last 10 years 20170131 adjusted for.....docx](#)

Rich and Kate,

Attached you will find Kate's populated spreadsheet titled Onshore Offshore At a Glance (both onshore and offshore is included) with the updated FY2016 numbers from BLM, the revised Attachment 2 sent this afternoon from BLM reflecting the changes in FY 2016, and the BLM list of authorities titled Onshore Orders List.

Thanks,
Kathleen.

Kathleen T. Lacko,

Acting Energy Program Analyst - BLM Liaison

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Until 3/11/2017

Onshore Leasing At a Glance

Selected Onshore Oil and Gas Leasing Statistics – FY2007 – FY2016											
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	% Δ 10yrs Comparing 2007 to 2016
Acres Offered for Lease	4,939,469	3,878,102	3,803,635	3,239,086	1,158,808	4,674,517	5,746,874	5,683,736	4,017,062	1,979,532	(40%)/ 60% ↓
New Acres Leased	4,634,736	2,615,259	1,913,602	1,353,663	2,016,176	1,752,060	1,172,808	1,197,852	810,068	577,317	(12%)/ 88% ↓
# New Leases Issued	3,499	2,416	2,072	1,308	2,188	1,729	1,468	1,157	852	520	(15%)/ 85% ↓
Acres Held Under Lease	44,479,478	47,242,495	45,364,991	41,186,158	38,463,552	37,792,212	36,092,482	34,592,450	32,193,369	27,207,018	(61%)/ 39% ↓
APDs Approved by Year	7,124	6,617	4,487	4,090	4,244	4,256	3,770	3,769	3,508	2,184	(31%)/ 69% ↓
Total # of Wells Started (SPUD)	5,343	5,044	3,267	3,166	3,260	3,022	2,413	2,544	1,621	847	(16%)/ 84% ↓
Bonus Bids Received	206,657,732	395,593,240	161,775,578	195,647,787	240,929,622	259,881,011	224,415,509	201,372,216	142,286,667	196,023,738	(50%)/ 50% ↓
Rentals Received	63,179,593	63,278,602	56,657,740	48,800,064	45,002,896	43,578,280	41,036,833	36,684,822	30,886,105	21,465,394	(34%)/ 66% ↓

The APD tabulations are Federal only and do not include the Tribal APDs from BLM field offices such as North Dakota, Farmington, Vernal and Tulsa. For all years, data is Federal-only; does not include Indian leases.

In 2010, the BLM began annual lease sales in the National Petroleum Reserve-Alaska.

Offshore Leasing At a Glance

Selected Offshore Oil and Gas Leasing Statistics – FY2007 – FY2016											
	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	% Δ 10yrs Comparing 2007 to 2016
Number of Lease Sales	2	4	2	1	1	1	3	3	2	3	N/A
Acres Offered for Lease	26,634,432	106,757,249	52,988,297	36,957,957	0	60,314,171	80,768,541	61,718,950	63,208,552	68,686,471	61%↑
New Acres Leased	2,031,139	11,726,574	2,668,409	2,369,101	0	3,371,851	2,602,954	2,090,265	1,069,991	771,238	62%↓
# New Leases Issued	364	2,121	483	446	0	623	477	400	194	140	62%↓
APDs Approved by Year <i>Total (New Wells)</i>	341 (656 Total)	302 (613)	181 (376)	128 (318)	96 (238)	171 (371)	140 (382)	136 (338)	97 (218)	83 (168)	76%↓
Total # of Wells SPUD <i>Total (Shallow Water)</i>	647	586	379	290	224	352	381	348	227	164	75%↓
Bonus Bids Received	\$332,118,261	\$9,796,080,028	\$818,514,844	\$949,265,959	\$0	\$2,042,189,336	\$1,472,128,172	\$960,761,565	\$561,455,268	\$174,452,630	52%↓
Rentals Received (FY)	\$200,996,775	\$237,021,883	\$233,146,675	\$245,645,027	\$223,243,632	\$228,022,724	\$257,679,016	\$237,476,088	\$225,507,450	\$158,027,699	22%↓

Onshore Federal Oil and Gas Authorities, Orders, NTLs, Manuals, New and Proposed Regulations

Authorities

Mineral Leasing Act of 1920 (MLA)

National Environmental Policy Act of 1969 (NEPA)

Federal Land Policy and Management Act of 1976, with 2000 laws combined (FLPMA)

Federal Oil and Gas Royalty Management Act of 1982 – followed by a suite of Onshore Orders

Federal Oil and Gas Leasing Reform Act of 1987; with quarterly auctions of available parcels

National Energy Policy Act of 2005

Onshore Orders

Order #1	Approval of Operations	03/07/2007
Order #2	Drilling	12/19/1988
Order #3	Site Security	03/27/1989
Order #4	Measurement of Oil	08/23/1989
Order #5	Measurement of Gas	03/27/1989
Order #6	Hydrogen Sulfide Operations	01/22/1991
Order #7	Disposal of Produced Water	10/08/1993

Notice to Lessees (NTL)

NTL-3A	Reporting of Undesirable Events	Nationwide	03/01/79
NTL 4A	Royalty or Compensation for Oil and Gas Lost	Nationwide	01/01/80

Regulations

[Uniform Format for O&G Lease Stipulations](#) March 1989

[43 CFR 3160](#) - Onshore Oil and Gas Operations

Recent and Proposed Rules

Hydraulic Fracturing on Federal and Indian Lands; Oil and Gas	Published 03/30/2015
Internet Based Action Rule	08/31/2016
Minerals Management: Adjustment of Cost Recovery Fees	11/22/2016

Onshore Federal Oil and Gas Authorities, Orders, NTLs, Manuals, New and Proposed Regulations

Waste Prevention, Production Subject to Royalties, and Resource Conservation Rule	01/17/2017
Onshore Oil and Gas Operations: Annual Civil Penalties Inflation Adjustments	01/19/2017
Onshore Oil and Gas Operations: Federal and Indian Oil and Gas leases; Onshore Oil and Gas Order Number 1, Approval of Operations (Onshore Order #1)	Published 01/10/2017
Onshore Oil and Gas Operations: Federal and Indian Oil and Gas leases; Site Security (Replaces Onshore Order #3)	01/17/2017
Onshore Oil and Gas Operations: Federal and Indian Oil and Gas Leases; Measurement of Oil (Replaces Onshore Order #4)	01/17/2017

Manuals

[3160-10](#) - Suspension of Operations and/or Production

Handbooks

H-3100-1	Oil and Gas Leasing 3-122	09/6/1985
H-3101-1	Issuance of Leases 3-308	02/2/1996
H-3102-1	Qualifications of Lessees 3-107	03/20/1985
H-3103-1	Fees, Rentals, and Royalty 3-306	05/12/1995
H-3104-1	Bonds 3-129	12/27/1985
H-3105-1	Cooperative Conservation Provisions 3-293	07/8/1994
H-3106-1	Transfer by Assignment, Sublease, or Otherwise 3-295	08/31/1994
H-3107-1	Continuation, Extension, or Renewal of Leases 3-291	06/27/1994
H-3108-1	Relinquishment, Terminations, and Cancellations 3-301	01/27/1995
H-3109-1	Leasing Under Special Acts 3-304	03/8/1995
H-3110-1	Noncompetitive Leases 3-283	01/11/1994
H-3120-1	Competitive Leases 3-338	02/18/2013

Attachment 2 – Onshore Oil and Gas Leasing Statistics for the last 10 years

Table 1 - Summary of the BLM “All Statistics” Report from FY2008 to FY 2016, as of January 31, 2017

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Total Number of Leases in Effect	55,085	53,431	50,544	49,174	48,699	47,427	46,183	44,213	40,143
Total Number of Acres Leased	47,242,495	45,364,991	41,186,158	38,463,552	37,792,212	36,092,482	34,592,450	32,193,369	27,207,018
Total Number of New Leases Issued During the Year	2,416	2,072	1,308	2,188	1,729	1,468	1,157	852	520
Total Number of Acres Leased During the Year	2,615,259	1,913,602	1,353,663	2,016,176	1,752,060	1,172,808	1,197,852	810,068	577,317
Total Number of Producing Leases on Federal Lands	23,293	22,599	22,676	22,682	23,306	23,507	23,657	23,770	23,926
Total Number of Producing Acres on Federal Lands	14,543,425	12,842,209	12,205,416	12,316,233	12,512,974	12,617,743	12,690,806	12,760,700	12,771,829
[†] Total Number of APDs approved by Year on Federal Lands	6,617	4,487	4,090	4,244	4,256	3,770	3,769	3,508	2,184
[†] Total Number Of Wells Started (Spud) During the Year on Federal Lands	5,044	3,267	3,166	3,260	3,022	2,413	2,544	1,621	847
[†] Total Number of Producing and Service Holes on Federal Lands	86,642	85,330	89,637	90,452	92,583	93,598	94,778	94,484	94,096
[†] Total Number of Producing and Service Completions on Federal Lands	92,673	91,237	95,979	96,606	99,015	99,975	101,145	100,665	97,513
Note: For all years, data is Federal-only; does not include Indian leases. [†] Totals for some states will be less than in expanded reports that include both Federal and Indian data.									

The Application for Permit to Drill (APD) tabulations are Federal only and do not include the Tribal APDs from BLM field offices such as North Dakota, Farmington, Vernal and Tulsa.

Table 2 - Summary of the lease sale data, including bonus bid revenue, as of October 26, 2016

Oil and Gas Lease Sale Data FY 2008 - 2016								
Fiscal Year	Parcels Offered	Acres Offered	Parcels Receiving Bids	Acres Receiving Bids	% Parcels Receiving Bids	% Acres Receiving Bids	High Bid per parcel	Total \$ Bonus Bids
2008	3,389	3,878,102	2,688	2,710,721	79.32%	69.90%	\$25,252,000	\$395,593,240
2009	3,127	3,803,635	1,874	1,819,234	59.93%	47.83%	\$6,916,500	\$161,775,578
2010	1,636	3,239,086	1,003	739,954	61.31%	22.84%	\$19,841,105	\$195,647,787
2011	1,140	1,158,808	1,253	880,895	87.01%	76.02%	\$10,678,800	\$240,929,622
2012	2,064	4,674,517	1,583	1,415,809	76.70%	30.29%	\$18,571,200	\$259,881,011
2013	2,215	5,746,874	1,444	1,082,007	65.19%	18.83%	\$16,324,800	\$224,415,509
2014	1,679	5,683,736	956	919,378	56.94%	16.18%	\$13,440,000	\$201,372,216
2015	1,286	4,017,062	690	624,976	53.38%	15.28%	\$19,392,000	\$142,286,667
2016	730	1,979,532	431	410,868	59.04%	20.76%	\$76,680,000	\$196,023,738
Total	17,266	32,201,819	11,491	10,192,975	66.55%	31.65%	\$25,252,000	\$1,821,901,629

Table 3 - Protests received on parcels for lease sales from FY2008 to FY2016.

National Oil and Gas Lease Sale Protested Parcels 2008-2016				
Fiscal Year	Number of Parcels Posted on Original Sale Notice**	Number of Parcels Offered Day of Sale	Number of Protested Parcels from Original Sale Notice	Percent of parcels protested from original sale notice
2008	3,682	3,389	1,108	30%
2009	3,455	3,127	1,475	43%
2010 *	1,887	1,636	665	41%
2011	1,521	1,440	516	34%
2012 *	2,247	2,064	371	17%
2013 *	2,343	2,215	431	18%
2014*	1,752	1,679	321	18%
2015*	1,356	1,272	630	46%
2016*	1,029	730	579	56%

*Includes tracts located within the NPR-Alaska. NPR-A does not provide an avenue for protests.

**The original sale notices are often amended to remove parcels due to protests or other reasons.

From: Tryon, Steve
To: [Lacko, Kathleen](#)
Cc: [Benedetto, Kathleen](#); [Michael Nedd](#); [Robert Jolley](#); [Kelly Orr](#); [Patrick Wilkinson](#); [BLM_WO_100](#); [Adrienne Dicerbo](#); [Larry Claypool](#); [Leah Baker](#); [Jill Ralston](#); [Matthew Varner](#); [Matthew Allen](#); [Craig Leff](#); [Michelle Barret](#); [Beverly Winston](#); [Kristin Bail](#); [Jerome Perez](#); [Casey Hammond](#); [Marshall Critchfield](#); [Lara Douglas](#)
Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Tuesday, January 31, 2017 6:03:58 PM

Sorry to be getting to this after so many other editors, but I think we ought to address the minerals.

Under current law we would need to prepare a mineral report prior to conveyance, and if the minerals had development potential they would have to be retained by the U.S., thus splitting the estate at the time of sale. If H.R. 621 is simply additive to our existing process, then this would still be the case.

st

Steve Tryon
Deputy Assistant Director, Resources and Planning
Bureau of Land Management
1849 C Street, NW
Room 5654
Washington, DC 20240
202-208-4896

On Tue, Jan 31, 2017 at 3:56 PM, Lacko, Kathleen <ktlacko@blm.gov> wrote:

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Take care and have a wonderful day! :)

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202-208-4201 Office

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From: Jolley, Robert [mailto:rbjolley@blm.gov]

Sent: Tuesday, January 31, 2017 1:55 PM

To: Orr, Kelly

Cc: Wilkinson, Patrick; BLM_WO_100; Dicerbo, Adrienne; Michael Nedd; Larry Claypool; Steve Tryon; Leah Baker; Jill Ralston; Matthew Varner; Matthew Allen; Craig Leff; Michelle Barret; Beverly Winston; Kristin Bail; Jerome Perez; Benedetto, Kathleen; Casey Hammond; Marshall Critchfield; Lara Douglas

Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"

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Robert

Robert Jolley, PE

Division Chief

WO-350, Lands, Realty, and Cadastral Survey

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Patrick

DRAFT

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Talking Points

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--

Patrick Wilkinson
U.S. Department of the Interior
Bureau of Land Management
Legislative Affairs Division (WO 620)
Phone: (202) 912-7429

Fax: (202) 245-0050

From: Wilkinson, Patrick
To: [BLM_WO_100](#)
Cc: [Tryon, Steve](#); [Benedetto, Kathleen](#); [Michael Nedd](#); [Robert Jolley](#); [Kelly Orr](#); [Adrienne Dicerbo](#); [Larry Claypool](#); [Leah Baker](#); [Jill Ralston](#); [Matthew Varner](#); [Matthew Allen](#); [Craig Leff](#); [Michelle Barret](#); [Beverly Winston](#); [Kristin Bail](#); [Jerome Perez](#); [Casey Hammond](#); [Marshall Critchfield](#); [Lara Douglas](#)
Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Tuesday, January 31, 2017 6:46:13 PM
Attachments: [Final_Potentially_for_Disposal_Talking_Points_1.31.17.final.docx](#)

Thanks everyone for your input on these draft talking points.

I've attached and pasted below a version incorporating the various feedback that we have received. Please let us know if anyone has any final edits/comments. We have not yet shared these with the the External Affairs Chiefs - we are now aiming to do so Wed afternoon if possible.

And a reminder that more is yet to come on this topic: we will be scheduling a couple meetings (300/200, then 100) to discuss next steps with related requests we have received from Congress.

Thx!
Patrick

DRAFT

Talking Points

Requests Related to "Lands Potentially Available for Disposal"

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Steve Tryon
Deputy Assistant Director, Resources and Planning
Bureau of Land Management
1849 C Street, NW
Room 5654
Washington, DC 20240
202-208-4896

On Tue, Jan 31, 2017 at 3:56 PM, Lacko, Kathleen <ktlacko@blm.gov> wrote:

See attached for ASLM comments and edits. Sorry this is so late, my computer kept crashing. Notice the word recovered.....sigh!

Thanks,
Kathleen.

Kathleen T. Lacko,
Acting Energy Program Analyst - BLM Liaison
Office of the Assistant Secretary - Land and Minerals Management
Department of Interior (MIB)
1849 C Street, NW
Washington, DC 20240
Office: (202) 208-4114
Cell: (307) 554-6334
ktlacko@blm.gov

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Take care and have a wonderful day! :)

Michael Nedd

202-208-4201 Office

202-208-4800 Fax

mnedd@blm.gov

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

From: Jolley, Robert [mailto:rbjolley@blm.gov]

Sent: Tuesday, January 31, 2017 1:55 PM

To: Orr, Kelly

Cc: Wilkinson, Patrick; BLM_WO_100; Dicerbo, Adrienne; Michael Nedd; Larry Claypool; Steve Tryon; Leah Baker; Jill Ralston; Matthew Varner; Matthew Allen; Craig Leff; Michelle Barret; Beverly Winston; Kristin Bail; Jerome Perez; Benedetto, Kathleen; Casey Hammond; Marshall Critchfield; Lara Douglas

Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"

Kelly and Pat,

See attached response to WO100 comments.

Robert

Robert Jolley, PE

Division Chief

WO-350, Lands, Realty, and Cadastral Survey

Washington Office, Bureau of Land Management

wk: 202-912-7350

cell: 202-669-9736

rbjolley@blm.gov

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Attached version with 3 questions that could use some clarification.

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Kelly Orr

Advisor to the Director's Office

Bureau of Land Management

1849 C St NW, Rm. 5648

Washington DC 20240

Office: 202-208-6262

Mobile: 202-510-5119

korr@blm.gov

On Tue, Jan 31, 2017 at 12:56 PM, Wilkinson, Patrick <p2wilkin@blm.gov> wrote:

WO100:

Please see the following draft talking points concerning requests related to "lands potentially available for disposal" and concerning H.R. 621, the "Disposal of Excess Federal Lands Act."

WO600 has prepared these in coordination with WO300 and WO200. We would like to share these with the External Affairs Chiefs in the field and anyone else who may receive inquiries on these topics.

We will also meet with 300 and eventually 100 to discuss next steps on some related requests we have received from Congress concerning lands identified as potentially available for disposal.

Please let us know ASAP if you have questions or feedback on the draft. There is a 4 pm national PAO call today, and if at all possible we would like to share the approved talking points with the group at that time.

Thanks,

Patrick

DRAFT

Talking Points

Requests Related to “Lands Potentially Available for Disposal”

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From: Krauss, Jeff
To: [Simpson, Melissa](#)
Subject: Additional edits to the talking points: BLM PAO Conference Call Agenda
Date: Tuesday, January 31, 2017 9:00:32 PM
Attachments: [Final_Potentially for Disposal Talking Points_1.31.17.final.docx](#)

Melissa,

Sorry, I'm just seeing your e-mail. . Is your edit to the "Lands Potentially Available for Disposal" & "The Disposal of Excess Federal Lands Act? I've attached the most recent version that incorporates additional edits.

On Tue, Jan 31, 2017 at 3:55 PM, Simpson, Melissa <melissa_simpson@ios.doi.gov> wrote:
Please call me - we have an edit to the TPs.

On Tue, Jan 31, 2017 at 3:46 PM, Krauss, Jeff <jkrauss@blm.gov> wrote:
Melissa,

Here's the information for the BLM PAO Call today...

PAO Conference Call Agenda

(local line) [1-888-677-0863](tel:1-888-677-0863)

[Access Code: 79578#](#)

Tuesday, January 24, 2017

4:00 pm Eastern Time

Media: - State Reports.

Personnel:

Michelle Barret is Acting Division Chief for WO Public Affairs - Please send all early alerts, press releases for approval, etc. to Michelle. Please CC Megan Crandall.

Transition Team:

BLM Team – Kathy Benedetto, Marshall Crutchfield (also possible Advance), Casey Hammond

DOI Communications Team Meg Bloomgren , Tom Baptiste

DOI External and Intergovernmental Affairs Team – Natalie Davis, Melissa Simpson, Tim Williams

Permanent appointments -- Heather Swift has been sworn in as press secretary for the Department.

Director and Deputy Director/Acting Deputy Director Travel:

Kristin Bail - Acting BLM Director

Jerry Perez - Acting BLM Deputy Director

Public Affairs

Respond to media inquiries about routine BLM issues without sending to WO beforehand.

This is a clarification from previous guidance. Please continue to respond to and forward details of media inquiries as usual. However, inquiries from any media outlets that are: 1) prospective in nature and ask about policies of the new Administration; or 2) are tied back to the policies of the previous Administration, should be forwarded to Kimberly Brubeck, Matthew Allen, Craig Leff, Michelle Barret (or to whoever is the acting PA Chief in Washington, D.C.) Please follow this format:

Topic; Reporter; Name of News Outlet; queried Office/ State; and Topic bullets. Washington Office will coordinate with DOI Communications.

Hiring guidance/statement. The current hiring guidance — which temporarily prohibits agencies from making new hires until the Office of Management and Budget develops a long-term plan within the next 90 days to reduce the size of the federal workforce through attrition — applies to all executive branch departments and agencies. The Office of Management and Budget has reminded agencies that they can make “limited” exemptions to the hiring freeze if they determine that those jobs are necessary to maintain public safety or national security. This is the latest guidance we have.

- Please make sure you that you send any anticipated announcements (EISs, RMPs, oil and gas, coal, etc) well in advance to allow for review and clearance.

- Hot Topics - Please revise and update your three/four state hot topics that you submitted in November 2016. Please send back to Michelle Barret and Jeff Krauss ASAP. Missing AZ, CO, and

CA.

- **Upcoming Events Needed** - We have been asked by DOI for an update on "major policy" announcements, regulations, grants, and potentially controversial issues from the beginning of February through April. We are asking you to please send your top tier items to Meredith Black and Michelle Barret in WO Public Affairs ASAP. This should not be a data call to the field as we need only very top level issues at this point, which should already be known to your State Offices.

Please use the revised weekly report format. Please continue to use the new weekly report format.

Please follow the additional guidance provided January 27, 2017, from ASLM,

ASLM asked that we make sure to include the following in future iterations of the weekly report.

1. For blurbs on meetings include information on: topics that will be covered, a brief explanation of what the group is, who from the BLM is participating (i.e. leadership or staff level), and clarify the role BLM will have (presentation, participant, etc). Please make sure to include all meetings with Members of Congress, congressional staff, Governor's Offices and other meeting with representatives from state and local governments.

2. For any controversial topics (i.e. WH&B gathers) please specify the controversial issues and a brief description of why they are controversial.

3. Define acronyms.

Legislative Affairs:

No hearings scheduled at this time

Requests Related to "Lands Potentially Available for Disposal" & "The Disposal of Excess Federal Lands Act" (H.R. 621) - The BLM has received multiple inquiries stemming from H.R. 621, which would require the competitive sale of federal lands identified by the BLM as potentially suitable for disposal for fair market value. WO-600 is preparing talking points related to these inquiries.

RAC Update - Twinkle Thompson:

Sage-Grouse Update - Nancy Patterson/Michelle Barret:

FOIA Update: Ryan Witt

Federal Register Notices - Faith Bremner:

Federal Register documents and correspondence guidance. We received guidance from DOI's Office of the Executive Secretariat (OES) directing that effective immediately all Federal Register documents and all correspondence to or from the Secretary of the Interior be forwarded to OES for a 5-day review period prior to any clearance. This directive covers **all** FRNs, including meeting notices, plats of surveys, and any other category of notice that would normally be sent directly to the Federal Register by the states. This means that all FRNs will need to be provided to WO-630 for clearance. The directive also covers high-level correspondence for governor's offices and members of congress. Please use DTS to circulate all FRNs and correspondence for review and clearance by the WO.

Additional Items

- **Photos of President and Vice President:** Please let Meredith Black and Jeff Krauss know the count and size needed to replace official administration photographs displayed in the entrance of DOI buildings. All photos will be sent to the State office for distribution to the district and field offices. We still need the count from the following states:

1. Arizona
2. Eastern States
3. Idaho
4. New Mexico
5. Utah
6. Wyoming

-**ELT Meeting in March:** The next ELT Meeting will be in Washington, DC, March 6-10, 2017.

- **BLM Weekly Report:** The next weekly report is due by COB February 2, 2017, and should cover

the week of February 12 - February 18, 2017.

- 2017 BLM National and State Events Calendar: Below is the link to the BLM Events Calendar for 2016. Please remember to enter your events which include (Lease Sales, Meetings, Conferences, Youth Events). The Calendar will include an event description and person of contact
[-http://teamspace/sites/blmdaily/events/default.aspx](http://teamspace/sites/blmdaily/events/default.aspx)

New Media Update -

Call for BLM Daily Stories - The BLM Daily remains a central platform for helping BLM staff stay connected with and aware of BLM activities and highlights around the country. Ideally we need just one story per week submitted from each BLM state/region to fill our 12 weekly BLM Daily story slots with a properly balanced representation of BLM activities nationwide. (Fridays are set aside for BLM in the News, Photo Friday, and Caption This, which are developed by the BLM Daily team.) To keep the Daily running smoothly, as we start the new year **I am asking you to recommit to helping ensure that at least one story per week comes in from your state.** Among these we are also seeking "I Am BLM" stories, with a goal of running at least two "I Am BLM" submissions per state in 2017.

Story submission guidelines are online at <https://blmspace.blm.doi.net/portal/blmdaily/submission.aspx>, and the "I Am BLM" guidelines are attached. If you have any questions or need any assistance, please don't hesitate to reach out to me or to Greg Fuhs, BLM Daily managing editor, at gfuhs@blm.gov.

--

Melissa Simpson
Intergovernmental and External Affairs, Room 6211
Department of the Interior
1849 C Street, NW
Washington, DC 20240
(202) 706 4983 cell
melissa_simpson@ios.doi.gov

DRAFT

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From: Kathleen Benedetto
To: Tryon, Steve
Cc: [Lacko, Kathleen](#); [Michael Nedd](#); [Robert Jolley](#); [Kelly Orr](#); [Patrick Wilkinson](#); [BLM_WO_100](#); [Adrienne Dicerbo](#); [Larry Claypool](#); [Leah Baker](#); [Jill Ralston](#); [Matthew Varner](#); [Matthew Allen](#); [Craig Leff](#); [Michelle Barret](#); [Beverly Winston](#); [Kristin Bail](#); [Jerome Perez](#); [Casey Hammond](#); [Marshall Critchfield](#); [Lara Douglas](#)
Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Tuesday, January 31, 2017 10:28:41 PM

Good catch

Sent from my iPhone

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To: Orr, Kelly

Cc: Wilkinson, Patrick; BLM_WO_100; Dicerbo, Adrienne; Michael Nedd; Larry Claypool; Steve Tryon; Leah Baker; Jill Ralston; Matthew Varner; Matthew Allen; Craig Leff; Michelle Barret; Beverly Winston; Kristin Bail; Jerome Perez; Benedetto, Kathleen; Casey Hammond; Marshall Critchfield; Lara Douglas

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Kelly Orr

Advisor to the Director's Office

Bureau of Land Management

1849 C St NW, Rm. 5648

Washington DC 20240

Office: 202-208-6262

Mobile: 202-510-5119

korr@blm.gov

On Tue, Jan 31, 2017 at 12:56 PM, Wilkinson, Patrick
<p2wilkin@blm.gov> wrote:

WO100:

Please see the following draft talking points concerning requests related to "lands potentially available for disposal" and concerning H.R. 621, the "Disposal of Excess Federal Lands Act."

WO600 has prepared these in coordination with WO300 and WO200. We would like to share these with the External Affairs Chiefs in the field and anyone else who may receive inquiries on these topics.

We will also meet with 300 and eventually 100 to discuss next steps on some related requests we have received from Congress concerning lands identified as potentially available for disposal.

Please let us know ASAP if you have questions or feedback on the draft. There is a 4 pm national PAO call today, and if at all possible we would like to share the approved talking points with the group at that time.

Thanks,

Patrick

DRAFT

Talking Points

Requests Related to “Lands Potentially Available for Disposal”

Background

- Under the Federal Land Policy and Management Act (Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning process that disposal of particular parcels serves the national interest.
- FLPMA mandates that the BLM undertake public land use planning and management on the basis of multiple use and sustained yield.
- The BLM has received multiple inquiries about BLM-managed lands identified as potentially available for disposal following the introduction of H.R. 621, the Disposal of Excess Federal Lands Act.
- H.R. 621 would require the competitive sale of Federal lands identified by the BLM as potentially suitable for disposal for fair market value. Under the bill, net proceeds from the sale would be directed to the Treasury.
- The BLM has not yet taken a position on H.R. 621.

Talking Points

- A 1996 law (PL 104-127) directed the Bureau of Land Management to report to Congress on public lands that may be suitable for disposal or exchange.

- As a result of this law, the BLM produced and delivered to Congress a report in 1997, which includes a county-by-county overview of public lands that may be suitable for disposal or exchange. H.R. 621 references this report.
 - This report has not been updated since 1997, and there are no maps associated with the report.
- The BLM identifies lands potentially available for disposal in its individual Resource Management Plans (RMPs). These RMPs are the only way the BLM captures this information.
 - Typically, lands identified for disposal during the development of RMP are isolated parcels that have lower resource value than larger and more connected land parcels, and consolidation of BLM land patterns would enhance administration, improve resource management, and promote community development.
 - Lands that have been identified as potentially available for disposal in RMPs will require additional evaluation to determine the presence of resources and uses, including endangered or threatened species, cultural or historic resources, mining claims, mineral leases, rights-of-way, and grazing permits.
 - Because RMPs typically are effective over many years, lands identified as potentially available for disposal at one point in time may be found later to be unsuitable because of circumstances such as oil and gas leasing, the listing of threatened and endangered species, the establishment of rights-of-way, or other encumbrances.
- Before the BLM disposes of public lands, appropriate environmental reviews, and clearances must be completed in accordance with the National Environmental Policy Act, the Comprehensive Environmental Response, Compensation and Liability Act, and other laws. Fair market value appraisals as well as cadastral surveys of the parcels are also required.
- The [BLM.gov](https://www.blm.gov) website contains a page with state-by-state links to RMPs that identify lands potentially available for disposal (available at: <https://www.blm.gov/programs/planning-and-nepa/planning-101/lands-potentially-for-disposal>).

- Inquiries regarding lands identified as potentially available for disposal are best directed to these RMPs on www.BLM.gov.

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Patrick Wilkinson
U.S. Department of the Interior
Bureau of Land Management
Legislative Affairs Division (WO 620)
Phone: (202) 912-7429
Fax: (202) 245-0050

From: Kathleen Benedetto
To: [Wilkinson, Patrick](mailto:Wilkinson.Patrick)
Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Tuesday, January 31, 2017 10:32:19 PM

Will get back to you in the AM, thanks for your patience. KB

Sent from my iPhone

On Jan 31, 2017, at 6:46 PM, Wilkinson, Patrick <p2wilkin@blm.gov> wrote:

Thanks everyone for your input on these draft talking points.

I've attached and pasted below a version incorporating the various feedback that we have received. Please let us know if anyone has any final edits/comments. We have not yet shared these with the the External Affairs Chiefs - we are now aiming to do so Wed afternoon if possible.

And a reminder that more is yet to come on this topic: we will be scheduling a couple meetings (300/200, then 100) to discuss next steps with related requests we have received from Congress.

Thx!
Patrick

DRAFT

Talking Points

Requests Related to "Lands Potentially Available for Disposal"

Background

- Under the Federal Land Policy and Management Act (Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning process that disposal of particular parcels serves the national interest.
- FLPMA mandates that the BLM undertake public land use planning and management on the basis of multiple use and sustained yield.

- The BLM has received multiple inquiries about BLM-managed lands identified as potentially available for disposal following the introduction of H.R. 621, the Disposal of Excess Federal Lands Act.
- H.R. 621 would require the competitive sale of Federal lands identified by the BLM as potentially suitable for disposal for fair market value. Under the bill, net proceeds from the sale would be directed to the Treasury.
- The BLM, the Department of Interior, and the Administration have not yet taken a position on H.R. 621.

Talking Points

- A 1996 law (PL 104-127) directed the Bureau of Land Management to report to Congress on public lands that may be suitable for disposal or exchange.
 - As a result of this law, the BLM produced and delivered to Congress a report in 1997, which includes a county-by-county overview of public lands that may be suitable for disposal or exchange. H.R. 621 references this report.
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- Before the BLM disposes of public lands, appropriate environmental reviews, and clearances must be completed in accordance with the National Environmental Policy Act, the Comprehensive Environmental Response, Compensation and Liability Act, and other laws. Fair market value appraisals, mineral development potential reports, and cadastral surveys of the parcels are also required.
- The [BLM.gov](http://www.blm.gov) website contains a page with state-by-state links to RMPs that identify lands potentially available for disposal (available at: <https://www.blm.gov/programs/planning-and-nepa/planning-101/lands-potentially-for-disposal>).
- Inquiries regarding lands identified as potentially available for disposal are best directed to these RMPs on www.BLM.gov.

On Tue, Jan 31, 2017 at 6:03 PM, Tryon, Steve <stryon@blm.gov> wrote:

Sorry to be getting to this after so many other editors, but I think we ought to address the minerals.

Under current law we would need to prepare a mineral report prior to conveyance, and if the minerals had development potential they would have to be retained by the U.S., thus splitting the estate at the time of sale. If H.R. 621 is simply additive to our existing process, then this would still be the case.

st

Steve Tryon
Deputy Assistant Director, Resources and Planning
Bureau of Land Management
1849 C Street, NW
Room 5654
Washington, DC 20240
202-208-4896

On Tue, Jan 31, 2017 at 3:56 PM, Lacko, Kathleen <ktlacko@blm.gov> wrote:

See attached for ASLM comments and edits. Sorry this is so late, my computer kept crashing. Notice the word recovered.....sigh!

Thanks,
Kathleen.

Kathleen T. Lacko,
Acting Energy Program Analyst - BLM Liaison

Office of the Assistant Secretary - Land and Minerals Management
Department of Interior (MIB)
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ktlacko@blm.gov
Until 3/11/2017

On Tue, Jan 31, 2017 at 2:32 PM, Benedetto, Kathleen
<kathleen_benedetto@ios.doi.gov> wrote:

Looks good. I've asked our comms and External Affairs people to look it over just so they know what's going on. KB

On Tue, Jan 31, 2017 at 2:07 PM, Michael Nedd <mnedd@blm.gov>
wrote:

Hi all,

Now able to look at this and I do have one comment/proposed changes... See attached...

Take care and have a wonderful day! :)

Michael Nedd

202-208-4201 Office

202-208-4800 Fax

[*mnedd@blm.gov*](mailto:mnedd@blm.gov)

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

From: Jolley, Robert [mailto:rbjolley@blm.gov]

Sent: Tuesday, January 31, 2017 1:55 PM

To: Orr, Kelly

Cc: Wilkinson, Patrick; BLM_WO_100; Dicerbo, Adrienne; Michael Nedd; Larry Claypool; Steve Tryon; Leah Baker; Jill Ralston; Matthew Varner; Matthew Allen; Craig Leff; Michelle Barret; Beverly Winston; Kristin Bail; Jerome Perez; Benedetto, Kathleen; Casey Hammond; Marshall Critchfield; Lara Douglas

Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"

Kelly and Pat,

See attached response to WO100 comments.

Robert

Robert Jolley, PE

Division Chief

WO-350, Lands, Realty, and Cadastral Survey

Washington Office, Bureau of Land Management

wk: 202-912-7350

cell: 202-669-9736

rbjolley@blm.gov

On Tue, Jan 31, 2017 at 1:10 PM, Orr, Kelly <korr@blm.gov> wrote:

Pat -

Attached version with 3 questions that could use some clarification.

Thanks,

Kelly Orr

Advisor to the Director's Office

Bureau of Land Management

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<Final_ Potentially for Disposal Talking Points_1.31.17.final.docx>

From: Lacko, Kathleen
To: [Katharine Macgregor](#)
Subject: Fwd: Final documents - onshore offshore leasing at a glance
Date: Thursday, February 2, 2017 10:55:39 AM
Attachments: [Attachment 2 - O&G leasing stats for last 10 years 20170131 adjusted for....docx](#)
[Onshore Offshore Leasing At a Glance FINAL.docx](#)

I hit the send button before adding you, sorry.

kathleen.

Kathleen T. Lacko,

Acting Energy Program Analyst - BLM Liaison

Office of the Assistant Secretary - Land and Minerals Management

Department of Interior (MIB)
1849 C Street, NW
Washington, DC 20240

Office: (202) 208-4114
Cell: (307) 554-6334

ktlacko@blm.gov

Until 3/11/2017

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

From: Lacko, Kathleen <ktlacko@blm.gov>
Date: Thu, Feb 2, 2017 at 10:51 AM
Subject: Final documents - onshore offshore leasing at a glance
To: Richard Cardinale <richard_cardinale@ios.doi.gov>

Rich,

It is down to one page now.

Kathleen.

Kathleen T. Lacko,

Acting Energy Program Analyst - BLM Liaison

Office of the Assistant Secretary - Land and Minerals Management

Department of Interior (MIB)
1849 C Street, NW
Washington, DC 20240

Office: (202) 208-4114
Cell: (307) 554-6334

ktlacko@blm.gov

Until 3/11/2017

Attachment 2 – Onshore Oil and Gas Leasing Statistics for the last 10 years

Table 1 - Summary of the BLM “All Statistics” Report from FY2008 to FY 2016, as of January 31, 2017

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Total Number of Leases in Effect	55,085	53,431	50,544	49,174	48,699	47,427	46,183	44,213	40,143
Total Number of Acres Leased	47,242,495	45,364,991	41,186,158	38,463,552	37,792,212	36,092,482	34,592,450	32,193,369	27,207,018
Total Number of New Leases Issued During the Year	2,416	2,072	1,308	2,188	1,729	1,468	1,157	852	520
Total Number of Acres Leased During the Year	2,615,259	1,913,602	1,353,663	2,016,176	1,752,060	1,172,808	1,197,852	810,068	577,317
Total Number of Producing Leases on Federal Lands	23,293	22,599	22,676	22,682	23,306	23,507	23,657	23,770	23,926
Total Number of Producing Acres on Federal Lands	14,543,425	12,842,209	12,205,416	12,316,233	12,512,974	12,617,743	12,690,806	12,760,700	12,771,829
[†] Total Number of APDs approved by Year on Federal Lands	6,617	4,487	4,090	4,244	4,256	3,770	3,769	3,508	2,184
[†] Total Number Of Wells Started (Spud) During the Year on Federal Lands	5,044	3,267	3,166	3,260	3,022	2,413	2,544	1,621	847
[†] Total Number of Producing and Service Holes on Federal Lands	86,642	85,330	89,637	90,452	92,583	93,598	94,778	94,484	94,096
[†] Total Number of Producing and Service Completions on Federal Lands	92,673	91,237	95,979	96,606	99,015	99,975	101,145	100,665	97,513
Note: For all years, data is Federal-only; does not include Indian leases. [†] Totals for some states will be less than in expanded reports that include both Federal and Indian data.									

The Application for Permit to Drill (APD) tabulations are Federal only and do not include the Tribal APDs from BLM field offices such as North Dakota, Farmington, Vernal and Tulsa.

Table 2 - Summary of the lease sale data, including bonus bid revenue, as of October 26, 2016

Oil and Gas Lease Sale Data FY 2008 - 2016								
Fiscal Year	Parcels Offered	Acres Offered	Parcels Receiving Bids	Acres Receiving Bids	% Parcels Receiving Bids	% Acres Receiving Bids	High Bid per parcel	Total \$ Bonus Bids
2008	3,389	3,878,102	2,688	2,710,721	79.32%	69.90%	\$25,252,000	\$395,593,240
2009	3,127	3,803,635	1,874	1,819,234	59.93%	47.83%	\$6,916,500	\$161,775,578
2010	1,636	3,239,086	1,003	739,954	61.31%	22.84%	\$19,841,105	\$195,647,787
2011	1,140	1,158,808	1,253	880,895	87.01%	76.02%	\$10,678,800	\$240,929,622
2012	2,064	4,674,517	1,583	1,415,809	76.70%	30.29%	\$18,571,200	\$259,881,011
2013	2,215	5,746,874	1,444	1,082,007	65.19%	18.83%	\$16,324,800	\$224,415,509
2014	1,679	5,683,736	956	919,378	56.94%	16.18%	\$13,440,000	\$201,372,216
2015	1,286	4,017,062	690	624,976	53.38%	15.28%	\$19,392,000	\$142,286,667
2016	730	1,979,532	431	410,868	59.04%	20.76%	\$76,680,000	\$196,023,738
Total	17,266	32,201,819	11,491	10,192,975	66.55%	31.65%	\$25,252,000	\$1,821,901,629

Table 3 - Protests received on parcels for lease sales from FY2008 to FY2016.

National Oil and Gas Lease Sale Protested Parcels 2008-2016				
Fiscal Year	Number of Parcels Posted on Original Sale Notice**	Number of Parcels Offered Day of Sale	Number of Protested Parcels from Original Sale Notice	Percent of parcels protested from original sale notice
2008	3,682	3,389	1,108	30%
2009	3,455	3,127	1,475	43%
2010 *	1,887	1,636	665	41%
2011	1,521	1,440	516	34%
2012 *	2,247	2,064	371	17%
2013 *	2,343	2,215	431	18%
2014*	1,752	1,679	321	18%
2015*	1,356	1,272	630	46%
2016*	1,029	730	579	56%

*Includes tracts located within the NPR-Alaska. NPR-A does not provide an avenue for protests.

**The original sale notices are often amended to remove parcels due to protests or other reasons.

Onshore Leasing At a Glance

Selected **Onshore** Oil and Gas Leasing Statistics – FY2007 – FY2016

	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	% Δ 10yrs
Acres Offered for Lease	4,939,469	3,878,102	3,803,635	3,239,086	1,158,808	4,674,517	5,746,874	5,683,736	4,017,062	1,979,532	60% ↓
New Acres Leased	4,634,736	2,615,259	1,913,602	1,353,663	2,016,176	1,752,060	1,172,808	1,197,852	810,068	577,317	88% ↓
# New Leases Issued	3,499	2,416	2,072	1,308	2,188	1,729	1,468	1,157	852	520	85% ↓
Acres Held Under Lease	44,479,478	47,242,495	45,364,991	41,186,158	38,463,552	37,792,212	36,092,482	34,592,450	32,193,369	27,207,018	39% ↓
APDs Approved by Year	7,124	6,617	4,487	4,090	4,244	4,256	3,770	3,769	3,508	2,184	69% ↓
Total # of Wells Started (SPUD)	5,343	5,044	3,267	3,166	3,260	3,022	2,413	2,544	1,621	847	84% ↓
Bonus Bids Received	206,657,732	395,593,240	161,775,578	195,647,787	240,929,622	259,881,011	224,415,509	201,372,216	142,286,667	196,023,738	50% ↓
Rentals Received	63,179,593	63,278,602	56,657,740	48,800,064	45,002,896	43,578,280	41,036,833	36,684,822	30,886,105	21,465,394	66% ↓

The APD tabulations are Federal only and do not include the Tribal APDs from BLM field offices such as North Dakota, Farmington, Vernal and Tulsa. For all years, data is Federal-only; does not include Indian leases.

In 2010, the BLM began annual lease sales in the National Petroleum Reserve-Alaska.

Selected **Offshore** Oil and Gas Leasing Statistics – FY2007 – FY2016

	FY2007	FY2008	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	% Δ 10yrs
Number of Lease Sales	2	4	2	1	1	1	3	3	2	3	N/A
Acres Offered for Lease	26,634,432	106,757,249	52,988,297	36,957,957	0	60,314,171	80,768,541	61,718,950	63,208,552	68,686,471	61% ↑
New Acres Leased	2,031,139	11,726,574	2,668,409	2,369,101	0	3,371,851	2,602,954	2,090,265	1,069,991	771,238	62% ↓
# New Leases Issued	364	2,121	483	446	0	623	477	400	194	140	62% ↓
APDs Approved by Yr Total (New Wells)	341 (656 Total)	302 (613)	181 (376)	128 (318)	96 (238)	171 (371)	140 (382)	136 (338)	97 (218)	83 (168)	76% ↓
Total # of Wells SPUD Total (Shallow Water)	647	586	379	290	224	352	381	348	227	164	75% ↓
Bonus Bids Received	332,118,261	9,796,080,028	818,514,844	949,265,959	0	2,042,189,336	1,472,128,172	960,761,565	561,455,268	174,452,630	52% ↓
Rentals Received (FY)	200,996,775	237,021,883	233,146,675	245,645,027	223,243,632	228,022,724	257,679,016	237,476,088	225,507,450	158,027,699	22% ↓

% Δ 10yrs = 2016 compared to 2007

From: Benedetto, Kathleen
To: [Stewart, Shannon](#)
Subject: Re: Withdrawal meeting follow-up
Date: Thursday, February 2, 2017 12:06:04 PM

thank you. KB

On Thu, Feb 2, 2017 at 11:51 AM, Stewart, Shannon <scstewar@blm.gov> wrote:

Hi Kathy

Here is the specific language from FLPMA regarding signature authority on withdrawals:

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.

The briefing paper for Limestone Caves and Cooks Creek Fisheries Area in Oregon is attached.

Let me know if you need anything else.

Shannon

--

Shannon Stewart
Senior Advisor to the Director
Bureau of Land Management
202-570-0149
scstewar@blm.gov

From: Wilkinson, Patrick
To: [Amanda Kaster](mailto:Amanda.Kaster)
Cc: [Ralston, Jill](mailto:Ralston.Jill); [Quinn, Matthew](mailto:Quinn.Matthew)
Subject: Fwd: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Thursday, February 2, 2017 4:33:25 PM
Attachments: [Final_Potentially_for_Disposal_Talking_Points_1.31.17.final.docx](#)

amanda - as we just discussed by phone - fyi on the internal background talking points that were being reviewed here this week. our plan is to share these with our public affairs staff in the field cob today.

call me if you have any questions/concerns.

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

From: **Wilkinson, Patrick** <p2wilkin@blm.gov>
Date: Tue, Jan 31, 2017 at 6:45 PM
Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
To: BLM_WO_100 <blm_wo_100@blm.gov>
Cc: "Tryon, Steve" <stryon@blm.gov>, "Benedetto, Kathleen" <kathleen_benedetto@ios.doi.gov>, Michael Nedd <mnedd@blm.gov>, Robert Jolley <rbjolley@blm.gov>, Kelly Orr <korr@blm.gov>, Adrienne Dicerbo <adicerbo@blm.gov>, Larry Claypool <lclaypoo@blm.gov>, Leah Baker <lbaker@blm.gov>, Jill Ralston <jralston@blm.gov>, Matthew Varner <mvarner@blm.gov>, Matthew Allen <mrallen@blm.gov>, Craig Leff <cleff@blm.gov>, Michelle Barret <mbarret@blm.gov>, Beverly Winston <bwinston@blm.gov>, Kristin Bail <kbail@blm.gov>, Jerome Perez <jperez@blm.gov>, Casey Hammond <casey_hammond@ios.doi.gov>, Marshall Critchfield <marshall_critchfield@ios.doi.gov>, Lara Douglas <ledouglas@blm.gov>

Thanks everyone for your input on these draft talking points.

I've attached and pasted below a version incorporating the various feedback that we have received. Please let us know if anyone has any final edits/comments. We have not yet shared these with the the External Affairs Chiefs - we are now aiming to do so Wed afternoon if possible.

And a reminder that more is yet to come on this topic: we will be scheduling a couple meetings (300/200, then 100) to discuss next steps with related requests we have received from Congress.

Thx!
Patrick

DRAFT

Talking Points

Requests Related to “Lands Potentially Available for Disposal”

Background

- Under the Federal Land Policy and Management Act (Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning process that disposal of particular parcels serves the national interest.
- FLPMA mandates that the BLM undertake public land use planning and management on the basis of multiple use and sustained yield.
- The BLM has received multiple inquiries about BLM-managed lands identified as potentially available for disposal following the introduction of H.R. 621, the Disposal of Excess Federal Lands Act.
- H.R. 621 would require the competitive sale of Federal lands identified by the BLM as potentially suitable for disposal for fair market value. Under the bill, net proceeds from the sale would be directed to the Treasury.
- The BLM, the Department of Interior, and the Administration have not yet taken a position on H.R. 621.

Talking Points

- A 1996 law (PL 104-127) directed the Bureau of Land Management to report to Congress on public lands that may be suitable for disposal or exchange.
 - As a result of this law, the BLM produced and delivered to Congress a report in 1997, which includes a county-by-county overview of public lands that may be suitable for disposal or exchange. H.R. 621 references this report.
 - This report has not been updated since 1997, and there are no maps associated with the report.
- The BLM identifies lands potentially available for disposal in its individual Resource Management Plans (RMPs). These RMPs are the only way the BLM captures this

information.

- Typically, lands identified for disposal during the development of the RMP are isolated parcels that have lower resource value than larger and more connected land parcels.
 - Lands that have been identified as potentially available for disposal in RMPs require additional evaluation prior to disposal to determine the presence of resources and uses, including endangered or threatened species, cultural or historic resources, mining claims, mineral leases, rights-of-way, and grazing permits.
 - Because RMPs typically are effective over many years, lands identified as potentially available for disposal at one point in time may be found later to be unsuitable because of circumstances such as oil and gas leasing, the presence of threatened and endangered species, the establishment of rights-of-way, or other encumbrances.
-
- Before the BLM disposes of public lands, appropriate environmental reviews, and clearances must be completed in accordance with the National Environmental Policy Act, the Comprehensive Environmental Response, Compensation and Liability Act, and other laws. Fair market value appraisals, mineral development potential reports, and cadastral surveys of the parcels are also required.
-
- The [BLM.gov](http://www.blm.gov) website contains a page with state-by-state links to RMPs that identify lands potentially available for disposal (available at: <https://www.blm.gov/programs/planning-and-nepa/planning-101/lands-potentially-for-disposal>).
-
- Inquiries regarding lands identified as potentially available for disposal are best directed to these RMPs on www.BLM.gov.

--

Patrick Wilkinson
U.S. Department of the Interior
Bureau of Land Management
Legislative Affairs Division (WO 620)
Phone: (202) 912-7429
Fax: (202) 245-0050

DRAFT

Talking Points Requests Related to “Lands Potentially Available for Disposal”

Background

- Under the Federal Land Policy and Management Act (Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning process that disposal of particular parcels serves the national interest.
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From: Douglas, Lara
To: [Kathleen Benedetto](#); [Marshall Critchfield](#); [Cardinale, Richard](#); [Casey Hammond](#)
Cc: [Jerome Perez](#); [Satrina Lord](#); [Lacko, Kathleen](#)
Subject: Fwd: Transition material request: RMPs in process
Date: Friday, February 3, 2017 6:09:00 PM
Attachments: [BLM Briefing Paper and Status of BLM RMPs_01.27.17.docx](#)

Good afternoon,

I heard there were questions at the ASLM/BLM meeting this afternoon about this request - I am not sure who needs this information so I am re-sending to all of you. Thanks and please let me know if you have further questions.

Lara

Lara Douglas
Acting Chief of Staff

Bureau of Land Management
202-208-4586

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

From: Winston, Beverly <bwinston@blm.gov>
Date: Fri, Jan 27, 2017 at 4:53 PM
Subject: Transition material request: RMPs in process
To: Casey Hammond <casey_hammond@ios.doi.gov>
Cc: Lara Douglas <ledouglas@blm.gov>, Kristin Bail <kbail@blm.gov>, Jerome Perez <jperez@blm.gov>

Casey,

Attached is a list of RMPs that are currently being worked on and where they stand in the process. Let Lara or me know if you have any questions.

Bev

--

Bev Winston
Bureau of Land Management | Public Affairs
202-912-7239 | bwinston@blm.gov

INFORMATION/BRIEFING MEMORANDUM

DATE: January 27, 2017

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

SUBJECT: Planning in the Bureau of Land Management and Current Status of BLM Resource Management Plans

The purpose of this memo is to provide the current status of BLM's Resource Management Plans (RMPs) and provide an introduction to the BLM planning process.

BACKGROUND

Land use plans and planning decisions are the basis for all on-the-ground actions the BLM takes, serving three main purposes:

1. They allocate resources and determine the appropriate multiple uses for the public lands.
2. They provide a strategy to manage and protect resources.
3. They establish systems to monitor and evaluate the health of resources and the effectiveness of management practices over time.

As a steward of America's public lands and their resources, the BLM has produced many land use plans in its history.

Types of Plans: Through public engagement, the BLM develops Resource Management Plans (RMPs), which serve as land management blueprints. All RMPs are developed simultaneously with a National Environmental Policy Act (NEPA) analysis, typically an Environmental Impact Statement (EIS). As plans are implemented, a number of different NEPA products associated with land use activities are generated, such as minerals production, or renewable energy generation and transmission.

Development and Maintenance of Plans: The BLM's plans are informed by a combination of legal guidance, data and geospatial products, sound science, and collaboration and coordination. The BLM follows the requirements of NEPA and the Federal Land Policy and Management Act (FLPMA); sound science and research; consideration of resources and impacts at the appropriate scale; knowledge of location of the conditions of resources using geospatial data; socioeconomics; and the role of state, tribal, and local governments.

To announce the creation of a new plan to the public, the BLM publishes a Notice of Intent to formally enter into a planning process. A formal public scoping process is held to identify planning issues for the plan. The BLM analyzes the issues identified and uses them to create a range of alternative management strategies.

The BLM prepares the range of alternatives in a draft RMP and draft EIS. Upon release, the public is afforded a comment period.

The BLM reviews and evaluates input, revises the draft plan and releases a proposed plan. This begins a protest period for any person who previously participated in the planning process and has an interest that is, or may be, adversely affected by the proposed plan.

The BLM provides the proposed RMP and final EIS to State Governors in the area covered by the RMP for a review period to identify any inconsistencies with state and local plans.

After inconsistencies and protests have been considered and addressed, the BLM Deciding Official (typically a State Director) may approve the final RMP and issue a Record of Decision.

The BLM constantly evaluates and amends or revises its land use plans in response to changing conditions and demands on the public lands, to ensure that the public lands are managed in ways that meets the multiple-use and sustained yield goals that Congress has set. Attached is a list of all of the BLM RMPs currently under revision and their current status.

Implementation of Plans: The BLM is committed to achieving the balance between multiple use and sustained yield and in addressing local conditions and concerns through continued collaboration with its many partners and the public. The BLM regularly works with the leaders of the communities it serves as it carries out the land use plans for these areas. It will continue working with these partners to implement the plans to ensure that they are effective in fulfilling their mandated purposes of providing for present and future generations of Americans.

ATTACHMENTS

Current Status of BLM Resource Management Plans in Progress: January 27, 2017

State	Resource Management Plan Name	Status
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AK	Central Yukon	Scoping
AZ	San Pedro	Draft Preparation
AZ	Sonoran Desert	Draft Preparation
CA	Arcata Redding	Scoping
CA	South Coast	Draft Preparation
CO	Royal Gorge	Draft Preparation
CO	Uncompahgre	Proposed RMP Preparation
Eastern States	Southeastern States	Proposed RMP Preparation
ID	Four Rivers	Draft Preparation
ID	Upper Snake	Draft Preparation
MT/ND/SD	Lewistown	Draft Preparation
NM/OK/TX/KS	Carlsbad	Draft Preparation
NM/OK/TX/KS	Oklahoma	Draft Preparation
NM/OK/TX/KS	Rio Puerco	Proposed RMP Preparation
NM/OK/TX/KS	Tri-County	Draft Preparation
NV	Basin and Range	Draft Preparation
NV	Battle Mountain	Draft Preparation
NV	Carson City	Proposed RMP Preparation
NV	Las Vegas	Draft Preparation
OR/WA	Baker	Draft Preparation
OR/WA	Eastern Washington	Draft Preparation
OR/WA	San Juan	Draft Preparation
OR/WA	Southeastern Oregon	Draft Preparation
UT	Cedar City	Draft Preparation
WY	Rock Springs	Draft Preparation

From: Lacko, Kathleen
To: [Richard Cardinale](#); [Katharine Macgregor](#)
Cc: [Moran, Jill](#)
Subject: Fwd: Transition material request: RMPs in process
Date: Friday, February 3, 2017 6:31:39 PM
Attachments: [BLM Briefing Paper and Status of BLM RMPs_01.27.17.docx](#)

forward from BLM.

Kathleen T. Lacko,

Acting Energy Program Analyst - BLM Liaison

Office of the Assistant Secretary - Land and Minerals Management

Department of Interior (MIB)
1849 C Street, NW
Washington, DC 20240

Office: (202) 208-4114
Cell: (307) 554-6334

ktlacko@blm.gov

Until 3/11/2017

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

From: Douglas, Lara <ledouglas@blm.gov>
Date: Fri, Feb 3, 2017 at 6:04 PM
Subject: Fwd: Transition material request: RMPs in process
To: Kathleen Benedetto <kathleen_benedetto@ios.doi.gov>, Marshall Critchfield <marshall_critchfield@ios.doi.gov>, "Cardinale, Richard" <richard_cardinale@ios.doi.gov>, Casey Hammond <casey_hammond@ios.doi.gov>
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OR/WA	Eastern Washington	Draft Preparation
OR/WA	San Juan	Draft Preparation
OR/WA	Southeastern Oregon	Draft Preparation
UT	Cedar City	Draft Preparation
WY	Rock Springs	Draft Preparation

From: Benedetto, Kathleen
To: [Macgregor, Katharine](#); [Anderson, Michael](#)
Subject: Fwd: Planning Briefing Materials
Date: Monday, February 6, 2017 9:51:47 AM
Attachments: [Planning Overview 2017.02.03.pptx](#)

Here's the briefing materials for the planning meeting. KB

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

From: Benedetto, Kathleen <kathleen_benedetto@ios.doi.gov <mailto:kathleen_benedetto@ios.doi.gov> >
Date: Mon, Feb 6, 2017 at 8:42 AM
Subject: Fwd: Planning Briefing Materials
To: Melissa Simpson <melissa_simpson@ios.doi.gov>, Heather Swift <heather_swift@ios.doi.gov>

Here is info for the planning briefing that is scheduled for 4:00 PM today in room 5071. KB

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

From: Douglas, Lara <ledouglas@blm.gov>
Date: Fri, Feb 3, 2017 at 6:33 PM
Subject: Planning Briefing Materials
To: "Cardinale, Richard" <richard_cardinale@ios.doi.gov>, Kathleen Benedetto <kathleen_benedetto@ios.doi.gov <mailto:kathleen_benedetto@ios.doi.gov> >
Cc: Satrina Lord <slord@blm.gov>, "Lacko, Kathleen" <ktlacko@blm.gov>, Casey Hammond <casey_hammond@ios.doi.gov>, Marshall Critchfield <marshall_critchfield@ios.doi.gov <mailto:marshall_critchfield@ios.doi.gov> >, Jerome Perez <jperez@blm.gov>, Kristin Bail <kbail@blm.gov>, Steve Tryon <stryon@blm.gov>, Beverly Winston <bwinston@blm.gov>

Rich, Kathy, and all,

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Acting Chief of Staff

Bureau of Land Management
202-208-4586



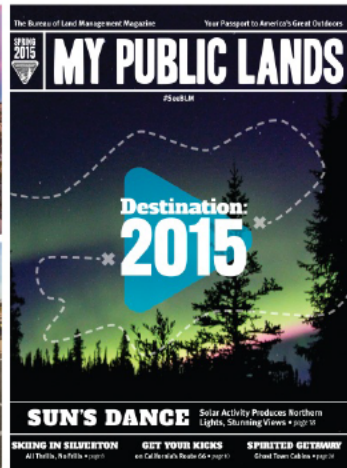
Bureau of
Land
Management

Land Use Planning

Working with our Partners to Effectively Manage America's Public Lands



Bureau of Land Management
U.S. Department of the Interior
February 2017

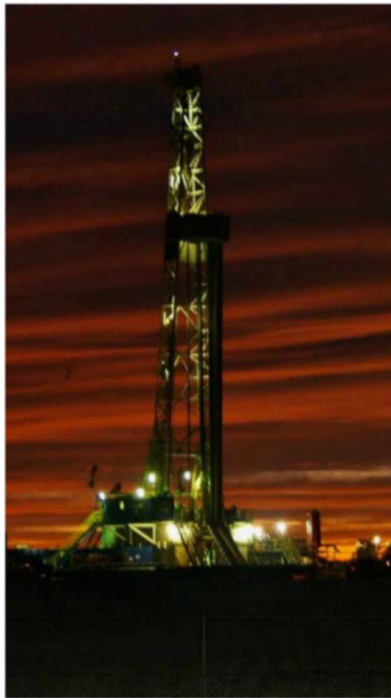


LAND USE PLANNING BASICS



Why Does BLM Conduct Land Use Planning?

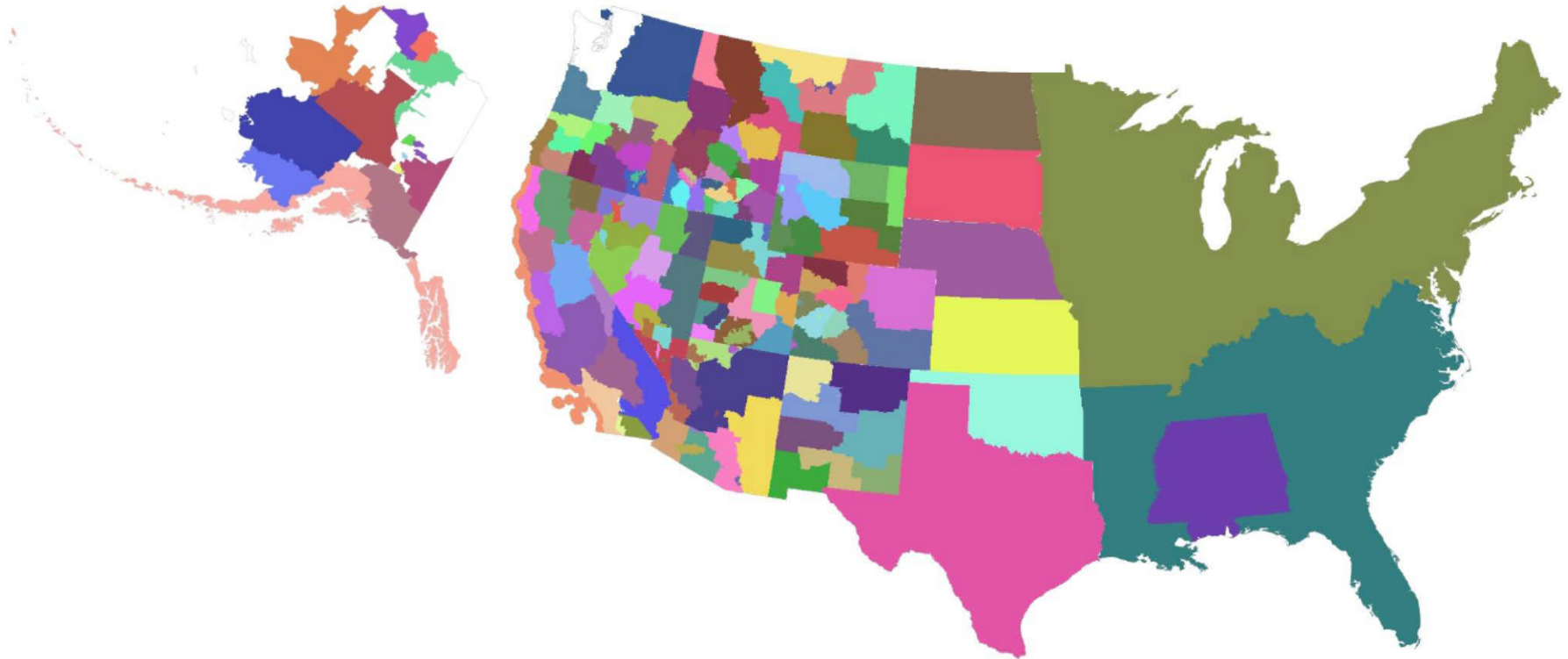
Land use plans, or what BLM generally calls Resource Management Plans (RMPS), are **required by FLPMA** in order to manage diverse resources for multiple use and sustained yield



Land use plans are developed through a **public process**, serve as **blueprints** that describe and guide how the BLM will manage areas of public land.



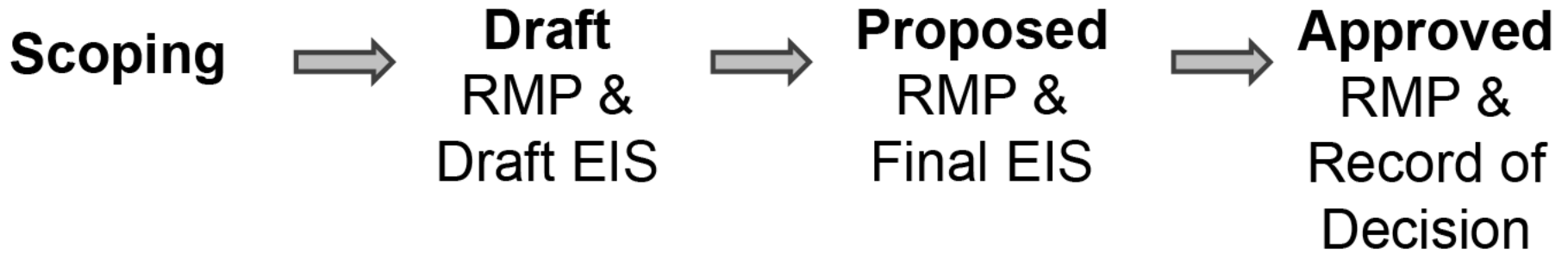
Land Use Plan Snapshot



- Approximately **160 plans** currently in effect
- Boundaries typically follow **field office** delineation

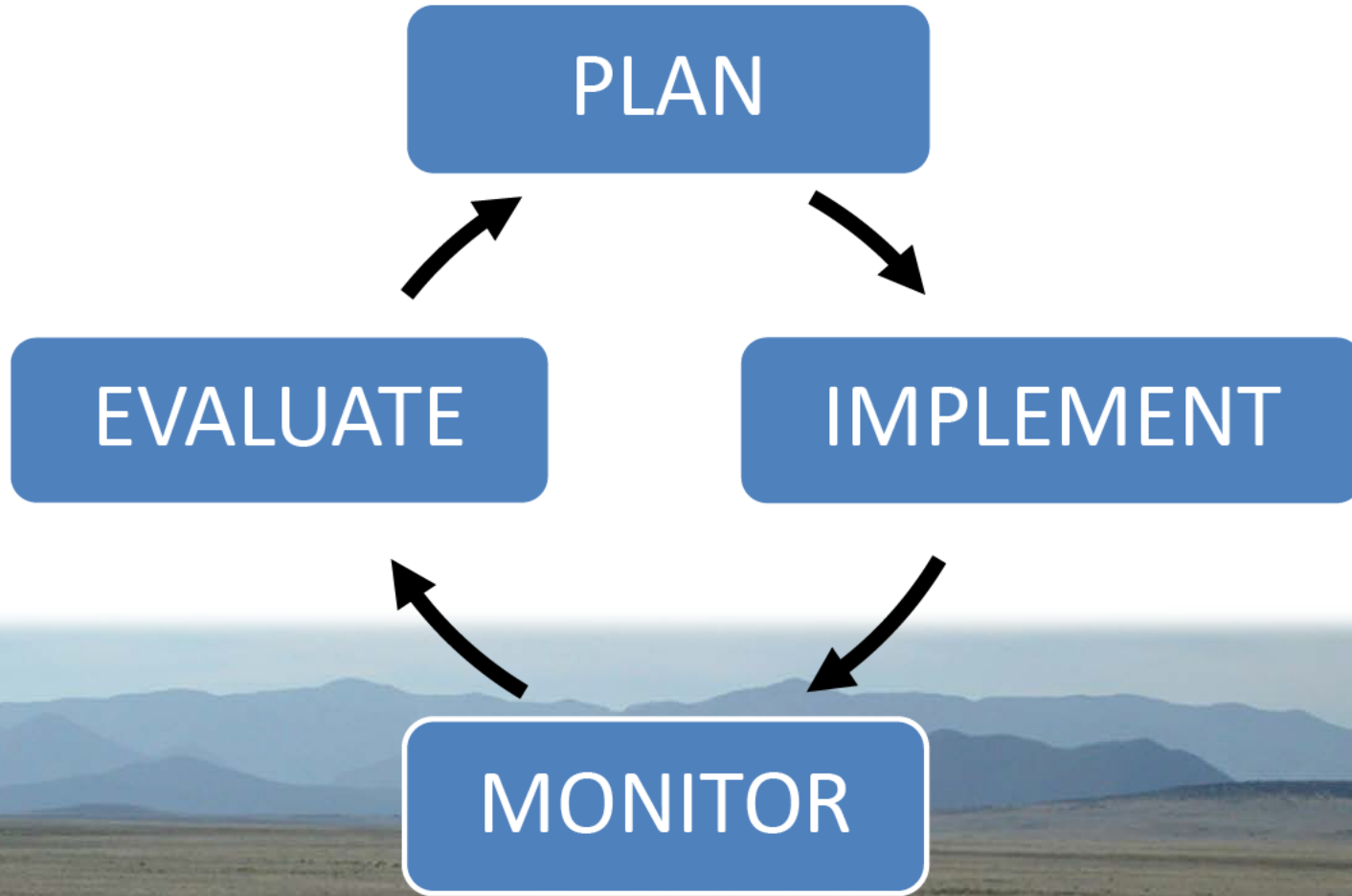


Land Use Planning Process





Planning & Decision-Making Life Cycle





Types of Decisions Made in Land Use Plans

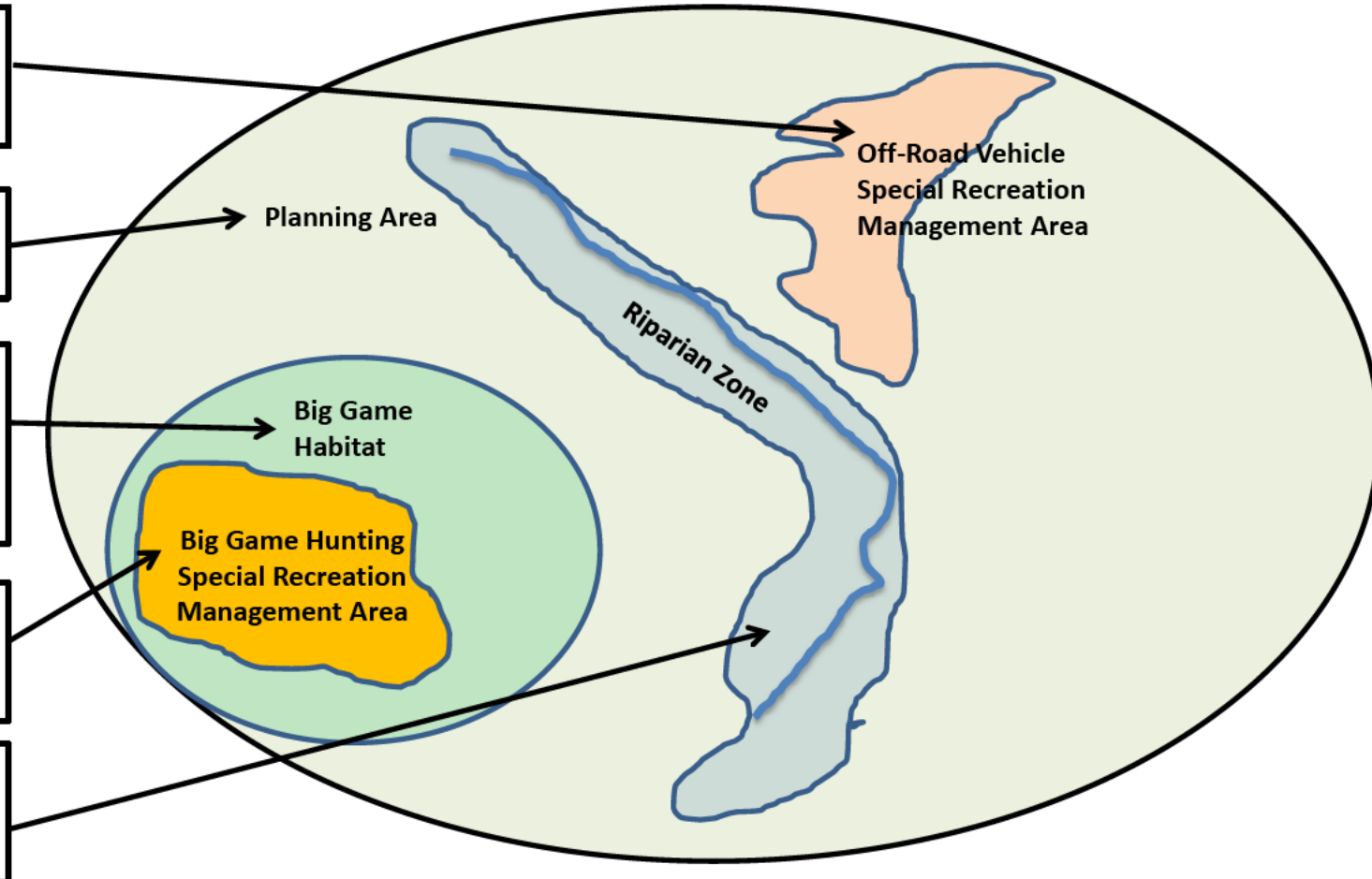
- Targeted objectives to enhance ORV opportunities
- Controlled Surface use for Oil and Gas Leasing

- Open to Oil and Gas Leasing with Standard Stipulations
- Available to Livestock Grazing

- Vegetation objectives to support habitat
- Timing restrictions for Oil and Gas leasing
- Unavailable for livestock grazing

- Targeted objectives to enhance hunting opportunities
- No surface occupancy for Oil and Gas.

- No Surface Occupancy for Oil and Gas
- Unavailable for Livestock Grazing





BLM's Coordination Obligations

FLPMA directs BLM to **coordinate land use planning activities** with the land use planning and management programs of **State and local governments**.

Effective coordination helps to support **consistency in land use decisions** across jurisdictional boundaries.





BLM's Consistency Obligations



FLPMA also directs BLM **to seek consistency**, to the extent possible under law, with **State and local land use plans**.

Consistency in land use decisions supports **cross-jurisdictional management**.



BLM's Cooperating Agency Obligations

NEPA requires that BLM seek cooperating agency relationships and only **governmental entities** are eligible for this role.

Cooperating agencies **partner** with BLM to develop land use plans that are **responsive** to the needs and concerns of **local communities, consistent with local planning efforts.**





TAKING ADVANTAGE OF OPPORTUNITIES TO IMPROVE THE LAND USE PLANNING PROCESS



Land Use Planning Challenges

- **Transparency** of Process
- Time & **Cost**
- **Supplementation** requirements & **Legal Challenges**
- **Efficacy** of decisions over time





Opportunity for Change: Revising the Planning Process



1. Provide **meaningful opportunities for collaboration.**
2. Improve BLM's ability to **respond to change.**
3. Improve BLM's ability to make the **sound management decisions at the right scale.**



Revising the Planning Rule



Fall 2014

Feb 25, 2016 to ***May 25, 2016***

Dec 12, 2016*

*The final rule went into effect on **January 11, 2017**; 30 days after publishing in the Federal Register.*



HIGHLIGHTS OF REVISED PLANNING RULE & HOW BLM RESPONDED TO KEY CONCERNS



Increasing Opportunities for Collaboration

**Planning
Assessment**



Scoping



**Preliminary
Alternatives**



**Draft
RMP**



**Proposed
RMP**



Decision





Minimum Comment Periods for Resource Management Plans (RMPs)

	Previous	Proposed	Final
Draft RMP	90 days	45 days	100 days
Draft EIS-level Amendments	90 days	45 days	60 days

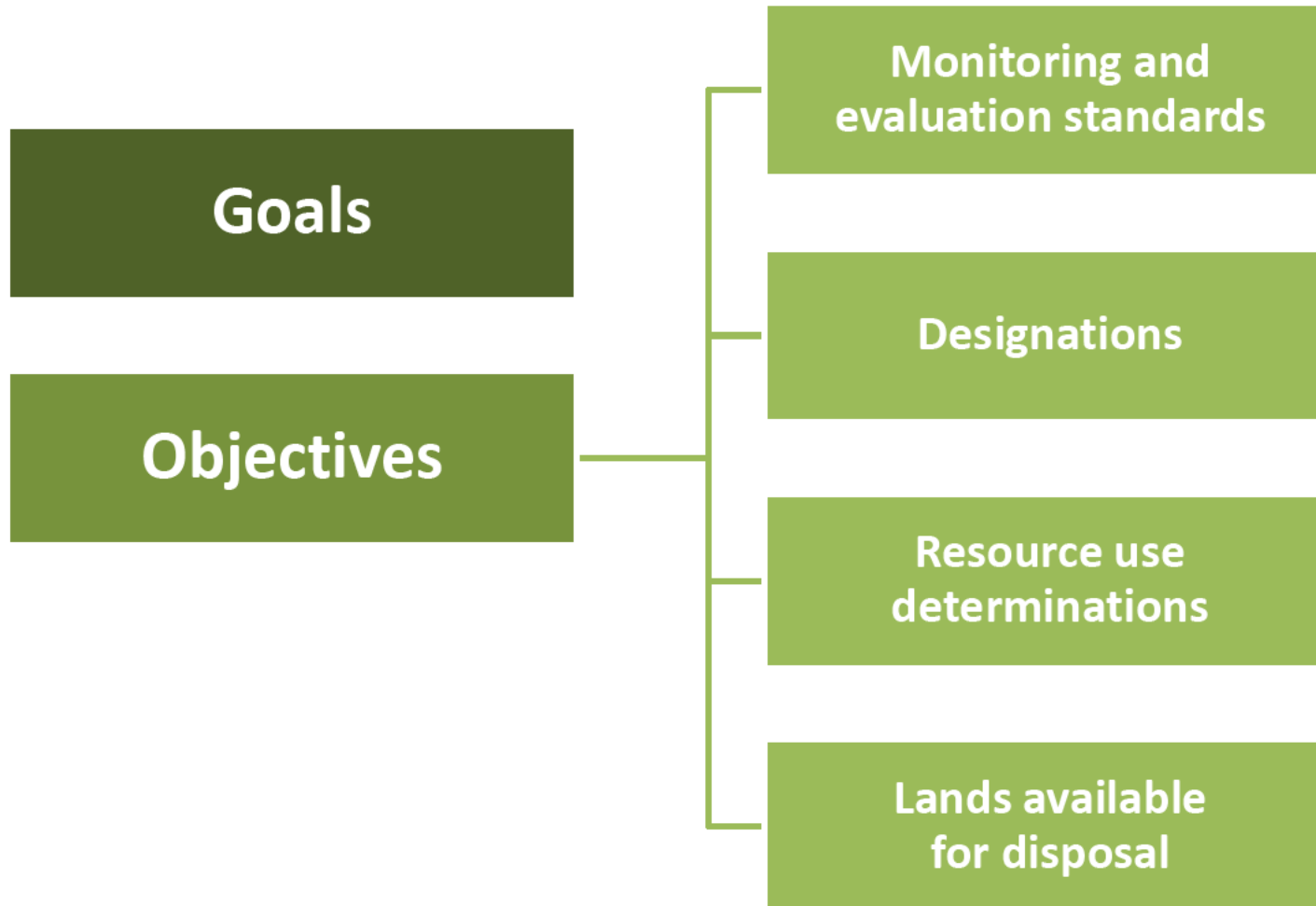


Responsibilities & Planning Area Boundaries

Previous	Proposed	Final
<p>Field Manager prepares RMP</p> <p>State Director approves RMP</p> <p>Default planning area is the Field Office</p>	<p>Responsible official prepares RMP</p> <p>Deciding official approves RMP</p> <p>BLM director selects deciding official for RMPs that cross State lines.</p> <p>BLM Director determines planning area for all RMPs</p>	<p>Responsible official prepares RMP</p> <p>Deciding official approves RMP</p> <p>Deciding official is the BLM State Director if planning area does not cross State lines</p> <p>The BLM Director determines planning area for RMPs that cross State lines; Deciding Official determines planning area when plans don't cross State lines</p>



Plan Components





Coordinating Land Use Planning with State, Local & Tribal Governments

In response to comments that the proposed rule overly narrowed opportunities for coordination, the final rule:

- added requirement to *also* coordinate on their **policies & programs**, in addition to the requirement to coordinate on plans of other governments.
- removed language that commenters felt **exceeded the requirements of FLPMA**.

*BLM remains committed to **local engagement** and **meaningful coordination** with our governmental partners in the development of land use plans.*



Consistency

In response to comments that the proposed rule **overly narrowed FLPMA's consistency requirements**, the final rule:

- removed proposed requirements to be consistent with “officially approved and adopted **land use plans**” and returned to the previous rule’s “officially approved and adopted **resource-related plans**.”
- **removed language** saying that BLM plans will be consistent “to the extent the BLM finds practical.”

BLM is committed to seeking consistency between its land use plans and those of local governmental partners.



Cooperating Agencies

In response to comments that the proposed rule overly restricted cooperating agency eligibility, the final rule:

- Removed language stating that “cooperating agencies will participate . . . **as feasible and appropriate given the scope of their expertise and constraints of their resources.**”

BLM relies on its cooperating agency partners to help develop effective land use plans.



Consultation with Indian Tribes

In response to comments on the proposed rule, the final rule:

- added a new **regulatory requirement** to initiate consultation with Indian tribes on a government-to-government basis when preparing and amending RMPs.

This is not a new requirement for the BLM, it is just new in the regulations.



Next Steps

- Outreach on **key changes** in final rule
- Seek **assistance from governmental partners** on stepdown guidance
 - Manual
 - Handbook



From: Simpson, Melissa
To: [Valerie Smith](mailto:Valerie.Smith)
Subject: Fwd: Planning Briefing Materials
Date: Monday, February 6, 2017 11:16:25 AM
Attachments: [Planning Overview 2017.02.03.pptx](#)

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

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Lara

Lara Douglas
Acting Chief of Staff

Bureau of Land Management
202-208-4586

--

Melissa Simpson
Intergovernmental and External Affairs, Room 6211
Department of the Interior
1849 C Street, NW

Washington, DC 20240
(202) 706 4983 cell
melissa_simpson@ios.doi.gov



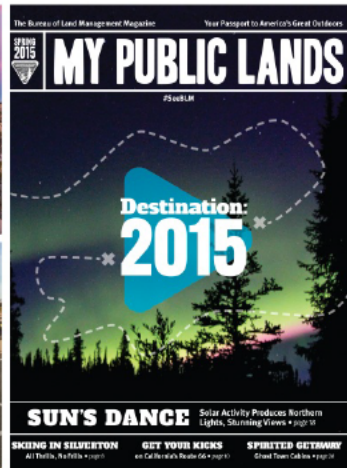
Bureau of
Land
Management

Land Use Planning

Working with our Partners to Effectively Manage America's Public Lands



Bureau of Land Management
U.S. Department of the Interior
February 2017



LAND USE PLANNING BASICS



Why Does BLM Conduct Land Use Planning?

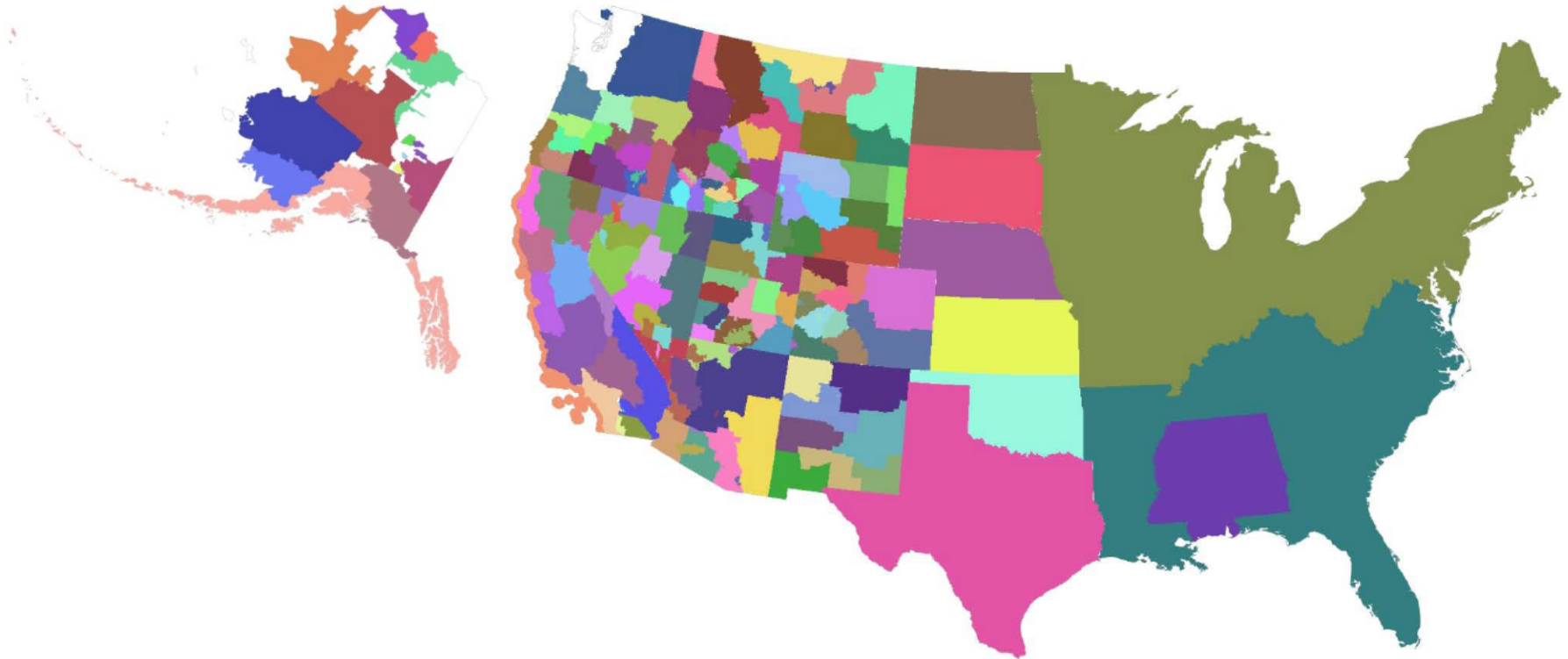
Land use plans, or what BLM generally calls Resource Management Plans (RMPS), are **required by FLPMA** in order to manage diverse resources for multiple use and sustained yield



Land use plans are developed through a **public process**, serve as **blueprints** that describe and guide how the BLM will manage areas of public land.



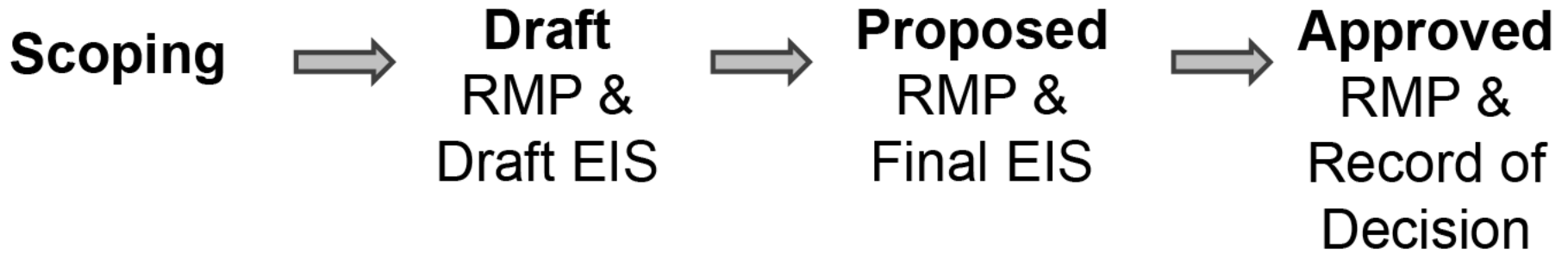
Land Use Plan Snapshot



- Approximately **160 plans** currently in effect
- Boundaries typically follow **field office** delineation

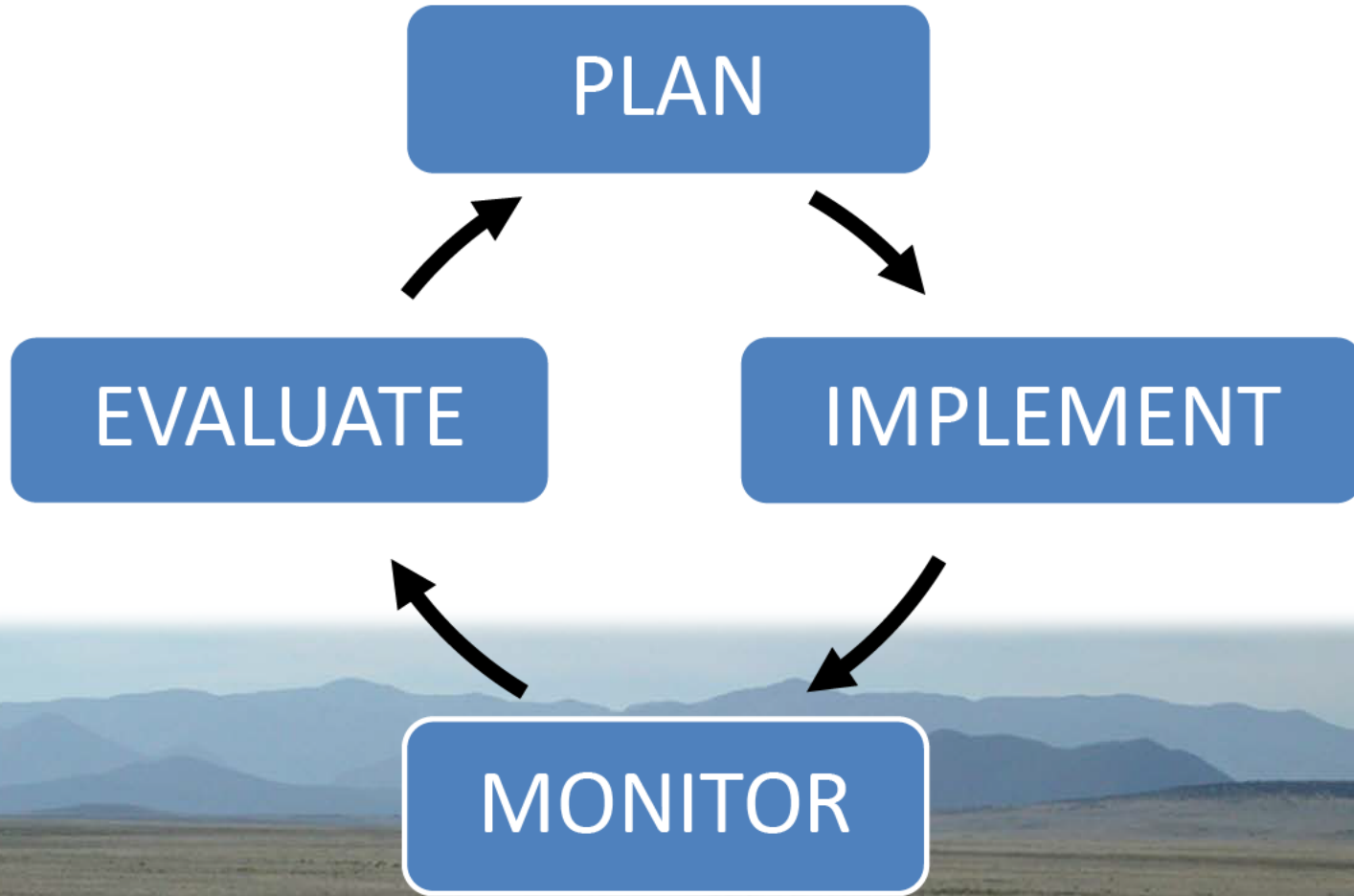


Land Use Planning Process





Planning & Decision-Making Life Cycle





Types of Decisions Made in Land Use Plans

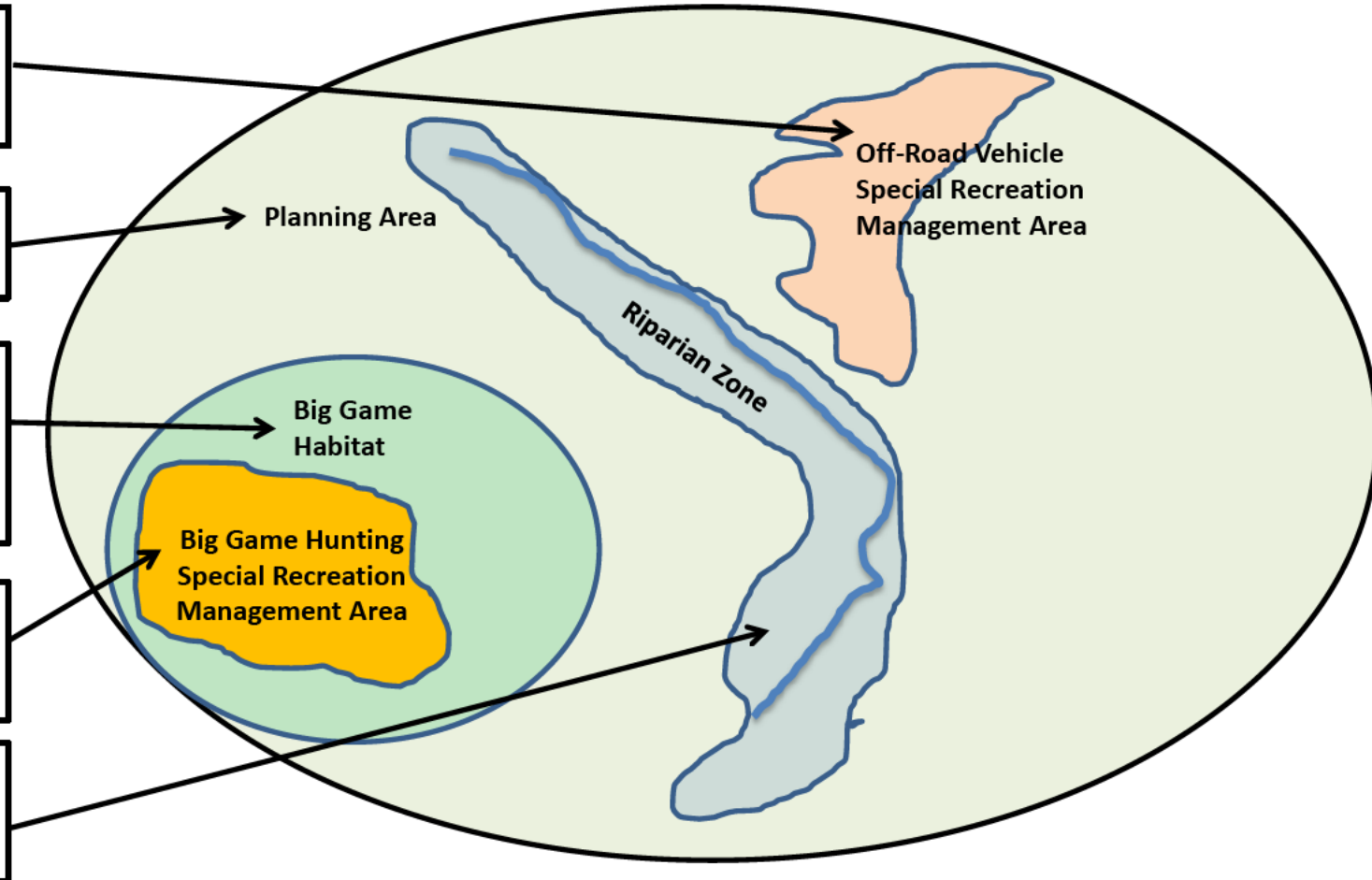
- Targeted objectives to enhance ORV opportunities
- Controlled Surface use for Oil and Gas Leasing

- Open to Oil and Gas Leasing with Standard Stipulations
- Available to Livestock Grazing

- Vegetation objectives to support habitat
- Timing restrictions for Oil and Gas leasing
- Unavailable for livestock grazing

- Targeted objectives to enhance hunting opportunities
- No surface occupancy for Oil and Gas.

- No Surface Occupancy for Oil and Gas
- Unavailable for Livestock Grazing





BLM's Coordination Obligations

FLPMA directs BLM to **coordinate land use planning activities** with the land use planning and management programs of **State and local governments**.

Effective coordination helps to support **consistency in land use decisions** across jurisdictional boundaries.





BLM's Consistency Obligations



FLPMA also directs BLM **to seek consistency**, to the extent possible under law, with **State and local land use plans**.

Consistency in land use decisions supports **cross-jurisdictional management**.



BLM's Cooperating Agency Obligations

NEPA requires that BLM seek cooperating agency relationships and only **governmental entities** are eligible for this role.

Cooperating agencies **partner** with BLM to develop land use plans that are **responsive** to the needs and concerns of **local communities, consistent with local planning efforts.**





TAKING ADVANTAGE OF OPPORTUNITIES TO IMPROVE THE LAND USE PLANNING PROCESS



Land Use Planning Challenges

- **Transparency** of Process
- Time & **Cost**
- **Supplementation** requirements & **Legal Challenges**
- **Efficacy** of decisions over time





Opportunity for Change: Revising the Planning Process



1. Provide **meaningful opportunities for collaboration.**
2. Improve BLM's ability to **respond to change.**
3. Improve BLM's ability to make the **sound management decisions at the right scale.**



Revising the Planning Rule



Fall 2014

Feb 25, 2016 to ***May 25, 2016***

Dec 12, 2016*

*The final rule went into effect on **January 11, 2017**; 30 days after publishing in the Federal Register.*



HIGHLIGHTS OF REVISED PLANNING RULE & HOW BLM RESPONDED TO KEY CONCERNS



Increasing Opportunities for Collaboration

**Planning
Assessment**



Scoping



**Preliminary
Alternatives**



**Draft
RMP**



**Proposed
RMP**



Decision





Minimum Comment Periods for Resource Management Plans (RMPs)

	Previous	Proposed	Final
Draft RMP	90 days	45 days	100 days
Draft EIS-level Amendments	90 days	45 days	60 days



Responsibilities & Planning Area Boundaries

Previous	Proposed	Final
<p>Field Manager prepares RMP</p> <p>State Director approves RMP</p> <p>Default planning area is the Field Office</p>	<p>Responsible official prepares RMP</p> <p>Deciding official approves RMP</p> <p>BLM director selects deciding official for RMPs that cross State lines.</p> <p>BLM Director determines planning area for all RMPs</p>	<p>Responsible official prepares RMP</p> <p>Deciding official approves RMP</p> <p>Deciding official is the BLM State Director if planning area does not cross State lines</p> <p>The BLM Director determines planning area for RMPs that cross State lines; Deciding Official determines planning area when plans don't cross State lines</p>



Plan Components





Coordinating Land Use Planning with State, Local & Tribal Governments

In response to comments that the proposed rule overly narrowed opportunities for coordination, the final rule:

- added requirement to *also* coordinate on their **policies & programs**, in addition to the requirement to coordinate on plans of other governments.
- removed language that commenters felt **exceeded the requirements of FLPMA**.

*BLM remains committed to **local engagement** and **meaningful coordination** with our governmental partners in the development of land use plans.*



Consistency

In response to comments that the proposed rule **overly narrowed FLPMA's consistency requirements**, the final rule:

- removed proposed requirements to be consistent with “officially approved and adopted **land use plans**” and returned to the previous rule’s “officially approved and adopted **resource-related plans**.”
- **removed language** saying that BLM plans will be consistent “to the extent the BLM finds practical.”

BLM is committed to seeking consistency between its land use plans and those of local governmental partners.



Cooperating Agencies

In response to comments that the proposed rule overly restricted cooperating agency eligibility, the final rule:

- Removed language stating that “cooperating agencies will participate . . . **as feasible and appropriate given the scope of their expertise and constraints of their resources.**”

BLM relies on its cooperating agency partners to help develop effective land use plans.



Consultation with Indian Tribes

In response to comments on the proposed rule, the final rule:

- added a new **regulatory requirement** to initiate consultation with Indian tribes on a government-to-government basis when preparing and amending RMPs.

This is not a new requirement for the BLM, it is just new in the regulations.



Next Steps

- Outreach on **key changes** in final rule
- Seek **assistance from governmental partners** on stepdown guidance
 - Manual
 - Handbook



From: Magallanes, Downey
To: [Moody, Aaron](#)
Cc: [Kevin Hauqrud](#); [James Schindler](#); [Keable, Edward](#); [Hawbecker, Karen](#); [Brown, Laura](#)
Subject: Re: Upcoming BLM briefings
Date: Thursday, February 9, 2017 5:01:12 PM

Yes the air one was my doing. Please add me to them and I will make what I can. Thanks!

On Thu, Feb 9, 2017 at 3:35 PM, Moody, Aaron <aaron.moody@sol.doi.gov> wrote:

All-

I just got a flurry of invites to BLM transition meetings next week. Here they are:

Monday, 2/13
"Bridger Teton National Forest". 11-11:45 a.m. (no room yet)

Tuesday, 2/14
Road to Ambler. 4-4:45- no room yet. BLM needs to publish a notice of intent in the Federal Register by February 28. The Notice is of BLM's intent to prepare an EIS to evaluate a ~200 mile industrial mining road in Alaska. (See attached paper for more info).

Wednesday, 2/15
SUWA settlement. 1-1:45- no room yet.

BLM Air Quality. 4-5, room 6616

Thursday, 2/16
Carlsbad RMP revision. 3:15-5. This is a Draft RMP/EIS

Gateway West transmission line(Previously scheduled). 4-5pm. No room yet that I have.

Will provide more info when I get it. Downey, I'll try to get you added to all of these (I think you're only on Air Quality right now) unless you'd prefer I not do that.

-Aaron

Aaron G. Moody

Assistant Solicitor, Branch of Public Lands

Division of Land Resources

Office of the Solicitor

U.S. Department of the Interior

202-208-3495

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--

Downey Magallanes
Office of the Secretary

downey_magallanes@ios.doi.gov
202-501-0654 (desk)
202-706-9199 (cell)

From: Douglas, Lara
To: [Cardinale, Richard](#); [Katharine Macgregor](#)
Cc: [Kathleen Benedetto](#); [Kristin Bail](#); [Linda Thurn](#); [Michael Anderson](#); [Jerome Perez](#); [Jill Moran](#); [Lacko, Kathleen](#); [Satrina Lord](#)
Subject: Incoming briefing requests - BLM Issues
Date: Thursday, February 9, 2017 5:07:50 PM

Rich and Kate,

As I think you have heard from Michael, we have a few briefing requests regarding upcoming BLM issues that are approaching either a decision point or a publication deadline that we would like to keep ASLM informed about and seek concurrence on. Below is a summary of the upcoming issue, the reason for its time-sensitivity, and the decision point that we would like ASLM input about. For all of these projects, we expect to be able to provide briefing material to the analysts at least 24 hours before the briefing. We plan to brief Kathy simultaneously but will get her early versions of the briefing material. Please let us know which of the below briefings are okay to schedule - thank you very much!

1. Ambler Mining District Industrial Access Road - NOI (Federal Register Notice) - This NOI must publish by February 28 to meet a deadline in ANILCA. BLM would like to brief ASLM in anticipation of the notice to introduce the project and expedite review.

2. Gold Bar Mine Draft EIS - NOA (Federal Register Notice) - The proponent has requested publication as soon as possible (estimated earliest possible is 2/24) to accommodate the proponent's project schedule. BLM would like to brief ASLM in anticipation of the notice to introduce the project and expedite review.

3. BLM-Utah Settlement agreement - |

_____ -
_____ -

4. Gateway West Transmission Line - The BLM issued a ROD on January 19, but the Federal Register notice announcing it was pulled back from Exec Sec before publication. Publication does not affect the appeal period but is required by BLM policy. We would like to brief ASLM on the options |

5. Bridger-Teton National Forest (Wyoming) decision to withdraw consent from oil and gas leasing - On January 17, the USFS issued a decision withdrawing consent to lease portions of the Bridger-Teton National Forest that have previously been leased. BLM has received a formal letter announcing the decision |

There may be other issues that come to our attention over the next several days - if helpful I can send a similar email before we initiate a briefing request on those items. Thank you!

Lara

Lara Douglas
Acting Chief of Staff

Bureau of Land Management
202-208-4586

From: Douglas, Lara
To: [Macgregor, Katharine](#)
Cc: [Cardinale, Richard](#); [Kathleen Benedetto](#); [Kristin Bail](#); [Linda Thurn](#); [Michael Anderson](#); [Jerome Perez](#); [Jill Moran](#); [Lacko, Kathleen](#); [Satrina Lord](#)
Subject: Re: Incoming briefing requests - BLM Issues
Date: Friday, February 10, 2017 9:45:32 AM

Thanks, Kate. We will schedule 30-minute briefings on these items in the general order of time-sensitivity for a response, and we'll start setting them up for next week. Please keep an eye out for invitations from Linda Thurn for next week.

We will also be sure to incorporate answers to your questions into the briefing memos that we send up from here on out - we appreciate the feedback so we can be more responsive to the questions you're likely to get.

Thank you!

Lara

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

On Thu, Feb 9, 2017 at 5:49 PM, Macgregor, Katharine <katharine_macgregor@ios.doi.gov> wrote:

Thanks Lara. I suggest that we prioritize these briefings based upon which have the most pressing deadlines so we can address them quickly and keep things moving for you. Why don't we schedule thirty minute briefings to quickly address all of these issues.

I have found thus far that having issue memos on time so we can review the issues prior to the briefings is extremely helpful in making the most out of these meetings. I'm happy to review anything this weekend though I would defer to Rich on deadlines. It would be helpful if short memos included a quick snapshot of the issue in five or so bullets that reflected important points, such as: 1) Who is the stakeholder/applicant and how much federal land does this action impact?; 2) Does this decision have a potential positive or negative jobs impact? If so, do you have an estimate of how many jobs?; 3) Has the State and/or locality where this federal action/decision is taking place weighed in? These seem to be the common questions that have been coming up.

Thank you so much for all over you help over the past two weeks to help get us up to speed on these important issues.

-Kate

On Thu, Feb 9, 2017 at 5:07 PM, Douglas, Lara <ledouglas@blm.gov> wrote:

Rich and Kate,

As I think you have heard from Michael, we have a few briefing requests regarding upcoming BLM issues that are approaching either a decision point or a publication

deadline that we would like to keep ASLM informed about and seek concurrence on. Below is a summary of the upcoming issue, the reason for its time-sensitivity, and the decision point that we would like ASLM input about. For all of these projects, we expect to be able to provide briefing material to the analysts at least 24 hours before the briefing. We plan to brief Kathy simultaneously but will get her early versions of the briefing material. Please let us know which of the below briefings are okay to schedule - thank you very much!

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There may be other issues that come to our attention over the next several days - if helpful I can send a similar email before we initiate a briefing request on those items. Thank you!

Lara

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

--

Kate MacGregor
1849 C ST NW
Room 6625
Washington DC 20240

202-706-9351 Mobile Phone
202-208-3671 Office Phone

From: Wilkinson, Patrick
To: [Amanda Kaster](mailto:Amanda.Kaster)
Cc: [Ralston, Jill](mailto:Ralston.Jill)
Subject: Fwd: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Friday, February 10, 2017 3:05:44 PM
Attachments: [Final_Potentially for Disposal Talking Points_1.31.17.final.docx](#)

3rd of 3 emails - reminder of these background tps. might be helpful for your call w/ jill and aniela.

p

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

From: **Wilkinson, Patrick** <p2wilkin@blm.gov>
Date: Thu, Feb 2, 2017 at 4:32 PM
Subject: Fwd: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
To: Amanda Kaster <amanda_kaster@ios.doi.gov>
Cc: "Ralston, Jill" <jralston@blm.gov>, "Quinn, Matthew" <matthew_quinn@ios.doi.gov>

amanda - as we just discussed by phone - fyi on the internal background talking points that were being reviewed here this week. our plan is to share these with our public affairs staff in the field cob today.

call me if you have any questions/concerns.

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

From: **Wilkinson, Patrick** <p2wilkin@blm.gov>
Date: Tue, Jan 31, 2017 at 6:45 PM
Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
To: BLM_WO_100 <blm_wo_100@blm.gov>
Cc: "Tryon, Steve" <stryon@blm.gov>, "Benedetto, Kathleen" <kathleen_benedetto@ios.doi.gov>, Michael Nedd <mnedd@blm.gov>, Robert Jolley <rbjolley@blm.gov>, Kelly Orr <korr@blm.gov>, Adrienne Dicerbo <adicerbo@blm.gov>, Larry Claypool <lclaypoo@blm.gov>, Leah Baker <lbaker@blm.gov>, Jill Ralston <jralston@blm.gov>, Matthew Varner <mvarner@blm.gov>, Matthew Allen <mrallen@blm.gov>, Craig Leff <cleff@blm.gov>, Michelle Barret <mbarret@blm.gov>, Beverly Winston <bwinston@blm.gov>, Kristin Bail <kbail@blm.gov>, Jerome Perez <jperez@blm.gov>, Casey Hammond <casey_hammond@ios.doi.gov>, Marshall Critchfield <marshall_critchfield@ios.doi.gov>, Lara Douglas <ledouglas@blm.gov>

Thanks everyone for your input on these draft talking points.

I've attached and pasted below a version incorporating the various feedback that we have received. Please let us know if anyone has any final edits/comments. We have not yet shared these with the the External Affairs Chiefs - we are now aiming to do so Wed afternoon if possible.

And a reminder that more is yet to come on this topic: we will be scheduling a couple meetings (300/200, then 100) to discuss next steps with related requests we have received

from Congress.

Thx!
Patrick

DRAFT

Talking Points

Requests Related to “Lands Potentially Available for Disposal”

Background

- Under the Federal Land Policy and Management Act (Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning process that disposal of particular parcels serves the national interest.
- FLPMA mandates that the BLM undertake public land use planning and management on the basis of multiple use and sustained yield.
- The BLM has received multiple inquiries about BLM-managed lands identified as potentially available for disposal following the introduction of H.R. 621, the Disposal of Excess Federal Lands Act.
- H.R. 621 would require the competitive sale of Federal lands identified by the BLM as potentially suitable for disposal for fair market value. Under the bill, net proceeds from the sale would be directed to the Treasury.
- The BLM, the Department of Interior, and the Administration have not yet taken a position on H.R. 621.

Talking Points

- A 1996 law (PL 104-127) directed the Bureau of Land Management to report to Congress on public lands that may be suitable for disposal or exchange.
 - As a result of this law, the BLM produced and delivered to Congress a report in 1997, which includes a county-by-county overview of public lands that may be suitable for disposal or exchange. H.R. 621 references this report.
 - This report has not been updated since 1997, and there are no maps associated with the report.

- The BLM identifies lands potentially available for disposal in its individual Resource Management Plans (RMPs). These RMPs are the only way the BLM captures this information.
 - Typically, lands identified for disposal during the development of the RMP are isolated parcels that have lower resource value than larger and more connected land parcels.
 - Lands that have been identified as potentially available for disposal in RMPs require additional evaluation prior to disposal to determine the presence of resources and uses, including endangered or threatened species, cultural or historic resources, mining claims, mineral leases, rights-of-way, and grazing permits.
 - Because RMPs typically are effective over many years, lands identified as potentially available for disposal at one point in time may be found later to be unsuitable because of circumstances such as oil and gas leasing, the presence of threatened and endangered species, the establishment of rights-of-way, or other encumbrances.

- Before the BLM disposes of public lands, appropriate environmental reviews, and clearances must be completed in accordance with the National Environmental Policy Act, the Comprehensive Environmental Response, Compensation and Liability Act, and other laws. Fair market value appraisals, mineral development potential reports, and cadastral surveys of the parcels are also required.

- The [BLM.gov](https://www.blm.gov) website contains a page with state-by-state links to RMPs that identify lands potentially available for disposal (available at: <https://www.blm.gov/programs/planning-and-nepa/planning-101/lands-potentially-for-disposal>).

- Inquiries regarding lands identified as potentially available for disposal are best directed to these RMPs on [www.BLM.gov](https://www.blm.gov).

--

Patrick Wilkinson
U.S. Department of the Interior
Bureau of Land Management
Legislative Affairs Division (WO 620)

Phone: (202) 912-7429

Fax: (202) 245-0050

--

Patrick Wilkinson

U.S. Department of the Interior

Bureau of Land Management

Legislative Affairs Division (WO 620)

Phone: (202) 912-7429

Fax: (202) 245-0050

DRAFT

Talking Points Requests Related to “Lands Potentially Available for Disposal”

Background

- Under the Federal Land Policy and Management Act (Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning process that disposal of particular parcels serves the national interest.
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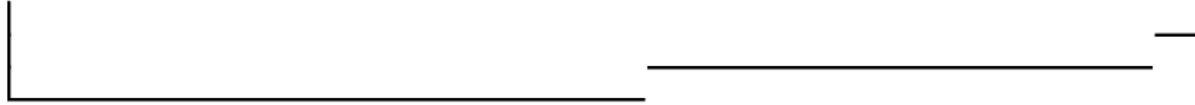
From: Kathleen Benedetto
To: mnedd@blm.gov
Subject: BM Fracking Rule
Date: Monday, February 13, 2017 7:47:45 PM

Is there a scheduled settlement meeting with the Ute Tribe on the fracking rule?

Sent from my iPhone

From: Benedetto, Kathleen
To: [James Cason](#)
Cc: [Cardinale, Richard](#); [Macgregor, Katharine](#); [Downey Magallanes](#); [Jorjani, Daniel](#)
Subject: Western Energy Alliance settlement discussion
Date: Tuesday, February 14, 2017 8:31:27 AM

Jim,



WEA would like to meet on February 28th or March 1st to discuss settlement options. We would like to brief you on the issue prior to that meeting sometime next week if possible.

let us know what works for you.

Thanks,

KB

(202) 208-5934

From: Nedd, Michael
To: [Kathleen Benedetto](#)
Subject: Re: BM Fracking Rule
Date: Tuesday, February 14, 2017 10:13:54 AM

Not that I'm aware of Kathy...

Last I heard discussion was deferred. We'll ask the SOL...

Take care and have a wonderful day! :)

Michael Nedd

202-208-4201 Office

202-208-4800 Fax

mnedd@blm.gov

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

On Mon, Feb 13, 2017 at 7:36 PM, Kathleen Benedetto <kathleen_benedetto@ios.doi.gov> wrote:

Is there a scheduled settlement meeting with the Ute Tribe on the fracking rule?

Sent from my iPhone

From: Michael Nedd
To: [Kathleen Benedetto](#)
Subject: Re: BM Fracking Rule
Date: Tuesday, February 14, 2017 1:10:34 PM

Kathy,

I'm now getting back to you because I wanted to hear from the SOL Office in terms of the final court action. As you may know, the settlement was signed in November 2016 and I'm told DOJ is working with the tribe lawyer to complete the final court documents.

Take care and have wonderful day! :-)))

MDN 202-208-4201

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

Sent from my mobile device, please excuse any typos.

> On Feb 13, 2017, at 7:47 PM, Kathleen Benedetto <kathleen_benedetto@ios.doi.gov> wrote:
>
> Is there a scheduled settlement meeting with the Ute Tribe on the fracking rule?
>
> Sent from my iPhone

From: Bail, Kristin
To: [Richard Cardinale](#); [Kathleen Benedetto](#)
Cc: [Jerome Perez](#); [Douglas, Lara](#); [Linda Thurn](#); [Ryan Sklar](#)
Subject: Fwd: Ute Meeting Request
Date: Wednesday, February 15, 2017 11:00:51 AM

Want to give you a heads up on this request |

-K

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

From: Rollie Wilson <RWilson@ndnlaw.com>
Date: Wed, Feb 15, 2017 at 10:53 AM
Subject: Ute Meeting Request
To: "kbail@blm.gov" <kbail@blm.gov>

Hi Kristin,

The Ute Indian Tribe is in DC this week and would like to meet with you to see if we can begin talking about settling the lawsuit related to application of the hydraulic fracturing rule to Indian lands. Do you have any time available on Thursday afternoon?

Thanks,

Rollie Wilson
Fredericks Peebles & Morgan LLP
401 9th Street NW, Suite 700
Washington, DC 20004
Telephone: (202) 450-4887
Cell: (202) 340-8232
Fax: (202) 450-5106

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From: Benedetto, Kathleen
To: [Lara Douglas](#)
Cc: [Macgregor, Katharine](#); [Cardinale, Richard](#); [Jerome Perez](#); [Kristin Bail](#); [Jill Moran](#); [Lacko, Kathleen](#); [Linda Thurn](#); [Anderson, Michael](#); [Satrina Lord](#)
Subject: Re: Incoming briefing requests on BLM issues
Date: Wednesday, February 15, 2017 6:03:37 PM

I think we need those briefings. KB

On Wed, Feb 15, 2017 at 5:44 PM, Lara Douglas <ledouglas@blm.gov> wrote:

#1 and #2 need a decision soon. I'm not aware of a decision point on #3 but expect you will be getting Congressional interest in the near future.

Sent from my iPhone

On Feb 15, 2017, at 5:40 PM, Macgregor, Katharine <katharine_macgregor@ios.doi.gov> <mailto:katharine_macgregor@ios.doi.gov> wrote:

Are these three issues all reaching an upcoming deadline?

On Wed, Feb 15, 2017 at 4:51 PM, Douglas, Lara <ledouglas@blm.gov> wrote:

Rich and Kate,

I just wanted to let you know about the next round of briefings on BLM issues. The below are in approximate order of time-sensitivity:

1. Reschedule from 2/13- Bridger-Teton National Forest (Wyoming) decision to withdraw consent from oil and gas leasing - On January 17, the USFS issued a decision withdrawing consent to lease portions of the Bridger-Teton National Forest that have previously been leased. BLM has received a formal letter announcing the decision

2. Utah Public Meetings on Bears Ears National Monument - On January 19, the BLM and US Forest Service issued a joint news release announcing the charter for the Monument Advisory Committee and committing to future open houses in late February to give citizens an opportunity to ask questions and raise issues related to the new monument. BLM would like to discuss the timing, structure, and content of the proposed meetings before proceeding with scheduling. The monument designation is controversial.

3. Cadiz Project (Rich's request) - Cadiz, Inc. has proposed a large-scale water extraction and storage project in the Mojave Desert. In 2015 the state director issued a determination, in accordance with a solicitor's M opinion, that the proposed ROW did not further the purposes of an existing railroad ROW, which requires a new ROW to be issued for the project. This project is controversial, with significant Congressional interest on both sides.

If these briefings are all okay to schedule, we will work with Michael to get them on your calendars and get briefing materials sent up. Thank you!

Lara

Lara Douglas
Acting Chief of Staff

Bureau of Land Management
202-208-4586

--

Kate MacGregor
1849 C ST NW
Room 6625
Washington DC 20240

202-208-3671 (Direct)

From: Benedetto, Kathleen
To: [Perez, Jerome](mailto:Perez,Jerome)
Cc: [Lara Douglas](mailto:LaraDouglas); [Macgregor, Katharine](mailto:Macgregor,Katharine); [Cardinale, Richard](mailto:Cardinale,Richard); [Kristin Bail](mailto:KristinBail); [Jill Moran](mailto:JillMoran); [Lacko, Kathleen](mailto:Lacko,Kathleen); [Linda Thurn](mailto:LindaThurn); [Anderson, Michael](mailto:Anderson,Michael); [Satrina Lord](mailto:SatrinaLord)
Subject: Re: Incoming briefing requests on BLM issues
Date: Wednesday, February 15, 2017 6:21:27 PM

Thanks Jerry.

On Wed, Feb 15, 2017 at 6:06 PM, Perez, Jerome <jperez@blm.gov> wrote:

Cadiz is tied to the Eagle Crest Project in a parallel fashion for it is all about water in the Desert. That may assist in Eagle Crest moving forward. JP

On Wed, Feb 15, 2017 at 6:03 PM, Benedetto, Kathleen <kathleen_benedetto@ios.doi.gov> <mailto:kathleen_benedetto@ios.doi.gov> wrote:

I think we need those briefings. KB

On Wed, Feb 15, 2017 at 5:44 PM, Lara Douglas <ledouglas@blm.gov> wrote:

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--

Kate MacGregor
1849 C ST NW
Room 6625
Washington DC 20240

202-208-3671 (Direct)

--

Jerome E. Perez
Acting BLM Deputy Director
for Operations
Phone: 202-208-3801
email: jperez@blm.gov

From: Lara Douglas
To: richard_cardinale@ios.doi.gov; katharine_macgregor@ios.doi.gov; Jill Moran; slord@blm.gov; ktlacko@blm.gov; kathleen_benedetto@ios.doi.gov
Cc: [Jerome Perez](mailto:Jerome.Perez); kbail@blm.gov; bwinston@blm.gov; smcginnis@blm.gov
Subject: Updated 2016 Withdrawal table
Date: Monday, February 20, 2017 1:10:59 PM
Attachments: [ATT00001.htm](#)
[Segregations since Jan 2016 w Purpose 02.13.2017.xlsx](#)

All,

Attached is the list of all withdrawals and segregations during 2016 - this is an update to an earlier version of the list that includes a couple of corrections, along with a column like the one we added to the "in-process" withdrawal table that identifies the purpose of the withdrawal or segregation.

Lara

**WITHDRAWALS SEGREGATIONS ESTABLISHED
SINCE JANUARY 2016**

FR DATE	STATE	ACREAGE	LENGTH	AGENCY	PURPOSE	ACTION	TYPE*	Purpose
1/20/16	AZ	26.79	20 Years	DON	Marine Corps Air Station	Proposed Withdrawal/ Temporary Segregation	Administrative	To withdraw approximately 26.794 acres of public land within the Department of Navy (DON) Marine Corps Air Station (MCAS) in Yuma, Arizona for a period of 20 years, from settlement, sale, location, or entry under the public land laws, including the United States mining and mineral leasing laws. The purpose of the withdrawal would be to protect the existing structures and facilities that were installed or developed under the prior withdrawal, Public Land Order No. 6804, which expired in 2010.
1/21/16	WY	1,359.25	20 Years	BLM	Red Gulch Dinosaur Tracksite	Withdrawal Extension/ Public Land Order	Administrative	Withdraws approximately 1,359 acres to protect important paleontological resources and investments associated with development and maintenance of the Red Gulch Dinosaur Tracksite located in Bighorn County, Wyoming.
1/22/16	CA	45.00	20 Years	USFS	University of CA Berkeley Seismic Observatory	Withdrawal Extension/ Public Land Order	Administrative	Withdrawal extended to continue protection of the seismic integrity of the University of California-Berkeley Seismic Observatory located in the Klamath National Forest, Siskiyou County which was set to expire on January 24, 2016, unless extended.
2/11/16	OR	4,921.00	20 Years	BLM	Elk River Wild & Scenic Corridor	Withdrawal Extension/ Public Land Order	Administrative	Withdrawal extended to continue the protection of the Federal investment of approximately \$6.6 million in recreational developments and fisheries in the Elk River Wild and Scenic Corridor within the Siskiyou National Forest in Curry County, Oregon. This order extends the duration of the withdrawal created by Public Land Order No. 7184 for an additional 20-year period, which was set to expire on February 13, 2016.
2/12/16	CA	921,000.00	Perm	BLM	Mojave Trails National Monument	New Withdrawal	Presidential Proc	https://www.federalregister.gov/documents/2016/02/18/2016-03544/establishment-of-the-mojave-trails-national-monument

*Administrative = FLPMA 204

*Legislative = Engle Act

**WITHDRAWALS SEGREGATIONS ESTABLISHED
SINCE JANUARY 2016**

2/12/16	CA	135,000.00	Perm	BLM	Sand to Snow National Monument	New Withdrawal	Presidential Proc	https://www.federalregister.gov/documents/2016/02/18/2016-03548/establishment-of-the-sand-to-snow-national-monument
2/12/16	CA	8,000.00	Perm	NPS	Castle Mountains National Monument	New Withdrawal	Presidential Proc	https://www.federalregister.gov/documents/2016/02/18/2016-03540/establishment-of-the-castle-mountains-national-monument
5/9/16	WY	32.56	20 Years	BOR	Buffalo Bill Dam & Reservoir	New Withdrawal/ Public Land Order	Administrative	This withdrawal protects the completed Buffalo Bill Dam and Reservoir Modification Project, Shoshone Project, Pick-Sloan Missouri Basin Program, Wyoming, as authorized by Public Law 97-293, dated October 12, 1982. As part of a joint-venture agreement between the Bureau of Reclamation and the State of Wyoming, the land is used by the Wyoming State Parks and Historic Sites and is managed as a State campground. The land is centrally located within this site and major improvements in the form of a campground, roads, playgrounds, restrooms, and picnic and shelter facilities have been constructed.
6/10/16	WY	4,964.75	20 Years	BLM	Johnny Behind the Rocks Recreation Zone	Proposed Withdrawal/ Temporary Segregation	Administrative	To withdrawal 4,964.75 acres of public land from location and entry under the United States mining laws, but not from leasing under the mineral or geothermal leasing laws, for a period of 20 years. The proposed withdrawal is needed to protect cultural and recreational resources of the Johnny Behind the Rocks Recreation Zone in Fremont County, Wyoming.
6/24/16	ID	107.02	20 Years	USFS	Dump Creek Diversion Ditch	Proposed Withdrawal/ Temporary Segregation	Administrative	To withdraw 107.02 acres of National Forest System land from the mining laws to protect the Dump Creek Diversion Ditch within the Salmon National Forest in Idaho. The purpose of the withdrawal is to ensure the continued conservation of the aquatic and riparian habitats, and to protect the US Forest Service (USFS) watershed investments in the Salmon River Drainage.

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**WITHDRAWALS SEGREGATIONS ESTABLISHED
SINCE JANUARY 2016**

6/29/16	WA	3.25	20 Years	NPS	Cape Johnson	Withdrawal Extension/ Public Land Order	Administrative	Withdrawal extended to protect the fragile, unique, and endangered natural and cultural resources at Cape Johnson, which is located adjacent to the Olympic National Park in Clallam County, Washington. This order extends the duration of the withdrawal created by Public Land Order No. 7209 for an additional 20-year period, which was set to expire on July 24, 2016.
7/13/16	UT	747.10	20 Years	BLM	Simpson Springs Recreation Management Area	Proposed Withdrawal/ Temporary Segregation	Administrative	To withdrawal 747.10 acres of public land from settlement, sale, location and entry under the public land laws, including the United States mining laws, the mineral and geothermal leasing laws, and disposal under the Materials Act of 1947, for a period of 20 years. The proposed withdrawal is needed to protect the unique recreational, historical, and visual resources, and the Federal financial investment at the Simpson Springs Recreation Management Area (SSRMA) and Historic Site in Tooele County, Utah.
8/9/16	CA	82.50	20 Years	USFS	Spanish Creek Campground	Proposed Withdrawal/ Temporary Segregation	Administrative	To withdrawal approximately 82.5 acres of National Forest System land from location and entry under the United States mining laws, but not leasing under the mineral leasing laws for a 20-year term to protect the recreational resources at the Spanish Creek Campground located in the Plumas National Forest, California.
8/30/16	WY	73.00	20 Years	USFS	Burgess Junction Visitor Center/Administrative Site	New Withdrawal/ Public Land Order	Administrative	Withdraws 73 acres of National Forest System land in the Bighorn National Forest from location and entry under the United States mining laws, but not from leasing under the mineral leasing laws, for a period of 20 years to protect capital improvements constructed for the Burgess Junction Visitor Center and Administrative Site.

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**WITHDRAWALS SEGREGATIONS ESTABLISHED
SINCE JANUARY 2016**

8/30/16	WY	4,513.00	20 Years	USFS	Medicine Wheel/Medicine Mountain National Historic Landmark	New Withdrawal/ Public Land Order	Administrative	Withdraws approximately 4,513 acres of National Forest System land in the Bighorn National Forest from location and entry under the United States mining laws, but not from leasing under the mineral or geothermal leasing laws, or disposal under the Materials Act of 1947, for a period of 20 years to protect and preserve existing heritage resources and American Indian spiritual values within the formally designated Medicine Wheel/Medicine Mountain National Historic Landmark (NHL).
9/2/16	NV	301,507.00	20 Years	DAF	Nevada Test & Training Range	Proposed Withdrawal and Withdrawal Extension/ Temporary Segregation	Legislative	The Department of the Air Force (DAF) has filed an application to extend the current withdrawal of public lands from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws, and the geothermal leasing laws, subject to valid existing rights, for military use of the Nevada Test and Training Range (NTTR) in Clark, Lincoln, and Nye Counties, Nevada. The lands are currently withdrawn under the 2000 National Defense Authorization Act, which reserves these lands for defense-related purposes for a period of 20 years. Unless Congress extends the withdrawal, it will expire on November 5, 2021. In addition, the DAF filed an application requesting the withdrawal and reservation of approximately 301,507 additional acres of public lands for military use as a national security testing and training range at the NTTR.

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**WITHDRAWALS SEGREGATIONS ESTABLISHED
SINCE JANUARY 2016**

9/2/16	NV	604,789.00	20 Years	DON	Naval Air Station Fallon	Proposed Withdrawal and Withdrawal Extension/ Temporary Segregation	Legislative	The Department of the Navy (DON) has filed an application to extend the current withdrawal of public lands from all forms of appropriation under the public land laws, including the mining laws, the mineral leasing laws (except for approximately 68,804 acres in the Dixie Valley Training Area which is currently included in the overall withdrawal but not withdrawn from the mineral leasing laws), and the geothermal leasing laws, subject to valid existing rights, for military use of the Naval Air Station (NAS) Fallon, Fallon Range Training Complex (FRTC) in Churchill County, Nevada. The lands are currently withdrawn under the Military Lands Withdrawal Act of 1999, which is part of the NDAA for Fiscal Year 2000, which reserves these lands for defense-related purposes for a period of 20 years. Unless Congress extends the withdrawal, it will expire on November 5, 2021. In addition, the DON filed an application requesting the withdrawal and reservation of approximately 604,789 additional acres of public lands for military training exercises involving the NAS Fallon at Fallon, Churchill County, Nevada.
11/18/16	CA	22,462.00	20 Years	NPS	Joshua Tree National Park	Proposed Withdrawal/ Temporary Segregation	Administrative	To withdraw approximately 22,462 acres of public lands for 20 years from all forms of entry, appropriation, or disposal under the public land laws; from location, entry, and patent under the United States mining laws; and from disposition under all laws pertaining to mineral and geothermal leasing, and mineral materials, and all amendments thereto and to transfer administrative jurisdiction over such lands from the Bureau of Land Management (BLM) to the NPS for administration as part of Joshua Tree National Park (JTNP).

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**WITHDRAWALS SEGREGATIONS ESTABLISHED
SINCE JANUARY 2016**

11/22/16	MT	30,370.00	20 Years	USFS	Emigrant Crevice Area	Proposed Withdrawal/ Temporary Segregation	Administrative	To withdraw, for a 20-year term, approximately 30,370 acres of National Forest System lands from location and entry under the United States mining laws, but not from leasing under mineral and geothermal laws. The purpose of the withdrawal is to protect and preserve the scenic integrity, important wildlife corridors, and high quality recreation values of the Emigrant Crevice area located in the Custer Gallatin National Forest, Park County, Montana.
12/7/16	MT	19,686.09	20 Years	BLM	Sweet Grass Hills Area of Critical Environmental Concern	Withdrawal Extension/ Public Land Order	Administrative	Extends the duration of the withdrawal created by Public Land Order No. 7254 for an additional 20 years, to continue to protect the Sweet Grass Hills Area of Critical Environmental Concern (ACEC) and surrounding areas located in Toole and Liberty Counties, Montana.
12/12/16	OR	2,090.00	20 Years	USFS	Rogue River	Withdrawal Extension/ Public Land Order	Administrative	Extends the duration of the withdrawal created by Public Land Order No. 7233 for an additional 20-year period, to continue to protect the Rabbit Ears-Falcon Wildlife Area, Rogue River Wild and Scenic Corridor, Union Creek Historic District, Abbot Creek and Mill Creek Recreation Sites, and the Prospect Ranger Station Administrative Site.
12/28/16	CA	1,337,904.00	20 Years	BLM	California Desert Conservation Area	Proposed Withdrawal/ Temporary Segregation	Administrative	To withdraw 1,337,904 million acres of California Desert National Conservation Lands located in the California Desert Conservation Area from location and entry under the United States mining laws for a period of 20 years. The purpose of this withdrawal is to protect nationally significant landscapes with outstanding cultural, biological, and scientific values.

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**WITHDRAWALS SEGREGATIONS ESTABLISHED
SINCE JANUARY 2016**

12/28/16	UT	1,351,849.00	Perm	BLM/FS	Bears Ear National Monument	New Withdrawal	Presidential Proc	https://www.federalregister.gov/documents/2017/01/05/2017-00038/establishment-of-the-bears-ears-national-monument
12/28/16	NV	300,000.00	Perm	BLM	Gold Butte National Monument	New Withdrawal	Presidential Proc	https://www.federalregister.gov/documents/2017/01/05/2017-00039/establishment-of-the-gold-butte-national-monument
12/30/16	NV	387,981.42	9 Months	BLM	Sagebrush Focal Areas	Proposed Withdrawal/ Temporary Segregation	Administrative	Adds acreage in NV to an existing application to withdraw approximately 10 million acres of public and National Forest System lands in six states (ID, MT, NV, OR, UT, and WY). The purpose of the proposed 20-year withdrawal from mining is to protect the Greater Sage-Grouse and its habitat. Temporary segregation expires 9/23/2017 (date of original application notice).
12/30/16	WA	340,079.00	20 Years	USFS	Methow Valley	Proposed Withdrawal/ Temporary Segregation	Administrative	To withdraw, for a period of 20 years, approximately 340,079 acres of National Forest System lands located in the Methow Valley, Okanagan National Forest. The purpose of the withdrawal is to protect the value of ecological and recreational resources of the Methow Valley and to protect the area while legislation to permanently withdraw the lands is being considered. Recreation accounts for a substantial share of the Methow Valley community's economy while the watershed provides habitat for several threatened and endangered species. Legislation is currently pending in the 114th Congress as S.2991 and identified as the "Methow Headwaters Protection Act of 2016."
1/12/17	OR	48,000.00	Perm	BLM	Cascade-Siskiyou National Monument	New Withdrawal	Presidential Proc	https://www.federalregister.gov/documents/2017/01/18/2017-01332/boundary-enlargement-of-the-cascade-siskiyou-national-monument

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SINCE JANUARY 2016**

1/12/17	CA	6,200.00	Perm	BLM	California Coastal National Monument	New Withdrawal	Presidential Proc	https://www.federalregister.gov/documents/2017/01/18/2017-01327/boundary-enlargement-of-the-california-coastal-national-monument
1/13/17	OR	101,021.71	20 Years	BLM/FS	Southwestern Oregon Watershed Protection	New Withdrawal/ Public Land Order	Administrative	Withdraws approximately 5,216.18 acres of public domain and Revested Oregon and California Railroad lands and 95,805.53 acres of National Forest System lands for a period of 20 years while Congress considers legislation to permanently withdraw those areas and to protect the Southwestern Oregon watershed from possible adverse effects of mineral development.
1/19/17	MN	234,328.00	20 Years	USFS	Boundary Waters Canoe Area	Proposed Withdrawal/ Temporary Segregation	Administrative	To withdrawal 234,328 acres of National Forest System lands within the Rainy River Watershed on the Superior National Forest for a period of 20 years to protect and preserve the natural resources and waters located within the Rainy River Watershed that flow into the Boundary Waters Canoe Area Wilderness (BWCAW) and the Boundary Waters Canoe Area Wilderness Mining Protection Area (MPA) in northeastern Minnesota.

*Administrative = FLPMA 204

*Legislative = Engle Act

From: Douglas, Lara
To: [Cardinale, Richard](#); [Katharine Macgregor](#); [Michael Anderson](#)
Cc: [Jerome Perez](#); [Kristin Bail](#); [Lacko, Kathleen](#); [Jill Moran](#); [Kathleen Benedetto](#); [Linda Thurn](#); [Satrina Lord](#); [Beverly Winston](#)
Subject: Incoming briefing requests on BLM issues
Date: Tuesday, February 21, 2017 12:57:12 PM

Rich and Kate,

As discussed last Friday, there are a few other BLM issues that will require ASLM input and concurrence, either informally or through DTS. The next round of briefings we would like to schedule includes:

1. Still to be rescheduled from 2/13- Bridger-Teton National Forest (Wyoming) decision to withdraw consent from oil and gas leasing - On January 17, the USFS issued a decision withdrawing consent to lease portions of the Bridger-Teton National Forest that have previously been leased. BLM has received a formal letter announcing the decision

2 DRECP Mineral Withdrawal Public Meetings - On December 28, the BLM published a proposed mineral withdrawal for the California Desert National Conservation Lands as identified in the Desert Renewable Energy Conservation Plan. The publication started a 90 day public comment period, which must under BLM regulations include at least one comment period if the proposal is for withdrawal of more than 5,000 acres. To publicize a public meeting, the BLM would need to issue a Federal Register notice announcing the meeting 30 days in advance, so if BLM is to move forward with public meetings, the deadline is approaching for publication. BLM would like to present options for ASLM regarding the scheduling and publication of a possible meeting. It would be good to hold this meeting this week if possible so that Jerry can attend.

3. Ute Tribe outreach regarding fracking rule litigation - As discussed on Friday, an attorney representing the Ute Tribe has reached out to Kristin to try and schedule a meeting regarding settlement of their litigation on the Hydraulic Fracturing Rule. Kristin has declined the meeting

4. Owyhee Land Exchange - BLM and the State of Idaho have been working for years to develop and analyze a land exchange to exchange out approximately 28,000 acres of State inholdings and edgeholdings in designated wilderness for approximately 34,000 acres of Federal land. The proposal would consolidate both Federal and State land ownership and is strongly supported by the State. The Congressional notification letters will soon be coming to ASLM for clearance so we wanted to provide a briefing on the project to help decision making when it comes.

5. Fuel Breaks and Restoration PEIS - A Notice of Intent to prepare two Programmatic Environmental Impact Statements (one on fuel breaks and one on restoration) in sagebrush ecosystems in Idaho, Nevada, Oregon, Utah, and California. The NOI will be coming to ASLM for review in the near future.

Please let us know if we are okay to set these up - we will get you briefing materials in advance. Thanks!

Lara

Lara Douglas
Acting Chief of Staff

Bureau of Land Management
202-208-4586

From: Moran, Jill
To: [Richard Cardinale](#); [Katharine Macgregor](#)
Subject: Fwd: Incoming briefing requests on BLM issues
Date: Wednesday, February 22, 2017 6:09:36 PM

Rich and Kate,

The BLM's litigation coordinator today notified me of a key upcoming date in the BLM's HF rule litigation. As you are aware, the DOJ filed an appeal in the Tenth Circuit on behalf of the BLM last June challenging Judge Skavdahl's ruling. Oral arguments are scheduled for March 22. The BLM/SOL would like to provide a briefing for you on the litigation

I checked with Lara Douglas and she is amenable to combining this topic with the Ute Tribe HF rule litigation referenced in # 3.

I just wanted to highlight this particular issue as the court date is approaching.

Thanks,
Jill

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

From: **Douglas, Lara** <ledouglas@blm.gov>
Date: Tue, Feb 21, 2017 at 12:56 PM
Subject: Incoming briefing requests on BLM issues
To: "Cardinale, Richard" <richard_cardinale@ios.doi.gov>, Katharine Macgregor <Katharine_MacGregor@ios.doi.gov>, Michael Anderson <michael_anderson@ios.doi.gov>
Cc: Jerome Perez <jperez@blm.gov>, Kristin Bail <kbail@blm.gov>, "Lacko, Kathleen" <ktlacko@blm.gov>, Jill Moran <jcmoran@blm.gov>, Kathleen Benedetto <kathleen_benedetto@ios.doi.gov>, Linda Thurn <lthurn@blm.gov>, Satrina Lord <slord@blm.gov>, Beverly Winston <bwinston@blm.gov>

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

--

Jill Moran
Energy Program Analyst - BLM Liaison
Office of the Assistant Secretary - Land and Minerals Management
(202) 208-4114

From: Macgregor, Katharine
To: [Anderson, Michael](#)
Cc: [Richard Cardinale](#); [Kathleen Benedetto](#)
Subject: Re: Incoming briefing requests on BLM issues
Date: Thursday, February 23, 2017 1:37:53 PM

Hey Kathy - I think it would be beneficial to us if you would work with the BLM team on which of these issues truly need to be addressed next week and if they have pressing dates and the priority that they should be in before BLM sends them up to us in light of our priority areas? Do you think you could help out with that? It seems to me that the Land Exchange and the Fuel Breaks do not have specific deadlines to meet next week, therefore they would be moved back but that would be your call - as I might not have the full picture.

-K

On Thu, Feb 23, 2017 at 11:05 AM, Anderson, Michael <michael_anderson@ios.doi.gov> wrote:

Good morning,

BLM has reached out again, asking for you to prioritize these briefings, possibly starting next week; how would you folks like to proceed? Thanks.

Michael

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

From: Douglas, Lara <ledouglas@blm.gov>

Date: Tue, Feb 21, 2017 at 12:56 PM

Subject: Incoming briefing requests on BLM issues

To: "Cardinale, Richard" <richard_cardinale@ios.doi.gov>, Katharine Macgregor <Katharine_MacGregor@ios.doi.gov>, Michael Anderson <michael_anderson@ios.doi.gov>

Cc: Jerome Perez <jperez@blm.gov>, Kristin Bail <kbail@blm.gov>, "Lacko, Kathleen" <ktlacko@blm.gov>, Jill Moran <jcmoran@blm.gov>, Kathleen Benedetto <kathleen_benedetto@ios.doi.gov>, Linda Thurn <lthurn@blm.gov>, Satrina Lord <slord@blm.gov>, Beverly Winston <bwinston@blm.gov>

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Lara

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

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Michael D. Anderson, MPA
Executive Asst, Office of the Assistant Secretary for
Land and Minerals Management
Dept of the Interior
202-208-2197

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Kate MacGregor
1849 C ST NW
Room 6625
Washington DC 20240

202-208-3671 (Direct)

From: Benedetto, Kathleen
To: [Anderson, Michael](#)
Cc: [Macgregor, Katharine](#); [Richard Cardinale](#)
Subject: Re: Incoming briefing requests on BLM issues
Date: Thursday, February 23, 2017 2:32:24 PM

Hi Kate:

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

From: **Douglas, Lara** <ledouglas@blm.gov>

Date: Tue, Feb 21, 2017 at 12:56 PM

Subject: Incoming briefing requests on BLM issues

To: "Cardinale, Richard" <richard_cardinale@ios.doi.gov>, Katharine Macgregor <Katharine_MacGregor@ios.doi.gov>, Michael Anderson <michael_anderson@ios.doi.gov>

Cc: Jerome Perez <jperez@blm.gov>, Kristin Bail <kbail@blm.gov>, "Lacko, Kathleen" <ktlacko@blm.gov>, Jill Moran <jcmoran@blm.gov>, Kathleen Benedetto <kathleen_benedetto@ios.doi.gov>, Linda Thurn <lthurn@blm.gov>, Satrina Lord <slord@blm.gov>, Beverly Winston <bwinston@blm.gov>

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202-208-3671 (Direct)

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Michael D. Anderson, MPA
Executive Asst, Office of the Assistant Secretary for
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Dept of the Interior
202-208-2197

From: Douglas, Lara
To: [Kristin Bail](#); [Kathleen Benedetto](#)
Cc: [Yolando Mack-Thompson](#); [Linda Thurn](#)
Subject: Campbell County background
Date: Thursday, February 23, 2017 7:45:48 PM
Attachments: [CampbellCountyBriefingPaper.docx](#)

Kristin and Kathy,

For background for tomorrow's meeting, attached is a briefing paper from BLM-Wyoming summarizing the background on the issues we believe Campbell County will raise.

Sorry I did not get this to you before you left - sending you the electronic version and also cc'ing Yolando and Linda so they can print in the morning if you want.

Lara

Lara Douglas
Acting Chief of Staff

Bureau of Land Management
202-208-4586

**INFORMATION MEMORANDUM FOR
ACTING BLM DIRECTOR**

DATE: February 23, 2017
FROM: Buddy Green, Acting BLM Wyoming State Director, 307-775-6001
SUBJECT: Meeting with Representatives from Campbell County, Wyoming

This purpose of this briefing is to provide background for the Acting BLM Director's meeting with representatives from Campbell County, Wyoming.

BACKGROUND

Campbell County, Wyoming is located in the northeast corner of Wyoming and has a population of just over 46,000. The county seat is located in Gillette, Wyoming. Campbell County is located in the Powder River Basin where coal mining and oil and gas production are the major economic drivers. Much of Campbell County is Split-Estate, consisting of private surface and federal minerals. BLM-managed surface areas and federal minerals in Campbell County are administered by the BLM Wyoming Buffalo Field Office, which is part of BLM Wyoming's High Plains District.

Two projects under analysis by the BLM are likely to be major points of concern for Campbell County representatives. These projects are the Converse County Oil and Gas Project (and associated Environmental Impact Statement (EIS)) and the Greater Crossbow Oil and Gas Project (and associated EIS).

Converse County Oil and Gas Project

The Casper Field Office (CFO) and the U.S. Forest Service (USFS) Douglas Ranger District are preparing an EIS for the proposed Converse County Oil and Gas Project, which may include land use plan amendments to the Casper Resource Management Plan and/or the USFS Thunder Basin National Grasslands Land and RMP. The Operator Group (OG) comprised of five companies, including Anadarko, propose to drill approximately 5,000 oil and natural gas wells in an area encompassing about 1.5 million acres over a 10-year period.

Greater Crossbow Oil and Gas Project

The Buffalo Field Office (BFO) is preparing an EIS for the Greater Crossbow Oil and Gas Project. EOG Resources Inc. proposes to develop oil and gas resources in Campbell and Converse counties employing horizontal drilling techniques. The proposed project includes approximately 1,500 wells on 100 multi-well pads over 10 years in an area encompassing approximately 120,000 acres. The USFS manages about 5,700 surface acres (5%). The majority of the surface area is privately owned (88%) or held by the State of Wyoming (7%). The BLM does not manage any of the surface area.

DISCUSSION

Conflicts between Coal and Oil/Gas Leasing and Development

Both Campbell and Converse Counties, along with many residents of those counties, have expressed concern over potential conflicts between coal and fluid mineral development. The Greater Crossbow Oil and Gas Project is currently focusing these concerns in both counties.

The Greater Crossbow EIS area includes areas of coal development potential while the Converse County EIS does not. The two RMPs guiding BLM decisions in these counties encourage coal and fluid mineral operators with overlapping leases to work together to resolve any conflicts. The RMPs indicate that deference would be given to coal if the two operators were unable to reach an agreement. New fluid mineral leases in this area also contain a stipulation deferring oil and gas leasing until after the coal lease is issued (CFO ARMP Decision 2010 pg. 216, BFO ARMP Decisions Coal-2002 pg. 89 and O&G-2008 pg. 92).

RMP direction is included in the Greater Crossbow No Action and Proposed Action alternatives and all three of the Converse County EIS alternatives. Converse County, at the Greater Crossbow alternative development workshop, requested an alternative providing the fluid mineral leaseholder an opportunity to develop prior to coal where their leases overlap. Honoring the request, Greater Crossbow's third alternative will provide a fluid mineral leaseholder ten years to develop and produce a lease overlapping a coal Lease by Application (LBA). Ten years was based on the anticipated time to process a coal LBA. Implementation of this alternative would require an amendment to the Buffalo Field Office (BFO) RMP, which will be analyzed if the alternative is selected.

Planning 2.0

BLM Wyoming has had several meetings with Campbell County regarding Planning 2.0 and the county has concerns over the rule. County Commissioners believe that under Planning 2.0, local interests in land use planning would be lost and the BLM Director would expand the planning area to include areas far outside Campbell County.

Although BLM Wyoming has explained that the goals of Planning 2.0 are to improve management of public lands through increased public involvement and to provide access to quality information and science in land use planning, concerns in Campbell County persist. These concerns are likely centered on the use of the term "Landscape-Level Planning." BLM Wyoming has consistently stated that Campbell County will continue to be a cooperating agency during the BLM's planning process in the area. Moreover, any flexibility to the traditional administrative boundaries would be based on resource needs and be the result of a transparent and public process. BLM Wyoming has also stated that "Landscape-Level Planning" does not necessarily mean a larger planning area.

Campbell County Raptor Symposium

In 2015, Campbell County partnered with stakeholders to host a raptor symposium intended to strike a balance between raptor habitat and energy development, with participants from industry, local government, academia, and state and federal agencies. The BLM participates in the symposium each year. The 2017 Raptor Symposium will be held March 29-30. Presentations at the symposium in the past have focused on the effects of oil and gas-related activities on raptor nesting and populations.

Wildlife Issues that Impact Year-Round Development

Historically, BLM in this area managed for all raptor species using a timing limitation on development activities that employed a uniform date range and distance, most typically 0.5 miles from February 1 through July 31. However, the single distance and date range did not adequately address the varying sensitivity levels and nesting periods among raptor species. The Casper RMP, completed in 2007, included two buffer distances, 0.25 and 0.5 miles (Decision 4047, Approved RMP pg. 2-26), dividing raptor species into the two buffers according to their sensitivity to human activities. The single date range was retained.

The 2015 Buffalo RMP further advanced raptor management by not only varying buffer distance by raptor sensitivity, but also applying the timing limitation for specific date ranges based upon each species' nesting season (Decision WL-4027, Approved RMP pg. 111). BFO utilized the U.S. Fish and Wildlife Service (USFWS), the agency responsible for migratory bird management, recommendations (<https://www.fws.gov/wyominges/Species/Raptors.php>) in assigning buffer distances and dates.

Campbell County is a cooperating agency, participating in the development of both the Greater Crossbow and Converse County EISs. Greater Crossbow includes portions of southern Campbell County and northern Converse County, BFO is the lead office. The Converse County EIS includes the northern half of Converse County with the Casper Field Office (CFO) as the lead office.

Analysis of Raptor Issues in Greater Crossbow and Converse County EIS:

Alternatives for detailed analysis of raptor issues are currently being developed for the Greater Crossbow EIS. Three alternatives are being proposed. The No Action alternative follows existing management direction according to individual land use plans, as recommended by cooperating agencies. The Proposed Action alternative will follow a migratory bird conservation plan currently being developed in partnership with EOG Resources, FWS, USFS, Wyoming Game and Fish Department (WGFD), and BLM. A land use plan amendment could be required depending on whether EOG Resources signs an agreement with USFWS to follow the migratory bird conservation plan. Greater Crossbow's third alternative will follow the USFWS raptor management recommendations (BFO RMP).

The Converse County EIS includes three alternatives. The No Action alternative and two action alternatives follow existing raptor management direction (CFO RMP and USFS LRMP) applying the appropriate management based upon proposed infrastructure location. The Converse County EIS Proposed Action alternative will reference a migratory bird conservation plan developed in partnership with the operators group, FWS, USFS, WGFD, and BLM. Unlike the Greater Crossbow EIS, the migratory bird conservation plan is a coordination effort between the parties to allow the Operators Group (OG) and the FWS to come to an agreement on how development would occur.

The raptor portions of the two migratory bird conservation plans (Greater Crossbow and Converse County) will likely be considerably different because of differences between the two projects. Greater Crossbow involves a single operator, EOG Resources, which has been collecting nest activity and radio-telemetry data for several years. This proactive approach will allow for a very specific, detailed, conservation plan with multiple options for raptor conservation. The Converse County operators group has not been collecting nest location and activity data because the Converse County EIS is programmatic in nature and site-specific development is not part of the proposal.

BLM Staffing in State and Field Offices

Campbell County has listed vacancies in these offices as a topic they plan to raise. For background, there are currently a total of 45 vacancies.

Wyoming State Office (28):

- 4 Contact Representatives
- 3 GIS Specialists
- 3 Legal Land Examiners
- 2 Petroleum Engineers

- A Minerals Appraiser, Wild Horse a Burro Specialist, Minerals Appraiser, Budget Officer, EEO Manager, and several other positions.

High Plains District (7):

- 2 Range Technicians (1 Fire)
- 1 Safety/OHSA Officer
- 1 Mining Engineer
- 1 Purchasing Agent
- 1 Secretary
- 1 Administrative Support Assistant

Buffalo Field Office (10):

- Field Manager
- 1 Supervisory Natural Resources Specialist
- 1 Natural Resources Specialist
- 1 Petroleum Engineer
- 1 Legal Instruments Examiner
- 1 Legal Lands Examiner
- 2 Archeologists
- 1 Range Assistant
- 1 Wildlife Biologist

From: Katharine Macgregor
To: [Benedetto, Kathleen](#)
Cc: [Anderson, Michael](#); [Richard Cardinale](#)
Subject: Re: Incoming briefing requests on BLM issues
Date: Thursday, February 23, 2017 11:03:59 PM

Okay thank you-that helps clear things up a lot. I presume if you are aware of these issues, you probably know which ones are most pressing :)

Sent from my iPhone

On Feb 23, 2017, at 2:31 PM, Benedetto, Kathleen <kathleen_benedetto@ios.doi.gov> wrote:

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From: Lara Douglas
To: katharine_macgregor@ios.doi.gov; kathleen_benedetto@ios.doi.gov; richard_cardinale@ios.doi.gov; marshall_critchfield@ios.doi.gov
Cc: stryon@blm.gov; kbail@blm.gov; Jerome Perez; bwinston@blm.gov; tbarthol@blm.gov
Subject: Mitigation follow-up items
Date: Saturday, February 25, 2017 7:48:58 PM
Attachments: [BLM Mitigation Follow Up_02.24.17.docx](#)

Kate, Kathy, and Marshall,

Attached are answers to the follow up questions from the mitigation briefing a few weeks ago.

Lara

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

Date: February 24, 2017

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

Subject: Response to Questions about BLM's Mitigation Policy

The purpose of this briefing memo is to provide responses to questions and requests for supplemental information from the BLM mitigation policy briefing on February 2.

Question 1: What is the purpose of the BLM's Mitigation Policy?

Answer: The BLM's Mitigation Policy was developed to (1) improve consistency in the application of mitigation for authorized land uses, (2) address reasonably foreseeable impacts to resources on public lands and identify opportunities for mitigation in advance of impacts, and (3) encourage private investment in the establishment of consolidated mitigation projects (e.g., mitigation banks) that will serve to streamline public land use authorization processes.

Question 2: How is mitigation defined?

Answer: The Council on Environmental Quality (CEQ), in regulations implementing the National Environmental Policy Act (NEPA), defined "mitigation" to include: (1) *avoiding* the impact altogether by not taking a certain action or parts of an action; (2) *minimizing* impacts by limiting the degree or magnitude of the action and its implementation; (3) *rectifying* the impact by repairing, rehabilitating, or restoring the affected environment; (4) *reducing or eliminating* the impact over time by preservation and maintenance operations during the life of the action; and (5) *compensating* for the impact by replacing or providing substitute resources or environments (40 CFR §1508.20). The Department of the Interior (DOI) uses a condensed version of this definition—avoid, minimize, and compensate—applied in a hierarchical manner (i.e., first seek to avoid, then minimize, then compensate for remaining unavoidable (also known as residual) impacts (600 DM 6).

Question 3: What is BLM's history with mitigation?

Answer: For decades, the BLM has been using mitigation at the project level to support a wide variety of resources and public land uses. In the early part of this century, the rapid expansion of energy development led to local concerns about impacts on other public land resources and uses. In response, the BLM began to systematically look at its mitigation policies and practices and in 2005 issued a compensatory mitigation policy (IM 2005-069). In the years following, the BLM has issued additional policy on mitigation in September 2008 (IM 2008-204) and June 2013 (IM 2013-142). The lessons learned from implementation of these earlier policies led to BLM's recently issued mitigation manual (MS-1794) and handbook (H-1794-1).

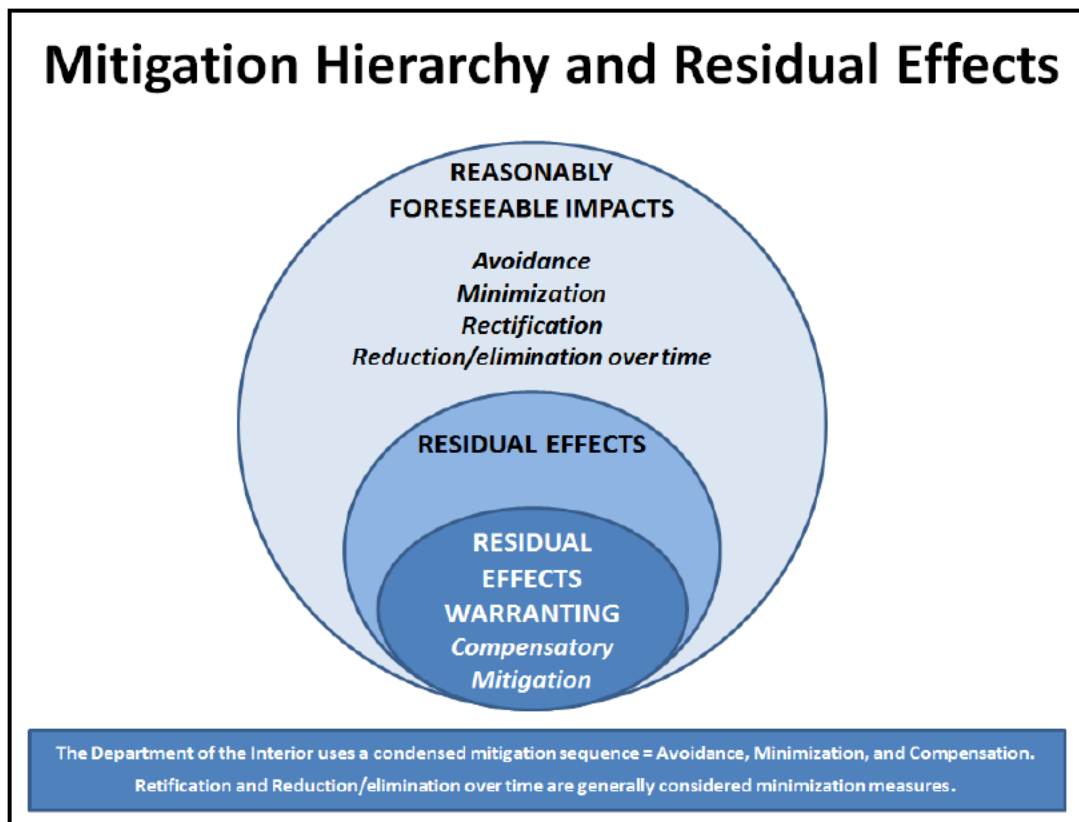
Question 4: Under what authorities can the BLM consider or require mitigation?

Answer: The Federal Land Policy and Management Act (FLPMA) provides authority to the BLM, both as a regulator and as a manager of lands owned by the United States, to pursue Congress's goals

of public land management based on the principles of multiple use and sustained yield. The authority encompasses broad discretion to manage the use of the public lands and to take action to conserve or enhance public land values to enable current and future generations to use public lands in pursuit of their diverse set of interests. Among the tools the BLM may use to conserve or enhance public land values is its authority to require project sponsors to undertake mitigation as a condition of the BLM authorizing use of the public lands. Such authority is limited – under principles of administrative law, the BLM should not impose arbitrary or capricious mitigation measures. To that end, the BLM generally should identify the impacts to which mitigation relates and provide an explanation as to how the mitigation avoids, minimizes, or compensates for the identified impacts.

Question 5: When may the BLM require compensation (i.e., compensatory mitigation) to address the reasonably foreseeable residual effects associated with a proposed project on the public lands?

Answer: As identified in the BLM’s Mitigation Handbook (pages 2-5 through 2-7), compensatory mitigation is warranted when required to (1) comply with law, regulation and policy; (2) achieve resource management plan objectives; (3) conserve important, scarce or sensitive resources identified in mitigation strategy; or (4) conserve important, scarce or sensitive resources identified through a project specific NEPA process. Compensatory mitigation is considered for residual impacts after all appropriate and practical avoidance and minimization measures have been proposed.

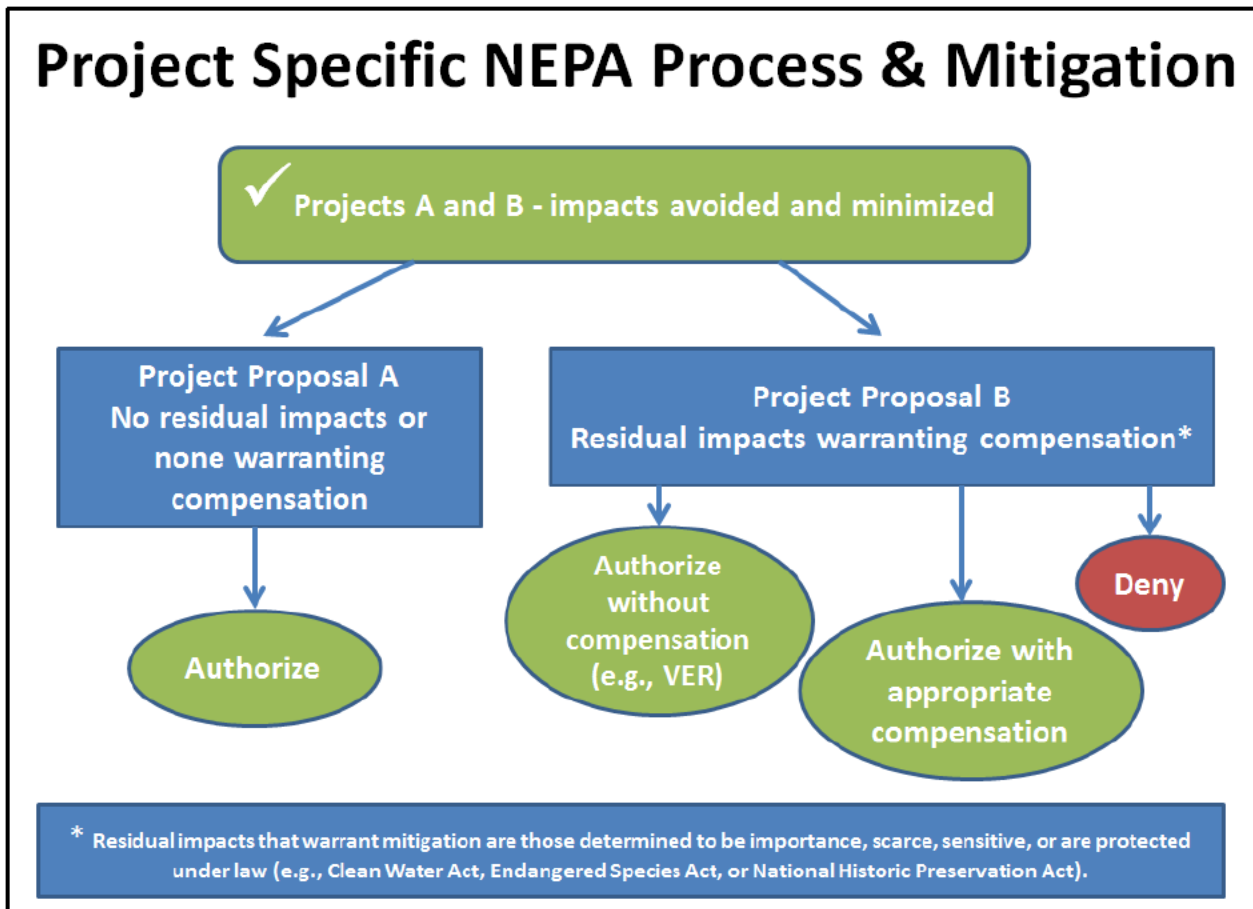


Question 6: What are examples of resource management plans and mitigation strategies or plans that include compensatory mitigation?

Answer: Both the Desert Renewable Energy Conservation Plan in California and the Greater Sage-Grouse Conservation Plan Revisions and Amendments identify resources that may require compensatory mitigation, as do the mitigation strategies that have been developed for the Solar Energy Zones. In order to help prevent a listing of the Greater Sage-Grouse under the Endangered Species Act, for example, the Sage-Grouse Conservation Plan Revisions and Amendments established a net conservation gain mitigation standard for residual impacts to sage-grouse habitat.

Question 7: When compensatory mitigation is warranted, what mechanisms exist for accomplishing compensatory mitigation?

Answer: As outlined in the Mitigation Handbook (page 2-20), there are four compensatory mitigation mechanisms: (1) mitigation banks, (2) mitigation exchanges, (3) mitigation funds (also known as in-lieu fee programs), and (4) public land user-responsible compensatory mitigation measures (also known as proponent-proposed mitigation).



Question 8: What is the BLM’s role with these various mechanisms?

Answer: With respect to mitigation banks, mitigation exchanges and mitigation funds, the BLM may encourage public land users to participate in these mechanisms and, in the future, may authorize these mechanisms to sell conservation credits on the public lands. The BLM does not manage either mitigation banks or exchanges. While it is permissible for the Bureau to hold the funds associated with an in-lieu fee program, existing policy discourages the BLM from doing so. (See Mitigation Handbook, page 2-20. Appendix 2 of the Mitigation Handbook outlines BLM’s process for accepting and managing mitigation contributions and describes in detail the written agreement that must exist between the BLM and the entity contributing the funds.) With respect to proponent-proposed mitigation the BLM has entered into agreements with individual project proponents.

As outlined in the Mitigation Handbook (pages 2-21 through 2-23) the BLM should verify and document that the responsible party for a compensatory mitigation mechanism has (1) established clearly defined and measurable outcomes and performance standards for the mitigation measures, (2) described the factors considered during the site selection process, (3) described how the durability of the mitigation measures will be maintained, (4) assessed and documented baseline conditions, (5) described how adaptive management will be implemented, including a comprehensive monitoring program, (6) developed and implemented a plan for compensatory mitigation measures, and (7) demonstrated financial solvency.

The Mitigation Handbook also states that a written agreement should be in place between the party responsible for the mitigation mechanism, the BLM and, as appropriate, other parties such as another federal agency or state agency. (See page 2-22.) Working with the states and other federal agencies, the BLM has developed a template for a State/BLM Memorandum of Understanding to promote conservation of Greater Sage Grouse Habitat.

Question 9: What are examples of each of these mitigation mechanisms?

Answer: The Sweetwater River Conservancy in Wyoming is an example of a mitigation bank. The Nevada Conservation Credit System and the Colorado Habitat Exchange are examples of mitigation exchanges. The Oregon Department of Fish and Wildlife is developing an in-lieu fee program that will be an example of a mitigation fund. And the Barrick and Newmont mitigation programs in Nevada are examples of proponent-proposed programs.

Question 10: What are examples of written agreements referenced in the response to Question 8?

Answer: The BLM has signed agreements with Sweetwater River Conservancy in Wyoming, the Barrick and Newmont mining companies in Nevada, the Conservation Credit System in Nevada, and the State of Wyoming.

Question 11: What are the BLM’s mitigation standards?

Answer: As stated in the Mitigation Handbook, mitigation standards will be identified as one component of a land use plan’s resource objectives for resources that are considered important, scarce, or have a protective legal mandate. The Handbook also states that “As appropriate and through application of the mitigation hierarchy, mitigation standards should seek to achieve a no net loss or net benefit outcome for such resources.” (See page 4-2.)

From: Ralston, Jill
To: [Christopher Salotti](#)
Cc: [Matthew Quinn](#); [Amanda Kaster](#); [Micah Chambers](#)
Subject: Potential BLM issues of interest - 3/8 SCIA Hearing
Date: Monday, February 27, 2017 5:21:01 PM
Attachments: [SCIA BLM Interests.docx](#)

Hi Chris,

Per your 2/24 request at the OCL meeting, attached is a quick list of topics that we have heard from SCIA committee members about.

Thanks!

Jill Ralston

Legislative Affairs

Bureau of Land Management

Phone: (202) 912-7173

Cell: (202) 577-4299

Senate Committee on Indian Affairs
BLM Issues of Interest

Sen. Hoeven (ND)

- Slawson/Torpedo oil and gas project (Lake Sakakawea, Fort Berthold Reservation; Dickinson, ND)
- Oil and gas exploration, fracking
- Forest health / forest management related to dead and dying trees / fire potential

Sen. Barrasso (WY)

- Federal vs. State Greater Sage-Grouse plans
- Forest health and NEPA vehicles for USFS and BLM to conduct forest management
- Wild horses and burros -- on-range populations, rangeland health and program costs

Sen. McCain (AZ)

- Wild horse and burro -- population control and safety concerns with burros on highways

Sen. Murkowski (AK)

- Oil and gas leasing in the National Petroleum Reserve-Alaska (NPRA)
- Greater Mooses Tooth 1 & 2 (NPRA)
- Legacy wells remediation (NPRA)
- Red Devil Mine remediation
- Placer mine reclamation criteria
- Mine plan/NEPA processing timeliness
- ANCSA mineral withdrawals
- Conveyed contaminated sites

Sen. Lankford (OK)

- Red River boundary survey

Sen. Daines (MT)

- Coal PEIS

Sen. Crapo (ID)

- Gateway West Transmission Line

Sen. Moran (KS)

Sen. Udall (NM)

- Economic/recreation benefits of conservation designations

Sen. Cantwell (WA)

- Planning 2.0
- Tribal coordination on forestry issues
- Fire funding

Sen. Tester (MT)

- Transmission line projects and NEPA timelines (expediting NEPA review)
- Improving access for hunting/recreation activities on public lands
- Coal PEIS

Sen. Franken (MN)

- Climate change

Sen. Schatz (HI)

- Invasive species management programs

Sen. Heitkamp (ND)

- Slawson/Torpedo oil and gas project (Lake Sakakawea, Fort Berthold Reservation; Dickinson, ND)
- Oil and gas exploration, fracking
- Coal PEIS

Sen. Cortez-Masto (NV)

- Yucca Mountain
- Bundy trial
- Gold Butte National Monument

From: Magallanes, Downey
To: karen.hawbecker@sol.doi.gov
Cc: richard.cardinale@ios.doi.gov; clacko@blm.gov; katharine_macgregor@ios.doi.gov
Subject: Re: Invitation to UTE Tribe Outreach Regarding Fracking Rule Litigation @ Thu Mar 2 2017 4pm - 5pm (karen.hawbecker@sol.doi.gov)
Date: Monday, February 27, 2017, 6:46:13 PM

Will you or Aaron attend?

On Mon Feb 27 2017 at 3:10 PM, Karen Hawbecker <karen.hawbecker@sol.doi.gov> wrote:

FYI-We received a meeting invitation to discuss the Ute Tribe outreach about the Wyoming hydraulic fracturing rule litigation. The meeting is currently scheduled for this Thursday, March 2, at 4 pm.

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

From: Linda Thurn <lthurn@blm.gov>

Date: Mon Feb 27 2017 at 2:30 PM

Subject: Invitation to UTE Tribe Outreach Regarding Fracking Rule Litigation @ Thu Mar 2 2017 4pm - 5pm (karen.hawbecker@sol.doi.gov)

To: karen.hawbecker@sol.doi.gov, richard.cardinale@ios.doi.gov, clacko@blm.gov, katharine_macgregor@ios.doi.gov, jcmoran@blm.gov, kbail@blm.gov, aaron.moody@sol.doi.gov, mnedd@blm.gov, ledouglas@blm.gov, slord@blm.gov, klaypoo@blm.gov, rjefferson@blm.gov, tracie_lassiter@ios.doi.gov

more details -> https://www.google.com/calendar/?action=VIEW&eid=bWp0NWwYbW0MXBmMTESzjN0cRyYmNUNmMga2FyZWuaGF3YmVja2V5QHNhCS5kb2kuZ292&stok=MzEja2F0aGFyaW5lX21hY2lyZjZldCk4Bpb3MuZG9pLmd_dmq2NDAYMmRmZGY2YzhMTNjMTgyMGE_NDE_NW12NzJjOTYyYjFjOWY&ctz=America/New_York&hl=en

UTE Tribe Outreach Regarding Fracking Rule Litigation

When

Thu Mar 2 2017 4pm - 5pm Eastern Time

Where

Conference Room 6616 (map <https://maps.google.com/maps?q=Conference_Room_6616_&hl=en>)

Video call

https://plus.google.com/hangouts/_/do.gov/katharine_macgr?secid=32F0aGFyaW5lX21hY2lyZjZldCk4Bpb3MuZG9pLmd_dmq2NDAYMmRmZGY2YzhMTNjMTgyMGE_NDE_NW12NzJjOTYyYjFjOWY&ctz=America/New_York&hl=en

Calendar

karen.hawbecker@sol.doi.gov

Who

katharine_macgregor@ios.doi.gov <mailto:katharine_macgregor@ios.doi.gov> - organizer

- michael_anderson@ios.doi.gov - creator
- richard_cardinale@ios.doi.gov
- clacko@blm.gov
- jcmoran@blm.gov
- kbail@blm.gov
- karen.hawbecker@sol.doi.gov
- aaron.moody@sol.doi.gov
- mnedd@blm.gov
- ledouglas@blm.gov
- slord@blm.gov
- klaypoo@blm.gov
- rjefferson@blm.gov - optional
- lthurn@blm.gov - optional
- tracie_lassiter@ios.doi.gov - optional

Going? Yes <https://www.google.com/calendar/?action=RESPOND&eid=bWp0NWwYbW0MXBmMTESzjN0cRyYmNUNmMga2FyZWuaGF3YmVja2V5QHNhCS5kb2kuZ292&stok=MzEja2F0aGFyaW5lX21hY2lyZjZldCk4Bpb3MuZG9pLmd_dmq2NDAYMmRmZGY2YzhMTNjMTgyMGE_NDE_NW12NzJjOTYyYjFjOWY&ctz=America/New_York&hl=en>

Maybe <https://www.google.com/calendar/?action=RESPOND&eid=bWp0NWwYbW0MXBmMTESzjN0cRyYmNUNmMga2FyZWuaGF3YmVja2V5QHNhCS5kb2kuZ292&stok=MzEja2F0aGFyaW5lX21hY2lyZjZldCk4Bpb3MuZG9pLmd_dmq2NDAYMmRmZGY2YzhMTNjMTgyMGE_NDE_NW12NzJjOTYyYjFjOWY&ctz=America/New_York&hl=en>

No <https://www.google.com/calendar/?action=RESPOND&eid=bWp0NWwYbW0MXBmMTESzjN0cRyYmNUNmMga2FyZWuaGF3YmVja2V5QHNhCS5kb2kuZ292&stok=MzEja2F0aGFyaW5lX21hY2lyZjZldCk4Bpb3MuZG9pLmd_dmq2NDAYMmRmZGY2YzhMTNjMTgyMGE_NDE_NW12NzJjOTYyYjFjOWY&ctz=America/New_York&hl=en>

more options <https://www.google.com/calendar/?action=VIEW&eid=bWp0NWwYbW0MXBmMTESzjN0cRyYmNUNmMga2FyZWuaGF3YmVja2V5QHNhCS5kb2kuZ292&stok=MzEja2F0aGFyaW5lX21hY2lyZjZldCk4Bpb3MuZG9pLmd_dmq2NDAYMmRmZGY2YzhMTNjMTgyMGE_NDE_NW12NzJjOTYyYjFjOWY&ctz=America/New_York&hl=en>

In invitation from Google Calendar <<https://www.google.com/calendar/>>

You are receiving this email at the account karen.hawbecker@sol.doi.gov because you are subscribed for invitations on calendar.karen.hawbecker@sol.doi.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> <<https://www.google.com/calendar/>> and change your notification settings for this calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More <<https://support.google.com/calendar/answer/37135#forwarding>>.

Downey Magallanes

Office of the Secretary

downey_magallanes@ios.doi.gov

202-501-065 (desk)

202-706-9199 (cell)

From: Kaster, Amanda
To: [Andrews, Mike \(Indian Affairs\)](#)
Cc: [Chambers, Micah](#)
Subject: Re: can you take a look for me
Date: Monday, March 6, 2017 4:54:00 PM
Attachments: [CmteMemo-ZinkeHg-3-8-17-DRAFT.docx.docx](#)

I'm not sure what's wrong but I had to download the document through Google Docs. I made a few revisions - one thing I will flag is the edit I made to the Indian Coal Production Tax Credit section.

On Mon, Mar 6, 2017 at 4:27 PM, Andrews, Mike (Indian Affairs) <Mike_Andrews@indian.senate.gov> wrote:

Corrupted?? Try it again.

From: Kaster, Amanda [mailto:amanda_kaster@ios.doi.gov <mailto:amanda_kaster@ios.doi.gov>]
Sent: Monday, March 6, 2017 4:26 PM
To: Andrews, Mike (Indian Affairs) <Mike_Andrews@indian.senate.gov>
<mailto:Mike_Andrews@indian.senate.gov> >
Cc: Chambers, Micah <micah_chambers@ios.doi.gov>
Subject: Re: can you take a look for me

Hi Mike, the document file is corrupted - can you resend? Thank you.

On Mon, Mar 6, 2017 at 3:49 PM, Andrews, Mike (Indian Affairs) <Mike_Andrews@indian.senate.gov>
<mailto:Mike_Andrews@indian.senate.gov> > wrote:

Amanda and Micah,

We will be sending this out to the committee staff. I wanted you to take a look first. I also need help with the endorsements from his confirmation if you have them. If not, I will take them out.

Thanks...

This is for a quick turnaround.

T. Michael Andrews

United States Senate Committee on Indian Affairs

Majority Staff Director and Chief Counsel

Senator John Hoeven, Chairman

(202)224-1191

--

Amanda Kaster-Averill

Special Assistant

Office of Congressional and Legislative Affairs

U.S. Department of the Interior

(202) 208-3337

amanda_kaster@ios.doi.gov

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Amanda Kaster-Averill

Special Assistant

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(202) 208-3337

amanda_kaster@ios.doi.gov

MEMORANDUM

TO: CHAIRMAN HOEVEN, VICE CHAIRMAN UDALL, AND MEMBERS OF THE COMMITTEE ON INDIAN AFFAIRS

FROM: T. MICHAEL ANDREWS, MAJORITY STAFF DIRECTOR AND CHIEF COUNSEL

DATE: MONDAY, MARCH 6, 2017

RE: OVERSIGHT HEARING ON “IDENTIFYING INDIAN AFFAIRS PRIORITIES FOR THE TRUMP ADMINISTRATION”

On **Wednesday, March 8, 2017, at 2:30 p.m.** in Room 628 of the Senate Dirksen Office Building, the Committee will hold an oversight hearing on, “Identifying Indian Affairs Priorities for the Trump Administration.

This hearing will be the first Congressional hearing for Secretary Zinke. The purpose of the hearing is to focus on priorities related only to Indian affairs for the new Administration.

Witnesses

The following witnesses have been invited to testify:

- **HONORABLE RYAN ZINKE**, Secretary, United States Department of the Interior, Washington, DC
- **HONORABLE ALVIN NOT AFRAID, JR.**, Chairman, Crow Nation, Crow Agency, MT
- **HONORABLE JEFFERSON KEEL**, Lt. Governor, Chickasaw Nation, Ada, OK
- **HONORABLE KEITH ANDERSON**, Vice Chairman, Shakopee Mdewakanton Sioux Community, Prior Lake, MN
- **HONORABLE PAUL TORRES**, Chairman, All Pueblo Council of Governors, Albuquerque, NM
- **HONORABLE JAMI AZURE**, Councilman, Turtle Mountain Band of Chippewa Indians, Belcourt, ND

Biography of Secretary Ryan Zinke

Secretary Ryan Zinke was nominated by President Donald Trump and confirmed by the Senate on March 1, 2017, by a vote of 68-31. Mr. Zinke is a fifth generation Montanan, former Congressman in the United States House of Representatives, and a former state senator. He also served the United States for 23 years in the Navy in which time he was a Navy SEAL veteran. He is an adopted member of the Fort Peck Assiniboine and Sioux Tribes.

Committee on Energy and Natural Resources Confirmation Hearing

On January 17, 2017, then-Congressman Zinke testified before the Senate Committee on Energy and Natural Resources. During his confirmation hearing, he indicated the need to work with and involve Indian tribes as he carried out his responsibilities as Secretary.

On January 31, 2017, the Committee on Energy and Natural Resources held a business meeting to consider the nomination of Ryan Zinke to be Secretary of the Interior. The Committee favorably reported his nomination by a vote of 16-6.

Department of the Interior

As Secretary of the Interior, Secretary Zinke will oversee the Department of the Interior. The Department was created in 1849 and is responsible for managing the nation's natural resources.

While the entire federal government has a special government-to-government relationship and trust responsibility for Indian tribes, the Secretary of the Interior (Secretary) carries out the primary authorities for those responsibilities. That authority includes managing approximately 500 million acres of federal lands, including over 52 million acres belonging to Indian tribes.

That authority is administered principally through the following agencies:

- Bureau of Indian Affairs (BIA),
- National Indian Gaming Commission, and
- Office of the Special Trustee for American Indians.

The positions overseeing these agencies are nominated by the President and

confirmed by the Senate (as recommended by the Committee). The Assistant Secretary for Indian Affairs manages both the BIA and the BIE. These nominations go through the Senate Committee on Indian Affairs.

The position of Under Secretary for Indian Affairs was authorized by the *Indian Trust Asset Reform Act* in 2016. This Under Secretary would report directly to the Secretary of the Interior. To the maximum extent practicable, the Under Secretary would, among other things, supervise and coordinate activities and policies of the BIA with activities and policies of the Bureau of Reclamation, Bureau of Land Management, Office of Natural Resources Revenue, National Park Service, and United States Fish and Wildlife Service.

Additionally, the Secretary oversees the following agencies, several of which also carry out responsibilities or activities which affect Indian tribes and their lands:

- National Park Service,
- U.S. Fish and Wildlife Service, the Bureau of Land Management,
- Bureau of Ocean Energy Management,
- Bureau of Safety and Environmental Enforcement,
- Office of Surface Mining, Reclamation and Enforcement,
- Bureau of Reclamation,
- U.S. Geological Survey, and
- Office of Insular Affairs.

The Department of the Interior receives approximately \$13.3 billion in appropriations. The Bureau of Indian Affairs receives approximately \$2.79 billion in appropriations. The Bureau of Indian Education (BIE) receives approximately \$829.6 million, plus an additional \$49.3 million for BIE Transformation.

Zinke's Legislative History

In 2014, Mr. Zinke became the first Navy SEAL elected to the House. He served on the House Armed Services Committee and the House Natural Resources Committee. As a Member of Congress, he introduced 19 bills, 3 resolutions, and 4 amendments in the 114th Congress.

- The first bill Indian-related bill introduced by then-Congressman Zinke introduced in the 114th Congress was H.R. 286, the *Little Shell Tribe of Chippewa Indians Restoration Act of 2015*. This bill would have extended federal recognition to the Little Shell Tribe of Chippewa Indians of

Montana. The House Committee on Natural Resources subcommittee on Indian, Insular and Alaska Native Affairs held a legislative hearing on the bill. The bill was then incorporated into H.R. 3764, the *Tribal Recognition Act of 2016*. On September 8, 2016, the House Committee on Natural Resources met to consider the bill. The bill, as amended, was agreed to by a vote of 23-13. No further action was taken on H.R. 3764.

- A second Indian-related bill introduced by then-Congressman Zinke was H.R. 1522, a bill to permanently extend the Indian Coal Production Tax Credit. This bill continued an expired tax credit for two additional years that incentivizes investment of coal production on Indian lands. The bill was included in the tax extenders package (Sec.186) that accompanied H.R.2029, the Consolidated Appropriations Act, 2016 (Omnibus).
- On May 7, 2016, then-Congressman Zinke introduced H.R. 5259, the *Certainty for States and Tribes Act*. This bill would have ensured that states and Indian tribes have a certain considerations when any changes to federal coal, oil, and gas royalties or leasing policies. The subcommittee on Energy and Mineral Resources held a hearing on the bill. On September 8, 2016, the House Committee on Natural Resources met to consider the measure. The bill, as amended, was agreed to by a vote of 22-13. No further action was taken on the bill.
- On July 7, 2016, then-Congressman Zinke introduced H.R. 5633, the *Blackfeet Water Rights Settlement Act*. This bill authorizes, ratifies, and confirms the Blackfeet-Montana water rights compact. Similar legislation was introduced by Senators Tester and Daines. The *Blackfeet Water Rights Settlement Act* was incorporated into S. 612, the Water Infrastructure Improvements for the Nation Act. It was signed into law on December 16, 2016.
- On July 5, 2016, then-Congressman Zinke introduced H.Res. 553, a resolution “Expressing support for designation of May 5, 2017, as ‘National Day of Awareness for Missing and Murdered Native Woman and Girls.’”

Endorsements

- National Congress of American Indians
- The Rocky Mountain Tribal Leaders Council (represents tribes from Montana, Wyoming, and Idaho)

- Confederated Salish and Kootenai Tribes
- Fort Belknap Indian Community
- Shakopee Mdewakanton Sioux Community
- Choctaw Nation of Oklahoma
- Fallon Paiute-Shoshone Tribe
- Oklahoma Indian Gaming Association
- Osage Nation
- Southern Ute Indian Tribe
- Quapaw
- Pala Band
- Ak-Chin*** NEED TO CONFIRM
- Rincon Band*** NEED TO CONFIRM

* * *

From: Shannon Stewart
To: downey_magallanes@ios.doi.gov
Cc: nmoore@blm.gov; [Kristin Bail](#)
Subject: Fwd: BP on Lands Wilderness Characteristics.docx
Date: Friday, March 10, 2017 7:20:46 PM
Attachments: [mime-attachment.html](#)
[ATT00001.htm](#)
[BP on Lands Wilderness Characteristics.docx](#)
[ATT00002.htm](#)

Hi Downey

I am forwarding on the attached materials and contact information for Nikki Moore as a follow-up to this afternoon's briefing on Lands with Wilderness Characteristics. Let us know if you need anything else.

Thanks
Shannon

Shannon Stewart
Acting Chief of Staff
Bureau of Land Management
202-570-0149
scstewar@blm.gov

Begin forwarded message:

From: Nikki Moore <nmoore@blm.gov>
Date: March 10, 2017 at 6:00:22 PM EST
To: scstewar@blm.gov
Cc: bwinston@blm.gov
Subject: BP on Lands Wilderness Characteristics.docx

Attached is the briefing paper regarding how management of lands with wilderness characteristics on BLM lands. Also my contact info below. Thanks!

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

BRIEFING MEMORANDUM FOR THE ACTING BLM DIRECTOR

DATE: March 6, 2017
FROM: Nikki Moore, Acting Deputy Assistant Director, National Conservation Lands and Community Partnerships
SUBJECT: Inventorying and Managing BLM Lands with Wilderness Characteristics

The purpose of this memo is to provide clarity on what BLM policies and regulations under the Federal Land Policy and Management Act (FLPMA) require with regard to inventorying lands with wilderness characteristics.

BACKGROUND

The BLM's multiple-use, sustained-yield mandate includes managing the wilderness resource. The BLM does so in three ways:

- 1) managing nearly 8.8 million acres of federally designated wilderness in 10 Western States, under the authority of the Wilderness Act;
- 2) managing 12.6 million acres of Wilderness Study Areas (WSAs) in 12 Western States and Alaska until Congress designates them as wilderness or releases them for other uses, under the authority of Section 603 of the FLPMA; and
- 3) managing other BLM lands—non-Wilderness, non-WSA acres—that have wilderness characteristics, under Section 201 of FLPMA.

This paper describes how the BLM addresses areas in the third category, known as lands with wilderness characteristics.

DISCUSSION

Lands with wilderness characteristics are areas that the BLM has inventoried and found to have wilderness characteristics, as defined by the Wilderness Act (i.e., they possess sufficient size, naturalness, and outstanding opportunities for either solitude or primitive and unconfined recreation).

Identifying land as having wilderness characteristics is an inventory finding. Determining whether that land should be managed to protect those characteristics is an administrative decision that the BLM makes through the land use planning process. This decision does not constitute a formal designation of any kind.

Under Section 201 of FLPMA, the BLM has an ongoing responsibility to “prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values.” This responsibility includes the wilderness resource. In many areas, conditions have changed on the ground from when BLM conducted the initial inventory for the presence of wilderness characteristics over 30 years ago, and now contain a higher level of naturalness.

Below is a brief chronology on the evolution of BLM's policy regarding this resource:

- 2003: A court settlement agreement between then-Interior Secretary Gale Norton and the State of Utah stipulates that the BLM no longer has the authority to designate WSAs.

- 2003–2012: BLM/DOI issues several iterations of policy for inventorying and managing lands with wilderness characteristics, including a 2010 Secretarial Order (“Wild Lands Policy”) that causes controversy with certain stakeholders (policy rescinded in 2011).
- 2008: The U.S. Court of Appeals affirms the BLM has responsibility to maintain a current inventory and manage the wilderness resource: “[W]ilderness characteristics are a value which, under the FLPMA, the Bureau has the continuing authority to manage, even after it has fulfilled its [FLPMA-mandated] duties to recommend some lands with wilderness characteristics for permanent congressional protection. As a result, the BLM’s completion of its permanent preservation recommendations for the planning area does not mean that the Bureau may entirely decline to consider wilderness characteristics presently existing in the area.” (*Oregon Natural Desert Association v. Bureau of Land Management*, 531 F.3d 1114 (9th Cir. 2008, as amended). A series of related cases also reaffirm this authority.
- 2012: BLM releases Manual 6310—Conducting Wilderness Characteristics Inventory on BLM Lands, and Manual 6320—Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, which serve as the current policy.

CURRENT POLICY

Manual 6310 contains the BLM’s policy and guidance on conducting inventories of wilderness characteristics, while Manual 6320 describes how the BLM incorporates the results of those inventories in its land-use planning process.

Once an inventory is completed, Manual 6320 states that BLM’s consideration of the lands with wilderness characteristics identified in the planning process may result in several outcomes. The manual lists three outcomes, which are intended to represent more of a continuum rather than discrete options:

- 1) prioritize other uses while not protecting wilderness characteristics;
- 2) minimize impacts to wilderness characteristics while managing for other uses; and
- 3) protect wilderness characteristics as a priority over other multiple uses.

When revising a Resource Management Plan (RMP), a State Director may choose any one of these outcomes, or some combination thereof, for parcels of land containing wilderness characteristics, provided that the plan documents the basis for this determination.

Finding that an area possesses wilderness characteristics does not mean that the BLM must manage to protect those characteristics. Inventory and management are often conflated, which leads to confusion about the true nature of the policy. Inventory and management are separate activities, carried out under different provisions of FLPMA (Sections 201 and 202, respectively).

In response to a provision in the Fiscal Year 2011 appropriations law, the BLM currently does not track the acres of lands with wilderness characteristics it has inventoried, nor the number of those acres it has decided to manage for protection.

The Forest Service's policy on lands with wilderness characteristics is substantially similar to the BLM's.

RMPs that have incorporated updated inventories across the entire planning area have generally encountered fewer protests than those that have not. In cases where RMPs have relied on incomplete inventory data, some Field Offices are realizing the vulnerability to appeals when implementing plans, and are now proposing amendments to address wilderness characteristics in a more comprehensive fashion. Other offices are delaying implementation of certain decisions until inventories are updated.

There is also the misperception that identifying and/or managing lands with wilderness characteristics will lead to the designation of additional WSAs or constitute some form of recommendation for wilderness designation. This is not the case. The intent of the BLM policy for lands with wilderness characteristics is to comply with FLPMA, both in terms of inventorying for the presence of wilderness characteristics and managing such lands as a resource through land use planning decisions.

ATTACHMENT

Examples of RMPs That Consider Lands with Wilderness Characteristics

ATTACHMENT
Examples of RMPs That Consider Lands with Wilderness Characteristics

BACKGROUND

Manual 6320—Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process describes a variety of management actions that may protect lands with wilderness characteristics. Such actions could include:

- Closing an area to leasing or allowing leasing but only with no surface occupancy with no exceptions, waivers, or modifications;
- Designating as a right-of-way exclusion area; or
- Designating an area as closed to motor vehicle use, or as limited to mechanized use on designated routes.

Manual 6320 also allows the BLM to emphasize other multiple uses while applying management restrictions to minimize impacts to wilderness characteristics. Examples of such restrictions include:

- Applying fluid mineral leasing stipulations of controlled surface use;
- Designating right-of-way avoidance areas;
- Designating an area as limited to motor vehicle use on designated routes.

As demonstrated in the following examples, Manual 6320 provides the BLM considerable latitude in considering lands with wilderness characteristics. Rather than presenting an all-or-nothing “Protect/Do Not Protect” choice, the manual allows the BLM to select from several management outcomes so long as the plan documents the rationale for the decision.

**Colorado: White River Field Office Approved RMP Amendment for Oil and Gas Development
*Record of Decision signed August 2015***

BLM Colorado identified 301,700 acres of lands with wilderness characteristics in the planning area:

- 164,000 acres (55% of lands with wilderness characteristics identified) are managed to prioritize other uses while not protecting wilderness characteristics (i.e., open to leasing, without any lease stipulations designed to protect wilderness characteristics);
- 66,200 acres (22% of lands with wilderness characteristics identified) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., open to leasing with a Controlled Surface Occupancy stipulation);
- 71,500 acres (23% of lands with wilderness characteristics identified) are managed to protect wilderness characteristics (i.e., open to leasing with a No Surface Occupancy stipulation).

Montana: Hi-Line Approved RMP
Record of Decision signed September 2015

BLM Montana identified 399,448 acres of lands with wilderness characteristics in the planning area:

- 92,190 acres (23% of lands with wilderness characteristics identified) are managed to prioritize other uses while not protecting wilderness characteristics;
- 290,865 acres (73% of lands with wilderness characteristics identified) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., No Surface Occupancy with limited exceptions and no waivers);
- 16,393 acres (4% of lands with wilderness characteristics identified) are managed to protect wilderness characteristics.

Alaska: Approved Eastern Interior Resource Management Plan
Record of Decision signed January 2017

Of the 6,524,000 acres in the planning area:

- 3,068,000 acres (47% of planning area) are managed to prioritize other uses while not protecting wilderness characteristics;
- 3,456,000 acres (53% of planning area) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., allows temporary structures and equipment placement related to hunting, fishing, and trapping; cross-country snowmobile travel; and limited off-highway vehicle use);
- Zero acres are managed to protect wilderness characteristics as a priority over other multiple uses.

Idaho: Jarbidge Approved RMP
Record of Decision signed September 2015

BLM Idaho identified 104,000 acres of lands with wilderness characteristics in the planning area:

- Zero acres are managed to prioritize other uses while not protecting wilderness characteristics;
- 104,000 acres (100% of lands with wilderness characteristics identified) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., right-of-way avoidance areas, areas where motorized travel is limited to designated routes);
- Zero acres are managed to protect wilderness characteristics.

From: Kristin Bail
To: kathleen_benedetto@ios.doi.gov; jperez@blm.gov
Subject: Fwd: BP on Lands Wilderness Characteristics.docx
Date: Saturday, March 11, 2017 6:34:33 AM
Attachments: [mime-attachment.html](#)
[ATT00001.htm](#)
[BP on Lands Wilderness Characteristics.docx](#)
[ATT00002.htm](#)
[mime-attachment.html](#)
[ATT00003.htm](#)

For awareness. -K

Sent from my iPhone

Begin forwarded message:

From: Shannon Stewart <scstewar@blm.gov>
Date: March 10, 2017 at 7:15:39 PM EST
To: downey_magallanes@ios.doi.gov
Cc: nmoore@blm.gov, Kristin Bail <kbail@blm.gov>
Subject: Fwd: BP on Lands Wilderness Characteristics.docx

Hi Downey

I am forwarding on the attached materials and contact information for Nikki Moore as a follow-up to this afternoon's briefing on Lands with Wilderness Characteristics. Let us know if you need anything else.

Thanks
Shannon

Shannon Stewart
Acting Chief of Staff
Bureau of Land Management
202-570-0149
scstewar@blm.gov

Begin forwarded message:

From: Nikki Moore <nmoore@blm.gov>
Date: March 10, 2017 at 6:00:22 PM EST
To: scstewar@blm.gov
Cc: bwinston@blm.gov
Subject: BP on Lands Wilderness Characteristics.docx

Attached is the briefing paper regarding how management of lands with wilderness characteristics on BLM lands. Also my contact info below. Thanks!

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

BRIEFING MEMORANDUM FOR THE ACTING BLM DIRECTOR

DATE: March 6, 2017
FROM: Nikki Moore, Acting Deputy Assistant Director, National Conservation Lands and Community Partnerships
SUBJECT: Inventorying and Managing BLM Lands with Wilderness Characteristics

The purpose of this memo is to provide clarity on what BLM policies and regulations under the Federal Land Policy and Management Act (FLPMA) require with regard to inventorying lands with wilderness characteristics.

BACKGROUND

The BLM's multiple-use, sustained-yield mandate includes managing the wilderness resource. The BLM does so in three ways:

- 1) managing nearly 8.8 million acres of federally designated wilderness in 10 Western States, under the authority of the Wilderness Act;
- 2) managing 12.6 million acres of Wilderness Study Areas (WSAs) in 12 Western States and Alaska until Congress designates them as wilderness or releases them for other uses, under the authority of Section 603 of the FLPMA; and
- 3) managing other BLM lands—non-Wilderness, non-WSA acres—that have wilderness characteristics, under Section 201 of FLPMA.

This paper describes how the BLM addresses areas in the third category, known as lands with wilderness characteristics.

DISCUSSION

Lands with wilderness characteristics are areas that the BLM has inventoried and found to have wilderness characteristics, as defined by the Wilderness Act (i.e., they possess sufficient size, naturalness, and outstanding opportunities for either solitude or primitive and unconfined recreation).

Identifying land as having wilderness characteristics is an inventory finding. Determining whether that land should be managed to protect those characteristics is an administrative decision that the BLM makes through the land use planning process. This decision does not constitute a formal designation of any kind.

Under Section 201 of FLPMA, the BLM has an ongoing responsibility to “prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values.” This responsibility includes the wilderness resource. In many areas, conditions have changed on the ground from when BLM conducted the initial inventory for the presence of wilderness characteristics over 30 years ago, and now contain a higher level of naturalness.

Below is a brief chronology on the evolution of BLM's policy regarding this resource:

- 2003: A court settlement agreement between then-Interior Secretary Gale Norton and the State of Utah stipulates that the BLM no longer has the authority to designate WSAs.

- 2003–2012: BLM/DOI issues several iterations of policy for inventorying and managing lands with wilderness characteristics, including a 2010 Secretarial Order (“Wild Lands Policy”) that causes controversy with certain stakeholders (policy rescinded in 2011).
- 2008: The U.S. Court of Appeals affirms the BLM has responsibility to maintain a current inventory and manage the wilderness resource: “[W]ilderness characteristics are a value which, under the FLPMA, the Bureau has the continuing authority to manage, even after it has fulfilled its [FLPMA-mandated] duties to recommend some lands with wilderness characteristics for permanent congressional protection. As a result, the BLM’s completion of its permanent preservation recommendations for the planning area does not mean that the Bureau may entirely decline to consider wilderness characteristics presently existing in the area.” (*Oregon Natural Desert Association v. Bureau of Land Management*, 531 F.3d 1114 (9th Cir. 2008, as amended). A series of related cases also reaffirm this authority.
- 2012: BLM releases Manual 6310—Conducting Wilderness Characteristics Inventory on BLM Lands, and Manual 6320—Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, which serve as the current policy.

CURRENT POLICY

Manual 6310 contains the BLM’s policy and guidance on conducting inventories of wilderness characteristics, while Manual 6320 describes how the BLM incorporates the results of those inventories in its land-use planning process.

Once an inventory is completed, Manual 6320 states that BLM’s consideration of the lands with wilderness characteristics identified in the planning process may result in several outcomes. The manual lists three outcomes, which are intended to represent more of a continuum rather than discrete options:

- 1) prioritize other uses while not protecting wilderness characteristics;
- 2) minimize impacts to wilderness characteristics while managing for other uses; and
- 3) protect wilderness characteristics as a priority over other multiple uses.

When revising a Resource Management Plan (RMP), a State Director may choose any one of these outcomes, or some combination thereof, for parcels of land containing wilderness characteristics, provided that the plan documents the basis for this determination.

Finding that an area possesses wilderness characteristics does not mean that the BLM must manage to protect those characteristics. Inventory and management are often conflated, which leads to confusion about the true nature of the policy. Inventory and management are separate activities, carried out under different provisions of FLPMA (Sections 201 and 202, respectively).

In response to a provision in the Fiscal Year 2011 appropriations law, the BLM currently does not track the acres of lands with wilderness characteristics it has inventoried, nor the number of those acres it has decided to manage for protection.

The Forest Service's policy on lands with wilderness characteristics is substantially similar to the BLM's.

RMPs that have incorporated updated inventories across the entire planning area have generally encountered fewer protests than those that have not. In cases where RMPs have relied on incomplete inventory data, some Field Offices are realizing the vulnerability to appeals when implementing plans, and are now proposing amendments to address wilderness characteristics in a more comprehensive fashion. Other offices are delaying implementation of certain decisions until inventories are updated.

There is also the misperception that identifying and/or managing lands with wilderness characteristics will lead to the designation of additional WSAs or constitute some form of recommendation for wilderness designation. This is not the case. The intent of the BLM policy for lands with wilderness characteristics is to comply with FLPMA, both in terms of inventorying for the presence of wilderness characteristics and managing such lands as a resource through land use planning decisions.

ATTACHMENT

Examples of RMPs That Consider Lands with Wilderness Characteristics

ATTACHMENT
Examples of RMPs That Consider Lands with Wilderness Characteristics

BACKGROUND

Manual 6320—Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process describes a variety of management actions that may protect lands with wilderness characteristics. Such actions could include:

- Closing an area to leasing or allowing leasing but only with no surface occupancy with no exceptions, waivers, or modifications;
- Designating as a right-of-way exclusion area; or
- Designating an area as closed to motor vehicle use, or as limited to mechanized use on designated routes.

Manual 6320 also allows the BLM to emphasize other multiple uses while applying management restrictions to minimize impacts to wilderness characteristics. Examples of such restrictions include:

- Applying fluid mineral leasing stipulations of controlled surface use;
- Designating right-of-way avoidance areas;
- Designating an area as limited to motor vehicle use on designated routes.

As demonstrated in the following examples, Manual 6320 provides the BLM considerable latitude in considering lands with wilderness characteristics. Rather than presenting an all-or-nothing “Protect/Do Not Protect” choice, the manual allows the BLM to select from several management outcomes so long as the plan documents the rationale for the decision.

**Colorado: White River Field Office Approved RMP Amendment for Oil and Gas Development
*Record of Decision signed August 2015***

BLM Colorado identified 301,700 acres of lands with wilderness characteristics in the planning area:

- 164,000 acres (55% of lands with wilderness characteristics identified) are managed to prioritize other uses while not protecting wilderness characteristics (i.e., open to leasing, without any lease stipulations designed to protect wilderness characteristics);
- 66,200 acres (22% of lands with wilderness characteristics identified) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., open to leasing with a Controlled Surface Occupancy stipulation);
- 71,500 acres (23% of lands with wilderness characteristics identified) are managed to protect wilderness characteristics (i.e., open to leasing with a No Surface Occupancy stipulation).

Montana: Hi-Line Approved RMP
Record of Decision signed September 2015

BLM Montana identified 399,448 acres of lands with wilderness characteristics in the planning area:

- 92,190 acres (23% of lands with wilderness characteristics identified) are managed to prioritize other uses while not protecting wilderness characteristics;
- 290,865 acres (73% of lands with wilderness characteristics identified) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., No Surface Occupancy with limited exceptions and no waivers);
- 16,393 acres (4% of lands with wilderness characteristics identified) are managed to protect wilderness characteristics.

Alaska: Approved Eastern Interior Resource Management Plan
Record of Decision signed January 2017

Of the 6,524,000 acres in the planning area:

- 3,068,000 acres (47% of planning area) are managed to prioritize other uses while not protecting wilderness characteristics;
- 3,456,000 acres (53% of planning area) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., allows temporary structures and equipment placement related to hunting, fishing, and trapping; cross-country snowmobile travel; and limited off-highway vehicle use);
- Zero acres are managed to protect wilderness characteristics as a priority over other multiple uses.

Idaho: Jarbidge Approved RMP
Record of Decision signed September 2015

BLM Idaho identified 104,000 acres of lands with wilderness characteristics in the planning area:

- Zero acres are managed to prioritize other uses while not protecting wilderness characteristics;
- 104,000 acres (100% of lands with wilderness characteristics identified) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., right-of-way avoidance areas, areas where motorized travel is limited to designated routes);
- Zero acres are managed to protect wilderness characteristics.

From: Kathleen Benedetto
To: katharine_macgregor@ios.doi.gov; richard_cardinale@ios.doi.gov
Subject: Fwd: Mineral withdrawals
Date: Saturday, March 11, 2017 11:52:34 AM
Attachments: [ATT00001.htm](#)
[Attachment 3 - Withdrawals Raw Data 03.06.2017.xlsx](#)
[Mineral Withdrawals briefing memo Att 1&2 03.06.17.docx](#)
[ATT00002.htm](#)

FYI

Sent from my iPhone

Begin forwarded message:

From: "Douglas, Lara" <ledouglas@blm.gov>
Date: March 7, 2017 at 1:03:12 PM EST
To: Kathleen Benedetto <kathleen_benedetto@ios.doi.gov>
Cc: Kristin Bail <kbail@blm.gov>, Jerome Perez <jperez@blm.gov>, Michael Nedd <mnedd@blm.gov>, "McGinnis, Shelley" <smcginnis@blm.gov>, Beverly Winston <bwinston@blm.gov>, Shannon Stewart <scstewar@blm.gov>, "Madrid, Liana" <lmadrid@blm.gov>
Subject: Mineral withdrawals

Kathy,

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

Lara

Lara Douglas
Acting Chief of Staff

Bureau of Land Management
202-208-4586

PLO	FR_PUBL	EXPIRES	ST	AGCY	PROJECT	ACREAGE	REMARKS
5645	7/19/1978	7/18/2018	AK	DOT	POKER CREEK CUSTOMS STATION	10	EXTENDED BY PLO 7336 (FR 6/4/1998)
5696	2/12/1980		AK	FWS	INNOKO NWR	40,800,000	
5697	2/12/1980		AK	FWS	KANUTI NWR	663	
5698	2/12/1980		AK	FWS	KENAI NWR	400	
5699	2/12/1980		AK	FWS	KOYUKUK NWR	680	
5700	2/12/1980		AK	FWS	NOWITNA NWR	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 2,100,000 acres.
5701	2/12/1980		AK	FWS	SELAWIK NWR	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 2,176,000 acres.
5702	2/12/1980		AK	FWS	TETLIN NWR	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 700,058 acres.
5703	2/12/1980		AK	FWS	TOGIAK NWF	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 4,102,537 acres.
5704	2/12/1980		AK	FWS	YUKON DELTA NWR	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 19,160,000 acres.
5705	2/12/1980		AK	FWS	YUKON FLATS NWR	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 8,848,000 acres.
5706	2/12/1980		AK	NPS	ANIACHAK NAT RES AREA	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 601,294 acres.
5707	2/12/1980		AK	NPS	LAKE CLARK NAT RES AREA	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 4,030,015 acres.
5708	2/12/1980		AK	NPS	NOATAK NAT RES AREA	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 6,569,904 acres.
5709	2/12/1980	AK	NPS	WRANGELLS-ST ELIAS NRA	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 13,175,799 acres.	
5710	2/12/1980	AK	FWS	ALASKA MARINE RESRCS NWR	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 4,900,000 acres.	

PLO	FR_PUBL	EXPIRES	ST	AGCY	PROJECT	ACREAGE	REMARKS
5711	2/12/1980		AK	FWS	ARCTIC NWR	0	No acreage listed in BLM database. The Alaska National Interest Lands Conservation Act of 1980 defined the boundaries and withdrawal. Approximately 19,286,722 acres.
6127	2/11/1982	2/10/2022	AK	BLM	CAMPBELL AIRSTRIP	795	EXTENDED BY PLO 7471 (FR 11/30/2000)
6244	5/13/1982	5/12/2022	AK	DOA	FORT RICHARDSON-DAVIS RNG	3,340	EXTENDED BY PLO 7514 (FR 3/7/2002)
6458	9/6/1983	9/5/2023	AK	USGS	MAGNETIC OBS & SITKA CEME	117	EXTENDED BY PLO 7581 (FR 9/4/2003)
6534	5/17/1984		AK	VA	FORT RICHARDSON CEMETERY	39	TRANSFER FROM DOA TO VA
6676	5/23/1988	5/22/2028	AK	FS	CAPE FANSHAW NATURAL AREA	600	EXTENDED BY PLO 7683 (FR 1/2/2008)
6677	5/23/1988	5/22/2028	AK	DAF	BEAVER CREEK RADIO RELAY SITE	3	EXTENDED BY PLO 7699 (FR 4/15/2008)
6705	1/11/1989	1/10/2029	AK	DAF	BEAVER CREEK RESEARCH SITE	3,630	EXTENDED BY PLO 7703 (FR 4/16/2008)
6706	1/11/1989	1/10/2029	AK	DAF	INDIAN MT RESEARCH SITE	4,607	EXTENDED BY PLO 7727 (FR 1/16/2009)
6709	2/15/1989	2/14/2029	AK	NOAA	TRACKING STATION	8,500	EXTENDED BY PLO 7710 (FR 6/24/2008)
6839	3/21/1991	4/1/2031	AK	BLM	BARROW NARL SITE	226	EXTENDED BY PLO 7760 (FR 4/11/2011)
6884	10/2/1991	10/1/2031	AK	FS	KENAI RIVER ET AL RECREATION AREAS	1,855	EXTENDED BY PLO 7770 (FR 6/22/2011)
6888	10/8/1991	10/7/2031	AK	FS	JUNEAU FALLS RECREATION AREA	320	EXTENDED BY PLO 7769 (FR 6/22/2011)
6892	10/18/1991	10/17/2031	AK	FS	SIXMILE CREEK RECREATION AREA	473	EXTENDED BY PLO 7780 (FR 9/30/2011)
6965	4/15/1993	4/14/2033	AK	FS	DOG ISLAND RESEARCH NATURAL AREA	685	EXTENDED BY PLO 7808 (FR 2/21/2013)
7032	3/10/1994	3/9/2034	AK	BLM	MESA SITE	2,560	EXTENDED BY PLO 7823 (FR 3/11/2014)
7177	12/21/1995	12/20/2035	AK	FS	GLACIER LOOP ADMINISTRATIVE SITE	23	EXTENDED BY PLO 7845 (FR 12/30/2015)
7263	6/9/1997	6/8/2017	AK	FS	FISH CREEK	9	CORRECTED FR 7/10/97
7372	12/15/1998		AK	BLM	LAKE TODATONTEN	37,579	PL 104-333
7393	5/28/1999	5/27/2029	AK	FS	SPENCER GLACIER MATERIAL SITE	600	EXTENDED BY PLO 7824 (FR 5/29/2014)
7531	8/6/2002	8/5/2022	AK	AF	KING SALMON ENVIRONMENTAL REMEDIATION PROJECT	1	REVOKES FAA AIR NAVIGATION SITE 169
7555	2/13/2003	2/12/2023	AK	FS	RUSSIAN RIVER & UPPER RUSSIAN LAKE REC CORRIDOR	2,998	
7560	4/7/2003		AK	BLM	HAIDA CORPORATION	63	PL 99-664 LAND EXCHANGE ACT
5741	7/31/1980	7/30/2080	AZ	COE	PAINTED ROCK DAM	4,880	100 YEARS
5758	9/26/1980		AZ	FS	SITGREAVES NF ADDITION	341	
5762	9/26/1980		AZ	FS	PRESCOTT NF ADDITION	55	
6044	10/8/1981	10/7/2021	AZ	FWS	HAVASU NWR	2,781	
6493	12/20/1983	12/19/2023	AZ	DOJ	BUREAU OF PRISONS SEWAGE TREATMENT	70	EXTENDED BY PLO 7474 (FR 12/22/2000)
6711	3/16/1989		AZ	BOP	CORRECTIONS FACILITY	86	BUREAU OF PRISONS
6801	9/19/1990	9/18/2030	AZ	FS	WHIPPLE OBSERVATORY	61	EXTENDED BY PLO 7749 (INCLUDES PLO 6812)
6812	10/31/1990	10/30/2030	AZ	FS	WHIPPLE BASE CAMP	40	EXTENDED BY PLO 7749 (FR 9/17/2010) (INCLUDES PLO 6801)
7058	6/3/1994	6/2/2044	AZ	FS	SEARS-KAY RUIN SITE	160	
7197	5/28/1996	5/27/2046	AZ	BLM	WATERMAN MTN ACEC	2,335	
7212	9/5/1996	9/15/2046	AZ	BLM	GILA RIVER ACED	1,720	
7251	4/7/1997	4/6/2017	AZ	FS	HIGWAY 87 ROAD ZONE	7,550	CORRECTED FR 1/5/2001
7341	6/16/1998	6/15/2048	AZ	BLM	CLAY HILLS ACEC	1,119	
7384	4/20/1999	4/19/2019	AZ	BOR	LAKE PLEASANT EXPANSION	1,988	
7387	5/3/1999	5/2/2019	AZ	FS	OAK CREEK CANYON REC AREA	10,500	
7414	10/12/1999	10/11/2019	AZ	FS	HASSAYAMPA RIVER RIPARIAN CORRIDOR	1,677	
7420	12/3/1999	12/2/2019	AZ	BOR	ROOSEVELT LAKE EXPANSION AREA	9,175	

PLO	FR_PUBL	EXPIRES	ST	AGCY	PROJECT	ACREAGE	REMARKS
7439	3/17/2000	3/16/2020	AZ	FS	BRADSHAW REC SITES	2,833	
7467	10/16/2000	10/15/2020	AZ	FS	SAN FRANCISCO PEAKS/MT ELDON REC AREA	74,381	320 AC NONFEDERAL ADDITIONAL;CORR FR 12/18/2000
7664	6/12/2006	6/11/2026	AZ	FS	DIAMOND RIM QUARTZ CRYSTAL INTERPRETIVE AREA	990	
7675	5/18/2007		AZ	NPS	PETRIFIED FOREST NATIONAL PARK EXPANSION	15,228	PL 108-430
7730	2/9/2009	2/8/2029	AZ	FS	RED ROCK RANGER DISTRICT ADMIN SITE	62	CORR 74 FR 7260 (2/13/09)
7787	1/18/2012	1/20/2032	AZ	BLM	GRAND CANYON WATERSHED	1,006,545	INCLUDES NFS LANDS
7818	7/5/2013	6/26/2033	AZ	BLM	SOLAR ENGERY ZONES	5,950	INCLUDES 6 STATES
5663	5/23/1979		CA	FS	SIX RIVERS NF ADDN	40	CORR 6/28/79
5712	2/20/1980	2/19/2020	CA	FWS	TULE LAKE NWR	1,291	
5726	6/3/1980	6/2/2080	CA	BOR	SUGAR PINE DAM	1,516	
6443	7/25/1983		CA	FS	TONTO NF ADDITION	104	
6497	12/23/1983		CA	FS	SIX RIVERS NF ADDITION	30	
6652	7/22/1987	7/21/2027	CA	FS	PETERSBURG ADMINISTRATIVE SITE	30	EXTENDED BY PLO 7679 (FR 8/10/2007)
7113	1/27/1995	1/26/2045	CA	BLM	DOG TOWN MINING SITE	110	
7145	6/1/1995	5/31/2045	CA	BLM	ASH VALLEY ACEC	1,322	
7149	8/3/1995	8/2/2045	CA	FS	TRAVERSE CREEK	270	
7154	8/28/1995	8/27/2045	CA	FS	HARLOW CABIN SITE	20	
7179	1/25/1996	1/24/2036	CA	FS	UCA-BERKELEY SEISMIC OBSERVATORY	45	EXTENDED BY PLO 7848 (FR 1/22/2015)
7260	5/13/1997	5/12/2017	CA	BLM	RED ROCK CANYON PARK	8,896	
7280	8/28/1997	8/27/2047	CA	BLM	JORDAN CRK/BOWER CVE	1,236	
7308	1/14/1998	1/13/2018	CA	BLM	TRINITY RIVER/CLEAR CREEK	344	
7343	7/1/1998	6/30/2048	CA	BLM	PECHANGA HISTORIC SITE	20	
7406	8/31/1999	8/30/2049	CA	FS	SODA ROCK SPECIAL INTEREST AREA	40	
7423	12/16/1999	12/15/2049	CA	BLM	SOUTH FORK OF AMERICAN RIVER	1,533	SIG DATE CORRECTED FR 12/28/99
7447	6/2/2000		CA	NPS	CABRILLO NATIONAL MONUMENT	26	TRANSFER FROM DON TO NPS
7469	10/27/2000	10/26/2020	CA	BLM	INDIAN PASS AREA	9,361	
7501	10/12/2001	10/11/2021	CA	BLM	PIEDRAS BLANCAS LIGHT STATION	20	ALSO REVOKES CG WITHDRAWAL
7585	10/3/2003		CA	VA	FT ROSECRANS NATIONAL CEMETERY	6	TJ FROM DEPT OF NAVY
7716	9/23/2008		CA	FWS	TODD & FOSTER ISLANDS	472	SACRAMENTO RIVER NW REFUGE
7723	1/2/2009		CA	NPS	CHANNEL ISLANDS NATIONAL PARK	700	COMBINED WITH USCG REVOCATION
7746	7/15/2010	7/14/2020	CA	BLM	SOUTH FORK AMERICAN RIVER	2,238	
7795	8/7/2012	8/6/2032	CA	BLM	CLEAR CREEK SERPENTINE ACEC	28,727	
7801	9/24/2012	9/10/2017	CA	BLM	29 PALMS PROPOSED EXPANSION	376,243	AID OF LEGISLATION
7807	1/17/2013	1/16/2033	CA	DON	CAMP MICHAEL MONSOOR MTN TRAINING FACILITY	3,386	
7818	7/5/2013	6/26/2033	CA	BLM	SOLAR ENERGY ZONES	165,179	INCLUDES 6 STATES
7834	4/16/2015	4/15/2035	CA	BLM	N & MIDDLE FORK AMERICAN RIVER (AUBURN DAM)	6,737	
7839	9/9/2015	8/20/2035	CA	BLM	TRINITY WILD & SCENIC RIVER	3,664	INCLUDES 3123 ACRES BLM & 541 ACRES NFS LANDS
7846	12/25/2015		CA	DON	CHOCOLATE MTN AERIAL GUNNERY RANGE	501	PL 113-66 (127 STAT 1040)
5718	4/14/1980	4/13/2020	CO	FS	EISENHOWER MEMORIAL TUNNEL	1,365	EXTENDED BY PLO 7442 (FR 4/5/2000)
5733	7/10/1980	7/9/2080	CO	BOR	DALLAS CREEK PROJECT	1,025	100 YEARS
5811	1/22/1981	1/21/2021	CO	BOR	MCPHEE DAM & RESERVOIR	1,263	EXTENDED BY PLO 7473 (FR 12/22/2000)
5979	8/27/1981	9/2/2021	CO	BLM	CRAIG & NORWOOD ADMINISTRATIVE SITES	2	EXTENDED BY PLO 7488 (FR 5/21/2001)

PLO	FR_PUBL	EXPIRES	ST	AGCY	PROJECT	ACREAGE	REMARKS
6311	8/10/1982	8/9/2022	CO	FS	FRAVERT ADMINISTRATIVE SITE	5	EXTENDED BY PLO 7530 (FR 8/5/2002)
6444	7/25/1983		CO	NPS	ROCKY MOUNTAIN NP	240	
6531	5/9/1984	5/8/2024	CO	FWS	ARAPAHO NWR	3,073	
6588	3/7/1985	3/6/2035	CO	FS	RECREATION AND RESOURCE VALUES	820	
6609	8/15/1985		CO	NPS	ROCKY MOUNTAIN NP	49	PL 96-560
6625	10/16/1986	10/15/2036	CO	FS	KEYSTONE SKI AREA	4,572	
6684	6/15/1988	6/14/2038	CO	FS	BRECKENRIDGE SKI AREA	1,440	
6691	12/9/1988	12/8/2088	CO	FS	DEEP CREEK CAVES	2,761	100 YEARS
6731	6/28/1989	6/27/2039	CO	FS	ASPEN MOUNTAIN SKI AREA	374	
6750	10/23/1989	10/22/2039	CO	FS	BEAVER CREEK SKI AREA	4,222	
6767	2/13/1990		CO	DOE	CHENEY RES TRANSFER	360	PERMANENT TRANSFER UMTRCA
6808	10/25/1990	10/24/2040	CO	FS	BUTTERMILK SKI AREA	878	
6863	6/17/1991	6/16/2031	CO	FWS	LEADVILLE FISH HTCH	80	
6873	8/28/1991		CO	DOE	ESTES GULCH UMTRCA	205	PERMANENT TRANSFER UMTRCA
6894	10/18/1991	10/17/2041	CO	BOR	FRYINGPAN-ARKANSAS	2,123	
6931	6/15/1992		CO	DOE	GUNNISON DISPOSAL SITE	115	PERMANENT TRANSFER UMTRCA
7036	4/1/1994	3/31/2044	CO	FS	LAKE CATAMOUNT	4,775	
7088	9/30/1994	6/14/2038	CO	FS	BRECKENRIDGE SKI	280	
7089	9/30/1994	9/29/2044	CO	FS	PURGATORY SKI AREA	2,361	
7090	9/30/1994	10/15/2036	CO	FS	KEYSTONE SKI AREA	1,778	
7095	10/20/1994	10/19/2044	CO	FS	WINTER PARK SKI AREA	4,975	
7107	12/15/1994		CO	FS	PWR NO 77	40	PL 101-510
7137	4/13/1995		CO	DOE	MAYBELL UMTRCA	140	PERMANENT TRANSFER UMTRCA
7138	5/4/1995		CO	DOE	SLICK ROCK UMTRCA	61	PERMANENT TRANSFER UMTRCA
7155	8/29/1995	8/28/2045	CO	FS	STEAMBOAT SKI AREA	3,462	
7160	9/21/1995	9/20/2045	CO	FS	TELLURIDE SKI AREA	4,000	
7163	10/3/1995	10/2/2045	CO	BLM	CULTURAL SITES	4,526	
7178	12/21/1995	12/20/2045	CO	FS	ASPEN HIGHLANDS SKI	3,333	
7180	1/25/1996	1/24/2046	CO	BOR	HORSETHIEF CANYON	497	
7232	12/31/1996	12/30/2046	CO	FS	LOVELAND SKI AREA	850	
7259	5/9/1997		CO	NPS	FLORISSANT FOSSIL BEDS NATIONAL MONUMENT	442	MINERALS ONLY
7293	10/30/1997	10/29/2017	CO	FS	NEDERLAND WORK CENTER	52	
7302	12/11/1997	12/10/2047	CO	FWS	ARAPAHO NWR	1,720	
7377	3/19/1999	3/18/2019	CO	BLM	UNAWEEP SEEP RNA	1,440	
7399	7/15/1999	7/14/2019	CO	BLM	3 RECREATION SITES	130	
7417	12/1/1999	11/30/2049	CO	BLM	ROUGH CANYON ACEC	2,727	
7455	6/30/2000	6/29/2020	CO	BLM	SAGUACHE SMELTER SITE	60	
7466	10/16/2000	10/15/2020	CO	BLM	UPPER CO RIVER SRMA	12,237	7020 AC NONFEDERAL ADDITIONAL
7538	9/12/2002		CO	FS	SAN ISABEL NATIONAL FOREST	837	PERMANENT TRANSFER; TAYLOR GRAZING ACT EXC.
7582	9/18/2003	9/17/2053	CO	DOE	RIO BLANCO PROJECT EXPERIMENTAL SITE	200	160 AC FED MINERALS ALSO
7641	8/10/2005		CO	FWS	BACA NATIONAL WILDLIFE REFUGE	1,179	PL 106-530
7700	4/18/2008		CO	DOE	MAYBELL WEST URANIUM REPOSITORY	160	UMTRCA

PLO	FR_PUBL	EXPIRES	ST	AGCY	PROJECT	ACREAGE	REMARKS
7733	5/27/2009	5/21/2029	CO	BLM	EMERALD MTN REC MGT AREA	4,138	ACQ BY EXCHANGE
7735	6/11/2009	6/10/2029	CO	BLM	TOWNSEND'S BIG-EARED BAT MATERNITY ROOSTS	22	ABANDONED MINE ADITS
7783	9/23/2011	9/22/2026	CO	DOA	PL 104-201 EXTENSION;FT CARSON PINON CANYON	147,204	EXTENSION;INCLUDES 141,554 AC FED MINS;
7818	7/5/2013	6/26/2033	CO	BLM	SOLAR ENERGY ZONES	16,904	INCLUDES 6 STATES
7833	4/6/2015	3/23/2035	CO	BLM	BROWNS CANYON CORRIDOR	230	
6659	9/30/1987		ES	NPS	BUFFALO NATIONAL RIVER, ARKANSAS	723	
5631	3/23/1978		ES	FS	OZARK NF, ARKANSAS	40	ALSO 12123.71 AC PRIVATE (FOR ACQUISITION)
5683	9/12/1979	9/11/2019	ES	FWS	PELICAN ISLAND, FLORIDA	38	
6601	4/25/1985		ES	FS	CHOCTAWAHTCHE NF, FLORIDA	282	TRANSFER FROM DOD
6619	7/25/1986	7/24/2026	ES	FWS	NECEDAH NWR, WISCONSIN	4,107	EXTENDED BY PLO 7667 (FR 7/27/2006)
6620	8/6/1986	8/5/2036	ES	NPS	LOWER ST CROIX, WISCONSIN	83	
6630	11/18/1986	11/18/2026	ES	NPS	VOYAGEURS NP, MINNESOTA	49	EXTENDED BY PLO 7672 (FR 12/4/2006)
6843	4/10/1991	3/31/2031	ES	FWS	PINE ISLAND & MATIACHA PASS NWR, FLORIDA	412	
7374	12/17/1998		ES	FWS	WHITEFISH LIGHTHOUSE, MICHIGAN	44	PL 104-208;TRANSFER FROM USCG
7542	10/8/2002		ES	VA	BARRANCAS NATIONAL CEMETERY, FLORIDA	50	TJ FROM DON;PENSACOLA NAVAL AIR STATION
7605	6/17/2004		ES	FS	TALLADEGA NATL FOREST BOUNDARY MODIFICATION, ALABAMA	559	PUB L 104-310
7681	10/17/2007	10/16/2057	ES	FWS	PLUM & PILOT ISLANDS, WISCONSIN	329	TJ FROM USCG
5638	6/2/1978		ID	COE	DWORSHAK DAM	4,028	CORRECTED 7/20/78
5693	2/5/1980		ID	FS	PINE SEED ORCHARD	70	
5773	11/14/1980	11/13/2080	ID	BOR	AMERICAN FALLS IRRIG FACILITY	80	100 YEARS
5970	7/9/1981	7/8/2031	ID	BLM	RUSSELL BAR PINE SEED ORCHARD	19	
6629	11/13/1986	11/12/2026	ID	BLM	LOWER SALMON RIVER	16,838	EXTENDED BY PLO 7671 (FR 9/27/2006)
6668	3/24/1988	3/23/2072	ID	COE	DWORSHAK DAM	765	84 YEARS
6670	4/1/1988	3/31/2028	ID	BLM	LOWER SALMON RIVER	9,729	EXTENDED BY PLO 7671 (FR 9/27/2006)
6686	8/11/1989	8/10/2038	ID	COE	CROOKED RIVER FISH HATCHERY	12	
6743	8/16/1989		ID	NPS	HAGERMAN FOSSIL BEDS	3,788	PL 100-696
7059	6/3/1994	6/2/2044	ID	BLM	BIG WOOD RIVER	309	
7130	3/31/1995	3/30/2035	ID	FWS	GRAYS LAKE REFUGE HQ	38	EXTENDED BY PLO 7830 (FR 2/20/2015)
7306	1/2/1998	1/1/2018	ID	FS	HOWELL CANYON	3,806	
7365	9/25/1998	9/24/2048	ID	FS	CALF CREEK SOIL SITE	96	
7456	6/29/2000	6/28/2020	ID	BLM	BURLEY ADMINISTRATIVE SITE	19	
7809	2/21/2013	2/12/2033	ID	FS	SETTLER S GROVE BOTANICAL	183	REPLACES EXPIRED PLO 6658
7385	4/20/1999		MI	NPS	SOUTH MANITOU LIGHTHOUSE	10	PL 91-479 TRANSFER FROM USGS TO NPS
5793	12/24/1980	12/23/2020	MT	FS	TERRY PEAK ELECTRONIC SITE	25	EXTENDED BY PLO 7477 (FR 12/22/2000)
5816	1/22/1981		MT	VA	FORT MEADE CEMETERY	0	MODIFYS PLO 2112 TO TRANSFER JURISDICTION TO VA
6225	3/18/1982	3/17/2022	MT	FWS	DASH LAKE WATERFOWL	14	
6560	8/10/1984	8/5/2024	MT	FS	WISDOM ADM SITE	60	EXTENDED BY PLO 7610 (FR 8/13/2004)
6664	3/7/1988	3/6/2028	MT	BLM	PETROGLYPH CANYON	840	EXTENDED BY PLO 7690 (FR 3/7/2008)
6669	3/24/1988	3/23/2028	MT	FS	LINCOLN GULCH HISTORIC SITE	90	EXTENDED BY PLO 7696 (FR 3/25/2008)
6674	4/27/1988	4/26/2028	MT	BLM	BLACKTAIL CREEK PALEONTOLOGICAL SITE	320	EXTENDED BY PLO 7695 (FR 3/25/2008)
6861	6/6/1991	6/5/2031	MT	BLM	RATTLER GULCH LIMESTONE CLIFFS ACEC	20	EXTENDED BY PLO 7768 (FR 6/2/2011)
6881	9/19/1991	9/18/2031	MT	FS	HOWARD LAKE RECREATION AREA	95	EXTENDED BY PLO 7781 (FR 10/5/2011)

PLO	FR_PUBL	EXPIRES	ST	AGCY	PROJECT	ACREAGE	REMARKS
6912	11/29/1991	11/28/2031	MT	BLM	MT HAGGIN PREHISTORIC QUARRY SITE	490	EXTENDED BY PLO 7785 (FR 12/6/2011)
6958	3/2/1993	3/1/2023	MT	FS	CRYSTAL PARK RECREATION AREA	220	
6997	9/28/1993	9/27/2033	MT	FWS	CM RUSSELL NW REFUGE	891,442	MINERAL ESTATE ONLY;EXTENDED BY PLO 7815 (FR 6/14/2013)
7174	11/28/1995	11/27/2035	MT	FS	PACTOLA RECREATION AREA	35	EXTENDED BY PLO 7837 (FR 7/16/2015)
7206	7/9/1996	7/8/2046	MT	FWS	WATERFOWL PROD AREAS	1,109	CORRECTED FR 7/16/96
7208	7/25/1996	7/24/2046	MT	FS	SNOWBIRD MINE	38	
7211	9/10/1996		MT	FS	CUSTER NF	1,037	
7254	4/10/1997	4/9/2037	MT	BLM	SWEET GRASS HILLS	19,685	CORRECTED FR 4/28/97;EXTENDED BY PLO 7857 (FR 12/7/2016)
7282	8/19/1997	8/18/2017	MT	BLM	NEW WORLD MINE	26,223	PERMANENTLY WITHDRAWN BY PL 106-113
7381	3/25/1999	3/24/2049	MT	BLM	CRYSTAL CAVE	174	
7463	10/5/2000	10/4/2020	MT	BLM	DEVIL'S ELBOW REC SITE	101	
7464	10/5/2000	10/4/2020	MT	BLM	ZORTMAN-LANDUSKY MINE RECLAMATION AREA	3,530	EXTENDED BY PLO 7841 (FR 10/5/2015)
7472	12/8/2000	12/7/2050	MT	BLM	BEAVERHEAD RIVER	2,244	
7480	1/22/2001	1/21/2021	MT	FS	ROCKY MOUNTAIN FRONT	405,000	CORRECTED FR 2/12/01;FR 2/14/01
7492	8/22/2001	8/23/2021	MT	BLM	FOUR DANCES NATURAL AREA	765	
7549	12/27/2002	12/26/2022	MT	FS	LEHMI PASS NATIONAL HISTORIC LANDMARK	1,329	INCLUDES 1,043 ACRES IN IDAHO
7602	5/7/2004	5/6/2054	MT	BLM	AXOLOTL LAKES AREA	401	
7705	4/18/2008	4/17/2028	MT	FS	JEWEL CAVE NATIONAL MONUMENT	4,596	PROTECT CAVE RESOURCES;CORR FR 4/29/08
7757	1/11/2011	1/10/2021	MT	FS	BIG ICE CAVE	170	
7803	10/13/2012	9/24/2017	MT	BLM	LIMESTONE HILLS TRAINING AREA	18,761	AID OF LEGISLATION;WITHDRAWN BY PL113-66
7813	4/26/2013		MT	BLM	FT HOWES FIRE FACILITY	5	REVOKES FS WITHDRAWAL & TJ TO BLM
7821	9/24/2013	9/23/2033	MT	FS	STEAMBOAT ROCK PICNIC GROUNDS	50	
7831	3/26/2015		MT	NPS	WIND CAVE NATIONAL PARK ADDITION	77	PL 109-71
7838	8/28/2015	8/27/2035	MT	FS	JEWEL CAVE	2,387	ADJACENT TO NATIONAL MONUMENT
6979	6/4/1993	5/3/2033	ND	FWS	WATERFOWL PRODUCTION AREAS	4,989	
7577	7/28/2003		ND	FS	LITTLE MO NATIONAL GRASSLANDS	640	BLM TO FS
5624	8/31/1977		NM	BLM	TRUST FOR NAVAJO IRRIGATION PROJECT	120,681	PL 87-483 AS AMENDED BY PL 91-416
5722	5/13/1980		NM	FS	CIENEGA REC AREA ADDITION	129	
6182	3/8/1982	3/7/2022	NM	DOA	NM ARMY NATIONAL GUARD RIFLE RANGE	53	EXTENDED BY PLO 7517 (FR 3/15/2002)
6183	3/8/1982	3/7/2022	NM	DOA	FORT SILL	10	EXTENDED BY PLO 7518 (FR 3/15/2002)
6675	5/6/1988	5/5/2028	NM	BLM	RIO GRANDE "PILAR" SECTION	264	EXTENDED BY PLO 7686 (FR 12/19/2007)
6838	3/12/1991		NM	DOE	AMBROSIA LAKA UMTRCA	235	PERMANENT TRANSFER UMTRCA
6845	4/12/1991	4/11/2031	NM	BLM	ARROYO DEL TAJO PICTOGRAPH SITE	200	EXTENDED BY PLO 7762 (FR 4/19/2011)
7067	7/14/1994	7/13/2044	NM	FS	GUADALUPE CANYON	3,980	CORRECTED BY PLO 7124
7080	9/1/1994	8/31/2044	NM	BIA	NAVAJO IRRIGATION PJ	162	
7144	6/1/1995	5/31/2045	NM	BLM	BOX SPECIAL MGT AREA	40	
7201	6/12/1996		NM	DOF	HOLLOMAN AF BASE	1,262	PL 103-337
7210	7/25/1996	7/24/2046	NM	BLM	RACECOURSE ACEC	4,409	
7234	1/15/1997	1/14/2047	NM	BLM	LEE ACRES LANDFILL	135	
7257	5/5/1997	5/4/2047	NM	BLM	TEWA PUEBLO RUINS	291	
7281	8/28/1997	8/27/2047	NM	BLM	EMBUDO CANYON ACEC	2,938	
7291	10/17/1997	10/16/2017	NM	BLM	HUMATE SALE	2,177	PARTIALLY REVOKED BY PLO 7622

PLO	FR_PUBL	EXPIRES	ST	AGCY	PROJECT	ACREAGE	REMARKS
7296	11/28/1997	11/27/2017	NM	FS	SACRAMENTO PEAK OBSV	2,432	
7359	8/27/1998		NM	VA	FORT SILL CEMETERY	391	PL 104-201;TRANSFER FROM DOA
7366	10/29/1998	10/28/2018	NM	BLM	GUADALUPE ACEC	4,972	
7375	1/12/1999	1/11/2019	NM	BLM	SACRAMENTO ACEC	5,445	
7376	2/12/1999	2/11/2049	NM	BLM	LADRON MTN ACEC	4,557	
7382	3/25/1999	3/24/2019	NM	BLM	DEVIL'S BACKBONE	5,608	BIGHORN SHEEP HABITAT
7383	3/25/1999	3/24/2049	NM	BLM	RIO GRANDE CORRIDOR	2,204	INCLUDES 52.30 FEDERAL MINERALS
7392	5/27/1999	5/26/2019	NM	BLM	HUMATE SALE	4,575	INCLUDES 858.52 FED MINERALS
7394	7/1/1999	7/5/2019	NM	BLM	COPPER HILL AREA	4,781	INCLUDES 1148.19 FED MINERALS
7415	10/19/1999	10/18/2019	NM	BLM	DATIL WELL SPECIAL REC MGT AREA	680	
7427	1/14/2000	1/13/2020	NM	BLM	CARLSBAD CAVE AND KARST AREA	8,951	ADD 8198 STATE IF ACQ;COR FR 2/7/00
7457	6/20/2000	6/19/2020	NM	BIA	FT WINGATE DEPOT ACTIVITY	4,526	DOD TO BIA
7479	1/22/2001	1/21/2021	NM	FS	GUADALUPE CAVE RESOURCE AREA	27,300	CORRECTED FR 3/29/01
7490	8/14/2001		NM	DAF	MELROSE TRAINING CENTER	6,714	PL 106-554, SEC. 1002(a)(2)
7495	8/24/2001	8/23/2021	NM	BIA	FT WINGATE ARMY DEPOT	903	TRANSFER FROM DOD
7498	10/9/2001	10/8/2026	NM	BLM	SAWTOOTH ACEC	116	PROTECT ZUNI FLEABANE HABITAT
7535	9/5/2002	9/4/2022	NM	FS	SANDIA ADMIN & TIJERAS PUEBLO INTERPRETIVE SITES	14	
7587	10/27/2003	10/26/2023	NM	FS	LANGMUIR PRINCIPAL RESEARCH SITE	852	
7591	11/20/2003	11/19/2023	NM	DHS	FEDERAL LAW ENFORCEMENT TRAINING CENTER	1,921	
7592	12/10/2003	12/9/2023	NM	BLM	RED ROCK WILDLIFE AREA	712	MINERAL ESTATE ONLY
7593	1/28/2004	1/27/2024	NM	FS	DAVENPORT ELECTRONIC SITE	80	
7599	3/15/2004	3/14/2024	NM	FS	MICROWAVE, CAPILLA & LA MOSCA PEAK ELECTRONIC SITE	329	
7625	2/17/2005	2/16/2025	NM	FS	GALLINAS PEAK & W TURKEY CONE ELEC SITE	140	
7721	1/2/2009	1/1/2029	NM	FS	WATER CANYON RECREATIONAL AREA EXPANSION	65	ADDITION TO PLO 1155
7724	1/2/2009	1/1/2029	NM	DHS	DEMING STATION FORWARD OPERATING BASE	20	CUSTOMS & BORDER PATROL;CORR 4/6/09;CORR 5/4/09
7788	2/15/2012	2/14/2032	NM	FS	RED CLOUD CAMPGROUND	15	
7796	9/5/2012		NM	DAF	PT REVOCATION/TRANSFER JURISDICTION; KIRTLAND AFB	83	PL 111-11;PT REVOKES PLO 995
7818	7/5/2013	6/26/2033	NM	BLM	SOLAR ENERGY ZONES	30,706	INCLUDES 6 STATES
7844	12/8/2015	12/7/2035	NM	BLM	HIGHLY SIGNIFICANT CAVES	3,365	INCLUDES 440 AC FED MINERALS
5727	6/3/1980		NV	FS	TOIYABE NF ADDITION	12,110	
6540	5/30/1984	6/25/2024	NV	BLM	ELKO ADMIN SITE	11	EXTENDED BY PLO 7604 (FR 6/1/2004)
6591	3/19/1985	4/11/2025	NV	DAF	AF COMMUNICATION SIT	200	EXTENDED BY PLO 7630 (FR 4/11/2005)
6760	12/29/1989	12/28/2029	NV	FS	AUSTIN ADMINISTRATIVE SITE	30	EXTENDED BY PLO 7738 (FR 1/5/2010)
6818	11/29/1990	11/28/2030	NV	BLM	TONOPAH ADMINISTRATIVE SITE	5	EXTENDED BY PLO 7754 (FR 12/13/2010)
6849	4/22/1991	4/21/2031	NV	FWS	SHELDON NWR	445,766	MINERAL ESTATE ONLY;EXTENDED BY PLO 7761 (FR 4/26/2011)
7060	6/3/1994	6/2/2034	NV	BLM	SACRAMENTO PASS REC AREA	465	EXTENDED BY PLO 7825 (FR 6/9/2014)
7070	8/4/1994	8/3/2034	NV	FWS	DESERT NATL WILDLIFE	768,997	MINERAL ESTATE ONLY;EXTENDED BY PLO 7828 (FR 8/21/2014)
7131	4/10/1995	11/6/2021	NV	DAF	WHITE SIDES BUFFER	3,972	WITHDRAWN BY PL 106-65; EXPIRES 11-6-2021
7348	7/28/1998	7/27/2018	NV	BLM	CARSON CITY URBAN	18,595	
7349	8/3/1998	8/2/2018	NV	NOAA	NTL WEATHER SERV ADM	15	
7419	12/9/1999	12/8/2019	NV	DAF	NELLIS AIR FORCE BASE BUFFER ZONE	2,252	
7491	7/12/2001	7/4/2021	NV	BLM	WASHOW COUNTY	167,138	ALSO 15,813 AC FED MINERALS

PLO	FR_PUBL	EXPIRES	ST	AGCY	PROJECT	ACREAGE	REMARKS
7566	5/20/2003	5/19/2023	NV	BLM	RHYOLITE HISTORIC SITE	277	
7613	8/18/2004	8/17/2024	NV	DAF	NELLIS AIR FORCE BASE SAFE ZONE	40	REPLACES PLO 1175 AS MODIFIED BY PLO 5832
7634	5/6/2005	5/5/2025	NV	USAF	BASE CAMP;NEVADA TEST & TRAINING RANGE	1,979	INCLUDES PARCEL "A" FROM PLO 6591
7636	5/16/2005	5/15/2025	NV	BLM	PAHRUMP WILDLAND FIRE STATION	15	
7637	5/16/2005	5/15/2025	NV	BLM	LOGANDALE WILDLAND FIRE STATION	10	
7737	11/2/2009	10/29/2029	NV	BLM	24 ACECS	944,343	
7755	12/13/2010	12/12/2030	NV	FWS	ASH MEADOWS NWR	9,461	ALSO 5,570.02 FEDERAL MINERALS
7818	7/5/2013	6/26/2033	NV	BLM	SOLAR ENERGY ZONES	65,946	INCLUDES 6 STATES
5646	9/25/1978		OR	FS	SIUSLAW NF ADDN	118	
6223	3/18/1982	3/17/2022	OR	FWS	WILLAPA NWR	0	
6287	6/24/1982	7/21/2022	OR	FWS	OREGON ISLANDS NWR	208	MADE PERMANENT BY SEC. 701(e) PL 104-208
6373	4/20/1983	4/19/2083	OR	COE	ELK CREEK RESERVOIR	841	100 YEARS
6470	9/29/1983	9/28/2023	OR	FWS	MALHEUR NWR	200	
6476	10/5/1983	10/4/2023	OR	FS	WHEELER CREEK RESEARCH NATURAL AREA	334	EXTENDED BY PLO 7572 (7/16/2003)
6631	11/28/1986	11/27/2026	OR	BLM	SPLIT ROCK RECREATION SITE	25	EXTENDED BY PLO 7669 (FR 9/18/2006)
6776	4/18/1990	4/17/2030	OR	FS	NORTH CASCADES SCENIC HIGHWAY ZONE	8,950	EXTENDED BY PLO 7739 (FR 4/6/2010)
6833	3/21/1991	3/20/2031	OR	FS	WOLF CREEK RNA	143	EXTENDED BY PLO 7759 (FR 3/4/2011)
6856	5/6/1991	5/5/2031	OR	FS	ABBOTT CREEK RNA	2,761	EXTENDED BY PLO 7766 (FR 5/16/2011)
6857	5/6/1991	5/5/2031	OR	FS	SQUAW LAKES RNA	540	EXTENDED BY PLO 7767 (FR 5/16/2011)
6865	7/17/1991	7/16/2031	OR	BLM	OR TRAIL INTERPRETIVE CENTER AT FLAGSTAFF HILL	508	EXTENDED BY PLO 7771 (FR 6/29/2011)
6868	8/14/1991	8/13/2031	OR	FS	STEAMBOAT CREEK	2,400	EXTENDED BY PLO 7774 (FR 8/22/2011)
6870	8/28/1991	8/27/2031	OR	FS	STEAMBOAT MOUNTAIN	1,400	EXTENDED BY PLO 7775 (FR 8/22/2011)
6874	8/28/1991	8/27/2031	OR	FS	PANELLI SEED ORCHARD	60	EXTENDED BY PLO 7777 (FR 9/1/2011)
6875	8/28/1991	8/27/2031	OR	FS	BABYFOOT & BIG CRAGGIES BOTANICAL AREA	1,050	EXTENDED BY PLO 7776 (FR 8/22/2011)
6876	9/10/1991	9/9/2031	OR	FS	CAMPGRNDS & ASHLAND RESEARCH NATURAL AREA	1,854	EXTENDED BY PLO 7778 (FR 9/27/2011)
6880	9/30/1991	9/29/2031	OR	FS	PRINGLE FALLS EXPERIMENTAL FOREST & RNA	11,676	CORRECTED BY PLO 6918;EXTENDED BY PLO 7782 (FR 10/5/2011)
6944	10/1/1992	9/30/2032	OR	FS	GRANITE CHINESE WALLS HISTORIC SITE	44	EXTENDED BY PLO 7802 (FR 9/26/2012)
6947	9/22/1992	9/21/2032	OR	FS	THUNDER EGG LAKE AGATE BEDS	960	EXTENDED BY PLO 7800 (FR 9/24/2012)
6952	11/12/1992	11/11/2032	OR	FS	FRANK BURGE, POLE PICK & PEONY SEED ORCHARDS	110	CORRECTED BY PLO 6962;EXTENDED BY PLO 7805 (FR 11/5/2012)
6963	4/13/1993	4/12/2033	OR	BLM	FLORENCE SAND DUNES	258	EXTENDED BY PLO 7810
6986	7/1/1993	6/30/2033	OR	FS	ILLINOIS W&S RIVER	4,240	EXTENDED BY PLO 7817 (FR 7/5/2013)
7081	9/6/1994	9/5/2044	OR	BLM	EAGLE ROCK	452	
7133	4/13/1995	4/12/2035	OR	FS	5 SEED ORCHARDS	496	EXTENDED BY PLO 7832 (FR 4/8/2015)
7184	2/14/1996	2/13/2036	OR	FS	ELK RIVER WILD & SCENIC CORRIDOR	4,921	CORRECTION 5/17/96FR;EXTENDED BY PLO 7850 (FR 2/11/2016)
7209	7/25/1996	7/24/2036	OR	NPS	CAPE JOHNSON	3	EXTENDED BY PLO 7853 (FR 6/29/2016)
7215	9/11/1996	9/10/2046	OR	BLM	OR PACIFIC COASTLINE	1,009	CORR FR 11/13/96
7233	1/2/1997	1/1/2037	OR	FS	ROGUE RIVER	2,090	EXTENDED BY PLO 7858 (FR 12/12/2016)
7412	9/23/1999	9/22/2019	OR	BLM	LESLIE GULCH ACEC	12,426	
7413	10/7/1999	10/6/2019	OR	BLM	4 RECREATION SITES	143	CORRECTED FR 12/22/99;FR 7/27/01
7436	3/24/2000	3/23/2020	OR	BLM	COOS BAY N SPIT SPECIAL REC MGT AREA & ACEC	1,713	
7445	5/12/2000	5/11/2020	OR	BLM	ROW RIVER TRAIL	189	ADD 11.41 ACRES IF ACQUIRED
7446	5/18/2000	5/17/2050	OR	FS	DESERT SPRINGS SEED ORCHARD	80	

PLO	FR_PUBL	EXPIRES	ST	AGCY	PROJECT	ACREAGE	REMARKS
7490	8/14/2001		OR	DOA	YAKIMA TRAINING CENTER	6,640	PL 106-554, SEC. 1003(a)(2)
7533	8/6/2002	8/5/2022	OR	FS	HOLDEN MINE RECLAMATION PROJECT	1,265	
7556	3/20/2003	3/19/2023	OR	FS	N FORK SMITH RIVER	960	
7608	8/9/2004		OR	COE	CHIEF JOSEPH DAM ADDITIONAL UNITS PROJECT	400	REPLACES EXPIRED PLO 5945
7614	9/14/2004	9/9/2024	OR	FS	HALLIDAY FEN RNA	646	
7651	1/11/2006	1/10/2026	OR	BLM	HOT LAKE NATURAL AREA	80	REPLACES EXPIRED PLO 6364
7652	1/11/2006	1/10/2026	OR	BLM	SAN JUAN ARCHIPELAGO	276	11 TRACTS
7685	1/2/2008	1/1/2028	OR	BLM	QUARTZVILLE CREEK	502	
7715	9/3/2008		OR	NPS	LEWIS & CLARK NATIONAL HISTORIC PARK	1,246	PL 108-387
7789	6/5/2012		OR	NPS	FORT VANCOUVER NATIONAL HISTORIC SITE	34	PL 87-78;INCLUDES PT REVOCATION
7819	7/26/2013	7/25/2018	OR	FS	CHETCO WILD & SCENIC RIVER	5,610	AID OF LEGISLATION
7836	6/18/2015	6/6/2035	OR	FS	WHITE KING/LUCKY LASS MINE REMEDIATION AREAS	241	REPLACES PLO 7519
7842	10/7/2015	10/6/2035	OR	BLM	NEW RIVER ACEC	1,141	REPLACES EXPIRED PLOS 6967 & 7170
7859	1/13/2017	12/29/2036	OR	FS	SW OR WATERSHED PROTECTION (USFS & BLM)	101,022	5,216.18 AC PUBLIC/O&C;95805.53 USFS;1,680 NON-FEDERAL
5609	11/19/1976		UT	BOR	STATELINE DAM	710	CORRECTED 11/29/76
5613	2/15/1977		UT	BOR	TYZACK DAM & RESERVOIR	75	
5984	9/9/1981	9/8/2021	UT	BLM	LITTLE SAHARA REC AREA	3,542	EXTENDED BY PLO 7500 (FR 10/12/2001)
6132	2/17/1982	2/16/2022	UT	BLM	ESCALANTE ADM SITE	40	EXTENDED BY PLO 7512 (FR 2/19/2002)
6543	6/7/1984	6/6/2024	UT	BLM	HENRY MTN ADMIN SITE	41	EXTENDED BY PLO 7590 (FR 11/4/2003)
6713	3/27/1989	12/31/2066	UT	BOR	EAST CANYON RESERVOIR	160	
6749	9/21/1989	9/20/2089	UT	BOR	JORDANELLE DAM	718	100 YEARS
6941	8/6/1992	8/5/2032	UT	BLM	BONNEVILLE SALT FLATS	30,204	EXTENDED BY PLO 7794 (FR 8/9/2012)
7127	3/30/1995	3/29/2045	UT	BLM	WESTWATER CANYON	4,710	
7339	6/2/1998	6/1/2018	UT	BLM	WESTWATER CANYON	3,386	
7402	7/29/1999		UT	NPS	ARCHES NATL PARK EXPANSION	3,140	PL 105-329 DIRECTS TRANSFER
7422	12/21/1999	12/20/2019	UT	DOI	CENTRAL UTAH PROJECT DIAMOND FORK SYSTEM	2,795	
7460	8/10/2000	8/9/2020	UT	BLM	RED CLIFFS DESERT RESERVE	40,550	
7552	2/13/2003	2/12/2053	UT	BOR	TRIAL, WASHINGTON, & LOST LAKE DAMS	268	FS LANDS;CORR FR 6/12/03
7563	4/28/2003		UT	DAF	AIR FORCE MORALE, WELFARE, & RECREATION FACILITY	27	PL 107-107 AUTHORIZES TRANSFER
7618	10/6/2004	10/5/2024	UT	BLM	3 RIVERS	111,895	SIGNED BY SECRETARY NORTON
7668	7/27/2006	7/26/2026	UT	CUP	UTAH LAKE DRAINAGE BASIN & DIAMOND FORK SYSTEM	6,450	
7697	3/31/2008		UT	DOE	CRESCENT JUNCTION URANIUM MILL TAILINGS REPOSITORY	500	UMTRCA;CORR 73 FR 47968
7734	6/11/2009	6/10/2029	UT	DOE	CRESCENT JUNCTION URANIUM MILL TAILINGS REPOSITORY	936	ANCILLARY FACILITIES
7741	5/12/2010		UT	DOI	SHIVWITS BAND OF PAIUTE INDIANS (HELD IN TRUST)	639	PL NO. 111-11
7818	7/5/2013	6/26/2033	UT	BLM	SOLAR ENERGY ZONES	19,215	INCLUDES 6 STATES
6368	4/20/1983	4/19/2023	WY	BLM	HORSETHIEF AND NATURAL TRAP CAVES	528	EXTENDED BY PLO 7565 (FR 4/29/2003)
6578	11/23/1984	11/22/2024	WY	BLM	CASTLE GARDENS REC SITE	110	EXTENDED BY PLO 7612 (FR 8/18/2004)
6581	1/9/1985	1/8/2025	WY	HUD	PUBLIC HOUSING	6	EXTENDED BY PLO 7623 (FR 1/7/2005)
6597	3/26/1985	3/25/2025	WY	BLM	WHITE MT. PETROGLYPH	20	EXTENDED BY PLO 7621 (FR 1/7/2005)
6650	6/23/1987	6/22/2027	WY	BLM	SUGARLOAF PETROGLYPH	20	EXTENDED BY PLO 7678 (FR 6/26/2007)
6665	3/7/1988	3/6/2028	WY	BLM	CROOKED CREEK NATURAL AREA	180	EXTENDED BY PLO 7691 (FR 3/7/2008)
6693	12/9/1988	12/8/2028	WY	BLM	NATURAL CORRALS ARCHEOLOGICAL SITE	357	EXTENDED BY PLO 7719 (FR 12/11/2008)

PLO	FR_PUBL	EXPIRES	ST	AGCY	PROJECT	ACREAGE	REMARKS
6784	7/3/1990	2/8/2038	WY	BOR	ALCOVA RESERVOIR	320	
6797	9/14/1990	9/13/2030	WY	BLM	WHISKEY MOUNTAIN BIGHORN SHEEP WINTER RANGE	9,610	EXTENDED BY PLO 7748 (FR 9/17/2010)
6811	10/25/1990		WY	DOE	SPOOK SITE	80	PERMANENT TRANSFER UMRCA
6835	3/21/1991	3/20/2091	WY	BOR	PATHFINDER DAM	2,089	100 YEARS
6886	10/8/1991	10/7/2031	WY	FS	SNOWY RANGE RECREATION AREA	21,636	EXTENDED BY PLO 7784 (FR 10/11/2011)
6928	5/29/1992	5/28/2032	WY	FS	CRANDALL CREEK ADMINISTRATIVE SITE	30	EXTENDED BY PLO 7791 (FR 6/5/2012)
6960	3/30/1993	3/29/2033	WY	BLM	E FORK ELK WINTER RANGE	10,535	EXTENDED BY PLO 7811 (FR 4/15/2013)
7287	10/9/1997	10/8/2047	WY	FWS	CRESCENT LAKE NWR	146	
7295	10/30/1997	10/29/2047	WY	BLM	BIG CEDAR RIDGE	270	
7312	2/23/1998	2/22/2048	WY	BLM	PLANT HABITAT	1,020	
7319	3/4/1998	3/3/2048	WY	BLM	SPIRIT MTN CAVERNS	231	
7337	5/28/1998	5/27/2048	WY	BLM	PLANT HABITAT	4,237	
7434	3/24/2000	3/23/2020	WY	BLM	WHISKEY MTN BIGHORN SHEEP WINTER RANGE	1,431	
7513	2/21/2002	2/20/2022	WY	FS	TIE HACK CAMPGROUND	21	
7546	12/9/2002	12/8/2022	WY	FS	SWEETWATER RIVER	4,943	
7628	3/8/2005	3/7/2025	WY	BLM	PRYOR MTN WILD HORSE RANGE	1,960	
7688	1/30/2008	1/29/2028	WY	BLM	YERMO XANTHOCEPHALUS (DESERT YELLOWHEAD) HABITAT	360	PLANT HABITAT
7744	7/19/2010	7/18/2020	WY	FS	INYAN KARA AREA	1,278	BLACK HILLS NF
7790	6/5/2012	6/4/2022	WY	BLM	THE PARTING OF THE WAYS NATIONAL HISTORIC SITE	40	REPLACES EXPIRED PLO 6626
7799	9/24/2012	9/23/2032	WY	BLM	ROCK SPRINGS ADMIN SITE ADDITION	5	
7814	5/16/2013		WY	NPS	NIOBRARA WILD & SCENIC RIVER	186	PL 102-50; PT BOR REVOCATION
7843	12/8/2015	12/7/2035	WY	BLM	SPLIT ROCK AND DEVIL'S GATE INTERPRETIVE SITES	343	
7849	1/21/2016	1/20/2036	WY	BLM	RED GULCH DINOSAUR TRACKSITE	1,359	
7852	5/9/2016	5/8/2036	WY	BOR	BUFFALO BILL DAM AND RESERVOIR	33	
7855	8/30/2016	8/29/2036	WY	FS	BURGESS JUNCTION VISITOR CENTER & ADMIN SITE	73	REPLACES EXPIRED PLO 7191
7856	8/30/2016	8/29/2036	WY	FS	MEDICINE WHEEL/MEDICINE MTN NHL	4,513	NATIONAL HISTORIC LANDMARK

INFORMATION/BRIEFING MEMORANDUM

DATE: March 7, 2017

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

SUBJECT: Mineral Withdrawals Affecting Public Lands

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

BACKGROUND

The Federal Land Policy and Management Act (FLPMA) defines a withdrawal as “*withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws...*” The primary laws affecting mineral withdrawals are the Mineral Leasing Act of 1920 and the General Mining Act of 1872. Withdrawals from the mineral leasing laws are less common. There are three major categories of withdrawals: (1) Administrative, (2) Presidential Proclamations, and (3) Congressional.

Withdrawals are established for a wide variety of purposes (e.g., military reservations, administrative sites, recreation sites, national parks, reclamation projects, resource protection, and wilderness areas). Mineral withdrawals still allow for multiple uses of the surface land (e.g., recreation, hunting, grazing, etc.), unless such uses are otherwise prohibited by the laws, regulations, and policies that govern the agency administering the surface lands.

DISCUSSION

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

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

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

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

ATTACHMENTS

Attachment 1: Summary Table of Withdrawals

Attachment 2: National Conservation Lands Information (2 pp)

Attachment 3: Withdrawals Raw Data (10 pp)

Attachment 1: Summary Table of Withdrawals

*Summary Table of Withdrawals		
Agency/Bureau/Service	Sum of Withdrawals	Sum of Acres Withdrawn
DOI	1,095	153,026,877
Department of Interior	2	3,434
Bureau of Land Management	132	3,476,942
**BLM - National Conservation Lands	**875	21,264,317
Bureau of Indian Affairs	3	5,591
Bureau of Reclamation	17	28,488
***Fish and Wildlife Service	44	103,844,953
****National Park Service	21	24,403,035
United States Geological Survey	1	117
Other Federal Agencies	168	1,015,656
Department of Energy	11	2,992
Department of Homeland Security	2	1,941
Department of Justice	1	70
Bureau of Prisons	1	86
Department of the Air Force	13	24,769
Department of the Army	5	157,247
Army Corps of Engineers	6	10,925
Department of the Navy	2	3,887
Department of Transportation	1	10
Forest Service	118	804,720
Housing and Urban Development	1	6
National Oceanic and Atmospheric Agency	2	8,515
Veterans Administration	5	487
Grand Total	1,251	154,042,532
<p>*This table identifies Administrative withdrawals processed by the Bureau of Land Management over the last 40 years and the BLM's National Conservation Lands created through Presidential Proclamation or Congressional action.</p> <p>**The BLM's National Conservation Lands is comprised of 875 units, totaling 36 million acres, but only a portion of those units have associated withdrawals totaling 21,264,317 acres. The 21 million acres does not include any acres withdrawn within National Scenic and Historic Trails or Wild and Scenic Rivers.</p> <p>*** Includes one withdrawal of nearly 41 million acres for the Innoko Natural Wildlife Refuge in 1980. Includes 8 units with acreages defined in ANILCA totaling 61 million acres.</p> <p>****Includes four units with acreages defined in ANILCA totaling 24 million acres.</p> <p>Approximately 90% of the BLM-managed surface acres are not withdrawn from mineral entry. Approximately 8.5% of BLM acres are withdrawn within National Conservation Lands. Of these, 5% represent National Monuments and National Conservation Areas, and approximately 3.5% represent wilderness areas.</p>		

Attachment 2: National Conservation Lands Information

National Conservation Lands total approximately 36 million acres, with just over 21 million acres that have been withdrawn. Specific types of National Conservation Lands and their relation to withdrawals are provided below.

National Monuments, National Conservation Areas, and Similar Designations

- In general, most BLM National Monuments and National Conservation Areas are withdrawn from entry under the mineral leasing laws, subject to valid existing rights.
- Monument proclamations generally contain standard language regarding mineral withdrawal (see next page for exceptions). The standard language reads: “All Federal lands and interests in lands within the boundaries of the monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or other disposition under the public land laws, from location, entry, and patent under the mining laws, and from disposition under all laws relating to mineral and geothermal leasing.”

Wilderness Areas

- By law (Wilderness Act of 1964), all BLM wilderness areas are withdrawn from mineral entry, subject to valid existing rights.

Wilderness Study Areas

- By law (Federal Land Policy and Management of 1976), Wilderness Study Areas (WSAs) are not withdrawn from mineral entry unless the Secretary has withdrawn them under Section 204 of FLPMA for reasons other than preservation of their wilderness character. In general, where a WSA overlaps a National Monument or NCA, that area is withdrawn.

Wild and Scenic Rivers

- By law (Wild and Scenic Rivers Act of 1968), segments of rivers designated as “Wild” are withdrawn from mineral entry; segments of rivers designated as “Scenic” are not.

National Scenic and Historic Trails

- By law (National Trails System Act of 1968), national scenic and historic trails are not withdrawn from mineral entry.

Exceptions to Standard Withdrawal Language for National Monuments, National Conservation Areas, and Similar Designations

- The Desert Renewable Energy Conservation Plan Land Use Plan Amendment (DRECP LUPA) Record of Decision (ROD) was signed in September 2016. Regarding mineral entry, the ROD states:

“Within 60 to 90 days after signing of the DRECP LUPA ROD, the BLM will issue a Notice of Proposed Withdrawal for a subset of the California Desert National Conservation Lands. This subset is considered Phase 1 of 2 for proposed withdrawals from mineral entry for the California Desert National Conservation Lands. A notice of proposed withdrawal would be published in the *Federal Register*, opening a 90-day public comment period. Upon publication of that notice, and subject to valid existing rights and to the extent specified in

the notice, the lands identified would be segregated from location and new entry for up to two years while the Secretary decides whether to approve the withdrawal.”

- The following units have different language in their proclamations regarding mineral leasing: Canyons of the Ancients National Monument in Colorado, Headwaters Forest Reserve in California, King Range National Conservation Area in California, and Steese National Conservation Area in central Alaska.
 - **Canyons of the Ancients:** “[W]ithdrawn ... except for oil and gas as prescribed herein....the monument shall remain open to oil and gas leasing and development; provided [goes on to describe circumstances under which leasing and development will be allowed.]”
 - **Headwaters:** Silent on the question of withdrawals.
 - **King Range:** Appears to be withdrawn, but the language is ambiguous and does not contain the words “leasing” or “mineral”: “Section 2.(5) ...[M]anagement of the renewable resources will be such as to obtain a sustained, regular, or periodic yield or supply of products or services without impairment to the productivity, or the enjoyment or carrying capacity of the land... Section 5.(5) ...[T]he lands in the Area described in Section 9 of this Act are withdrawn from all forms of entry, selection, or location under existing or subsequent law, except as provided in section 6... (6) [S]ubject to valid existing rights, nothing in this Act shall affect the applicability of the [U.S.] mining laws on the federally owned lands within the Area, except that all prospecting commenced or conducted after the date of enactment of this Act shall be subject to...reasonable regulations....”
 - **Steese:** “Section 402 (c) Subject to valid existing rights, all mining claims located within any such unit shall be subject to such reasonable regulations as the Secretary may prescribe to assure that mining will, to the maximum extent practicable, be consistent with protection of the scenic, scientific, cultural, and other resources of the area and any patent issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such reasonable regulations as the Secretary may prescribe.”

From: Stewart, Shannon
To: [Katharine Macgregor](#); [Kathleen Benedetto](#)
Cc: [Richard Cardinale](#); [Kristin Bail](#); [Jerome Perez](#); [Seidlitz, Joseph \(Gene\)](#); [Jill Moran](#)
Subject: Carlsbad RMP briefing - follow up items
Date: Tuesday, March 14, 2017 2:43:26 PM
Attachments: [Att 1 Leasable Mineral Allocations No Action 0306207.pdf](#)
[Att 2 Leasable Mineral Allocation Alt C 03062017.pdf](#)
[Att 3 Mineral Potential and Special Mgmt Alt C.pdf](#)
[Att 4 Leasable Mineral Allocations Special Management Alt C 0306207.pdf](#)
[Att 5 Summary Descriptions Special Management Areas Alt C \(1\).pdf](#)
[Att 6 ACECs No Action and Alt C 03082017.pdf](#)
[Att 7 Lands with Wilderness Characteristics No Action and Alt C 03082017.pdf](#)
[BP on Lands Wilderness Characteristics 03.13.17.docx](#)
[Carlsbad RMP Follow Up Briefing Memo 03.14.17.docx](#)

Kate and Kathy

Attached is a briefing memo (with 7 attachments) that addresses the follow-up questions from the Carlsbad RMP briefing which was held in February. We are also including a primer on Lands with Wilderness Characteristics since this is relevant topic.

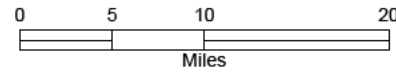
Thanks
Shannon

--

Shannon Stewart
Acting Chief of Staff
Bureau of Land Management
202-570-0149 (cell)
202-208-4586 (office)
scstewar@blm.gov

CARLSBAD FIELD OFFICE

PECOS DISTRICT



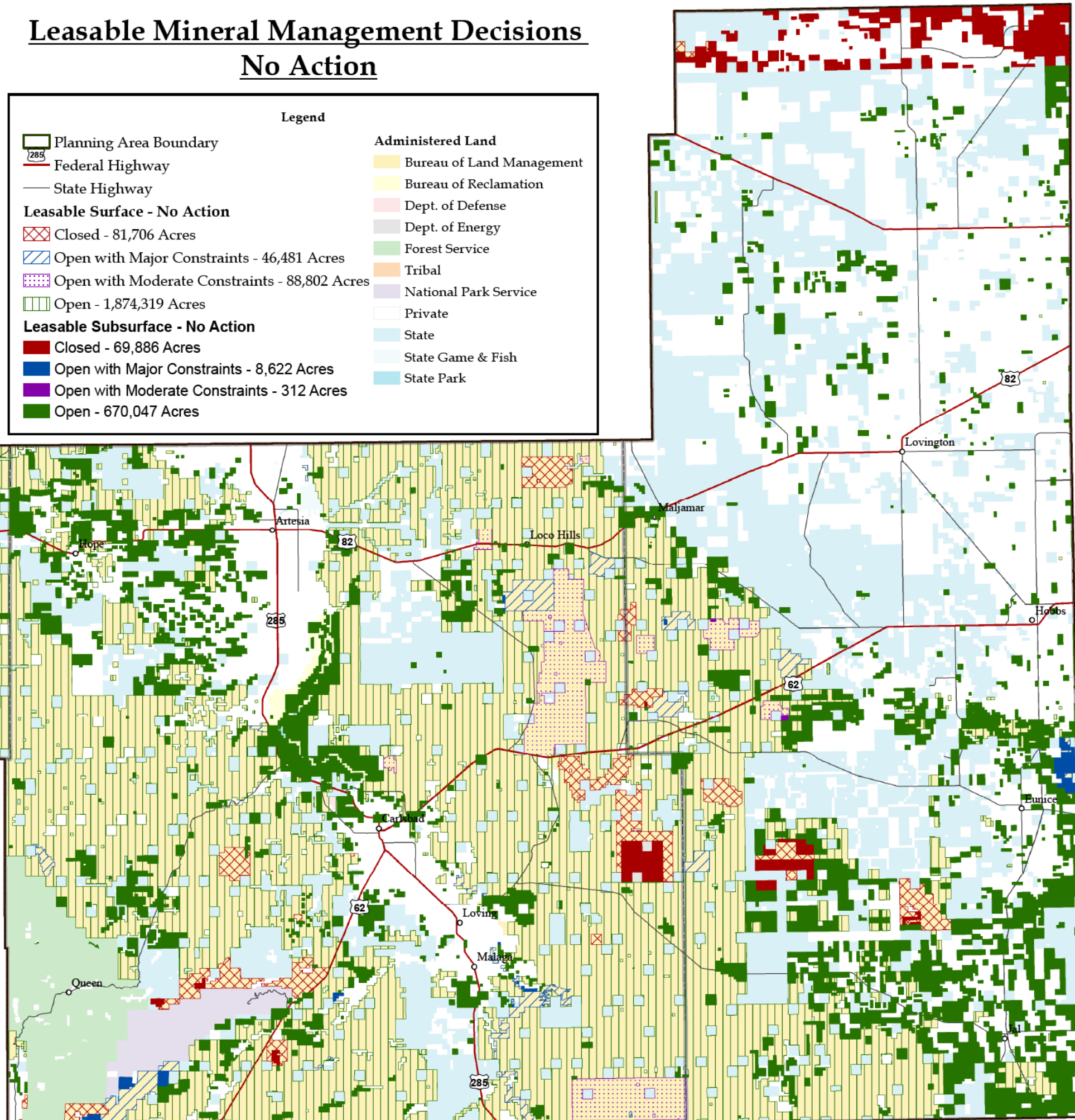
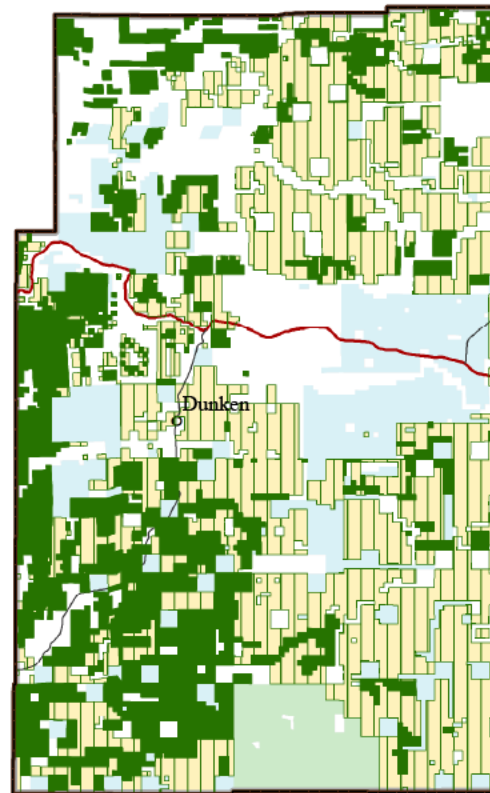
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Map created 11/17/2016

Leasable Mineral Management Decisions

No Action

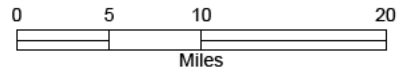
Legend

Planning Area Boundary	Administered Land
Federal Highway	Bureau of Land Management
State Highway	Bureau of Reclamation
Leasable Surface - No Action	Dept. of Defense
Closed - 81,706 Acres	Dept. of Energy
Open with Major Constraints - 46,481 Acres	Forest Service
Open with Moderate Constraints - 88,802 Acres	Tribal
Open - 1,874,319 Acres	National Park Service
Leasable Subsurface - No Action	Private
Closed - 69,886 Acres	State
Open with Major Constraints - 8,622 Acres	State Game & Fish
Open with Moderate Constraints - 312 Acres	State Park
Open - 670,047 Acres	



CARLSBAD FIELD OFFICE

PECOS DISTRICT



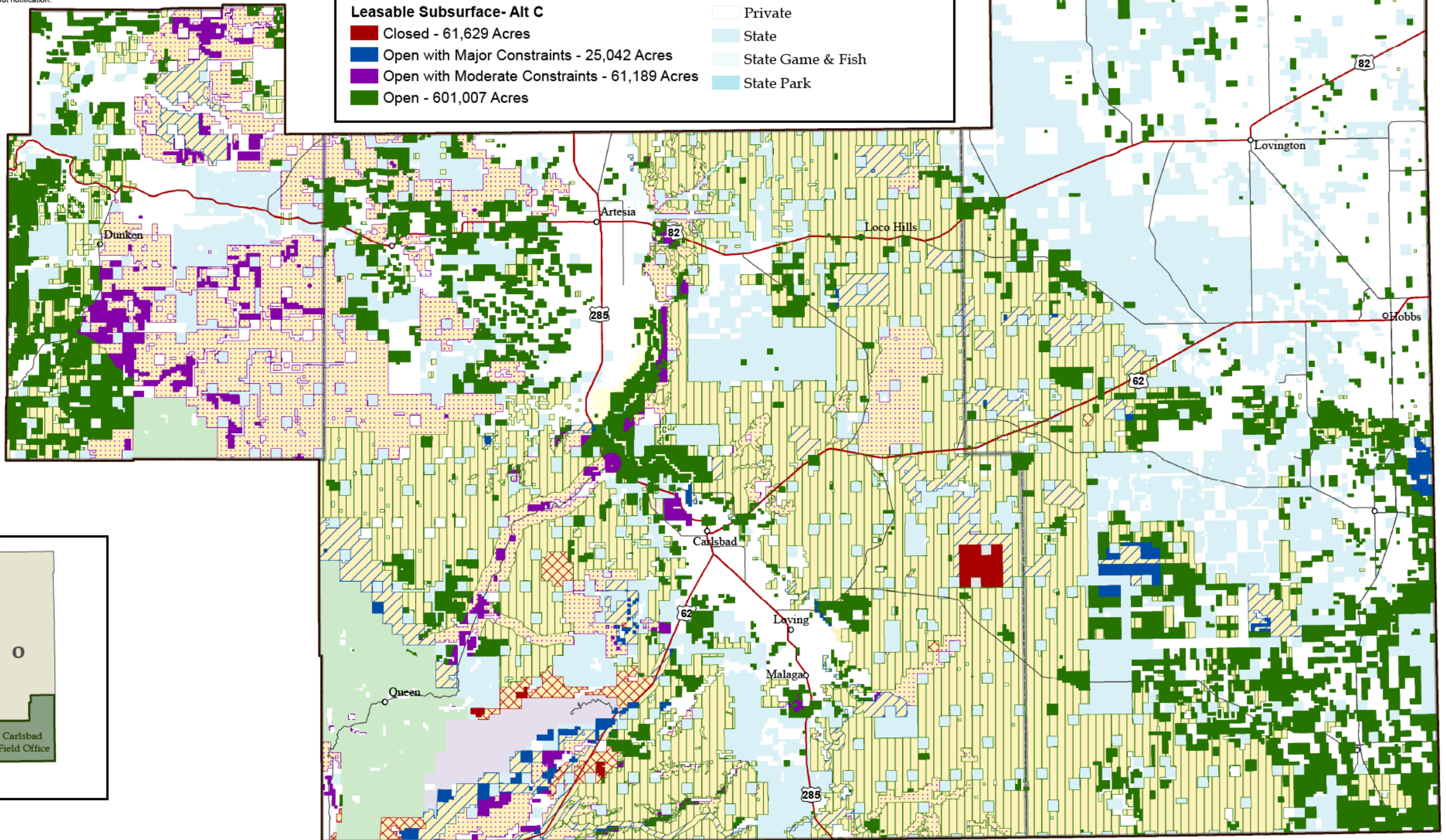
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Map created 11/17/2016

Leasable Mineral Management Decisions

Alternative C

Legend

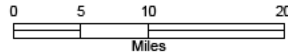
- Federal Highway
- State Highway
- Leasable Surface - Alt C**
- Closed - 33,166 Acres
- Open with Major Constraints - 196,604 Acres
- Open with Moderate Constraints - 507,525 Acres
- Open - 1,353,776 Acres
- Leasable Subsurface- Alt C**
- Closed - 61,629 Acres
- Open with Major Constraints - 25,042 Acres
- Open with Moderate Constraints - 61,189 Acres
- Open - 601,007 Acres
- Bureau of Land Management
- Bureau of Reclamation
- Dept. of Defense
- Dept. of Energy
- Forest Service
- Tribal
- National Park Service
- Private
- State
- State Game & Fish
- State Park



CARLSBAD FIELD OFFICE
PECOS DISTRICT



**Leasable Mineral Potential, Areas of
 Critical Environmental Concern &
 Lands with Wilderness Characteristics
 Alternative C**

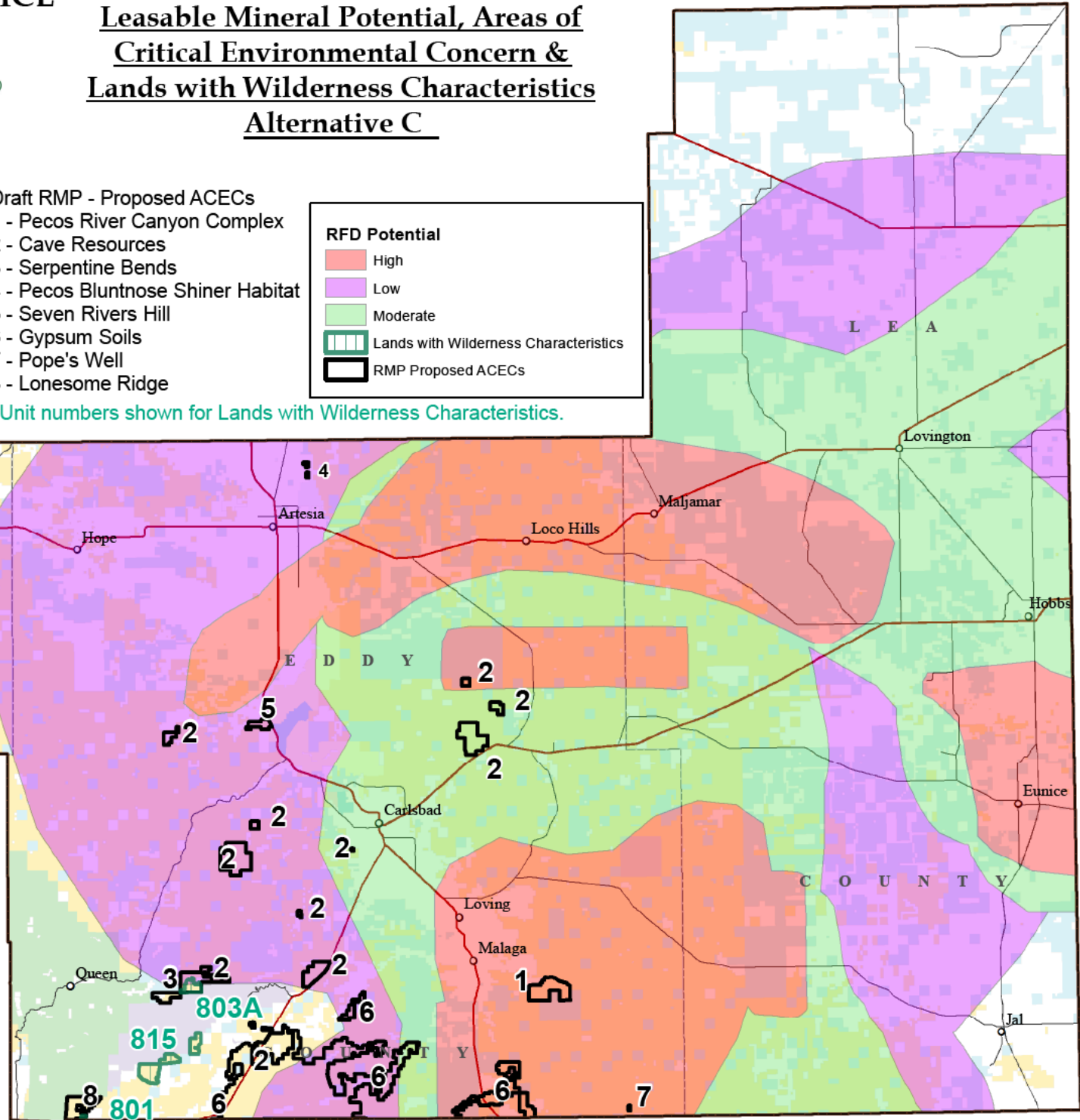
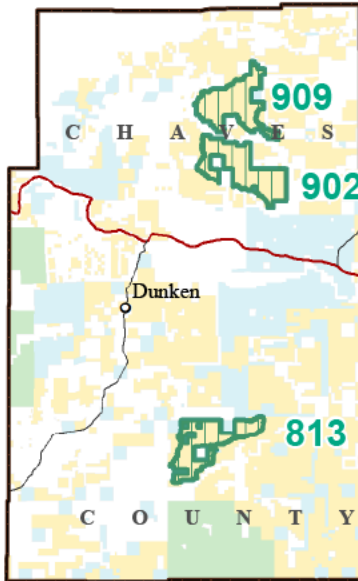


- Draft RMP - Proposed ACECs
- 1 - Pecos River Canyon Complex
 - 2 - Cave Resources
 - 3 - Serpentine Bends
 - 4 - Pecos Bluntnose Shiner Habitat
 - 5 - Seven Rivers Hill
 - 6 - Gypsum Soils
 - 7 - Pope's Well
 - 8 - Lonesome Ridge

RFD Potential

- High
- Low
- Moderate
- Lands with Wilderness Characteristics
- RMP Proposed ACECs

*Unit numbers shown for Lands with Wilderness Characteristics.

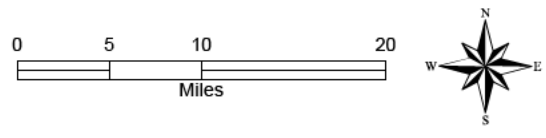


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CARLSBAD FIELD OFFICE PECOS DISTRICT



Leasable Mineral Management Allocations, Lands with Wilderness Characteristics, and Areas of Critical Environmental Concern Alternative C

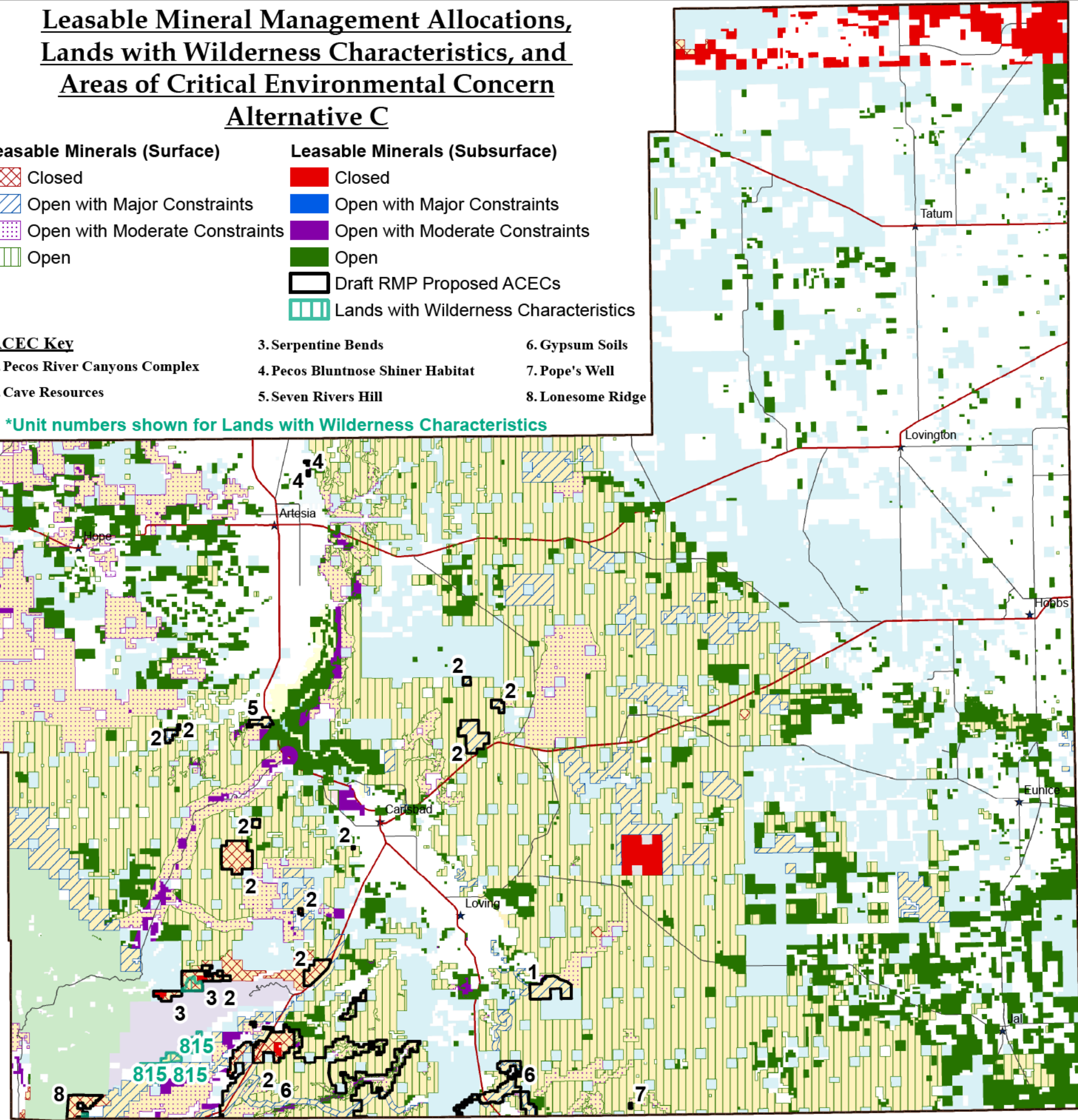
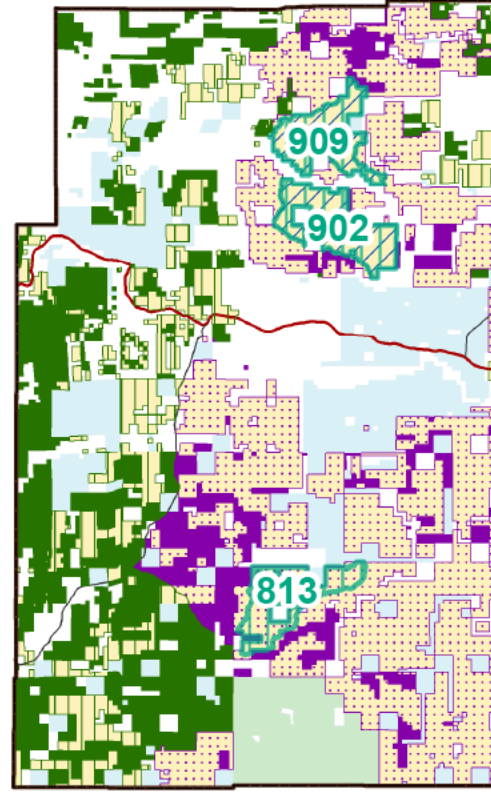


Leasable Minerals (Surface)		Leasable Minerals (Subsurface)	
	Closed		Closed
	Open with Major Constraints		Open with Major Constraints
	Open with Moderate Constraints		Open with Moderate Constraints
	Open		Open
			Draft RMP Proposed ACECs
			Lands with Wilderness Characteristics

ACEC Key

1. Pecos River Canyons Complex	3. Serpentine Bends	6. Gypsum Soils
2. Cave Resources	4. Pecos Bluntnose Shiner Habitat	7. Pope's Well
	5. Seven Rivers Hill	8. Lonesome Ridge

*Unit numbers shown for Lands with Wilderness Characteristics



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SUMMARY DESCRIPTIONS OF SPECIAL MANAGEMENT PROPOSED FOR AREAS OF CRITICAL ENVIRONMENTAL CONCERN (ACEC) IN ALTERNATIVE C (PREFERRED ALTERNATIVE)

Map Key	ACEC Name	Special Management Attention/Allocations
2	Cave Resources (18,832 acres)	<p>R&I Values: Cultural value, fish or wildlife resources, fish or wildlife value, historic value, natural hazards, and natural system or process.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Manage the Cave Resources ACEC cave and karst resources for preservation and protection for appropriate uses for present and future generations. 2. Manage to maintain karst landscapes in un-fragmented natural form, for the enhancement of groundwater recharge and protection to the extent possible. 3. Restrict surface-disturbing activities. <p>Allocations:</p> <ul style="list-style-type: none"> • Leasables: Open with major constraints (5,888 acres), closed (12,944 acres) • Salables: Closed (18,832 acres) • Locatables: Recommended for withdrawal (18,832 acres) • Renewables: Closed to geothermal and excluded from solar and wind development (18,832 acres) • VRM: Class I (629 acres), Class II (13,208 acres), Class III (4,995 acres) • Travel: Limited to existing (18,237 acres), closed (595 acres) • Grazing: Open (all) • ROWS: Excluded (18,832 acres)
8	Lonesome Ridge (3,021 acres)	<p>R&I Values: Fish or wildlife resources, natural system or process, and scenic value.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Remove livestock from riparian and spring areas only if acquisitions are completed. 2. Restrict surface disturbance that would diminish the area's natural and scenic values. 3. Maintain habitat for the peregrine falcon (<i>Falco peregrinus</i>), Bell's vireo (<i>Vireo bellii</i>), and cave swallows (<i>Petrochelidon fulva</i>). 4. Protect karst landscapes and associated values. <p>Allocations:</p> <ul style="list-style-type: none"> • Leasables: Closed to development • Salables: Closed to salable development • Locatables: Recommended for withdrawal • Travel: Designate as closed to OHV use and implement plan to enforce designation • VRM: Class I • Grazing: Open • ROWS: Excluded
1	Pecos River Canyons Complex (4,115 acres)	<p>R&I Values: Natural system or process and scenic value.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Protect vegetative habitat for Tharp's bluestar within the Pecos River/Canyons Complex. 2. Restrict surface disturbance that would diminish the area's natural and scenic values.

Carlsbad Draft Resource Management Plan / Environmental Impact Statement

Map Key	ACEC Name	Special Management Attention/Allocations
		<p>Allocations:</p> <ul style="list-style-type: none"> • Leasables: Open with major constraints • Salables: Closed • Locatables: Recommend for withdrawal • Apply NSO in 100-year floodplains • VRM: 2,276 acres-Class II and 1,839 acres-Class III • Travel: Limited to existing • Renewables: Closed to geothermal and excluded from wind, and solar development. • Grazing: Open (3,411 acres), closed (704 acres) • ROWs: Excluded from ROW actions (including temporary surface pipelines) that are not associated with federal mineral leases within the boundary
4	Pecos Bluntnose Shiner Habitat (201 acres)	<p>R&I Values: Fish or wildlife resources.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Restrict surface-disturbing activities. 2. Maintain quality habitat. <p>Allocations: Leasables: Open with Major Constraints Salables: Closed Locatables: Recommended for withdrawal Renewables: Closed to geothermal, excluded from solar, excluded from wind VRM: Class II Travel: Limited to existing Grazing: Closed ROWs: Exclusion area</p>
5	Seven Rivers Hills (954 acres)	<p>R&I Values: Fish or wildlife resources, natural hazards, natural system or process, and scenic value.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Limit surface-disturbing activities to protect the largest known bat roost in the planning area, critical habitat for the gypsum wild buckwheat, and fragile and scenic gypsum soils. 2. Limit access to bat roost to protect bats from white nosed syndrome. <p>Allocations:</p> <ul style="list-style-type: none"> • Leasables: Open with major constraints (954 acres) • Salables: Closed (954 acres) • Locatables: Recommended for withdrawal (954 acres) • Renewables: Closed to geothermal and excluded from, solar, and wind • VRM: Class II (954 acres) • Travel: Limited to existing routes

Carlsbad Draft Resource Management Plan / Environmental Impact Statement

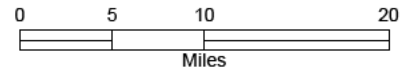
Map Key	ACEC Name	Special Management Attention/Allocations
6	Gypsum Soils (62,298 acres)	<ul style="list-style-type: none"> • ROWs: Exclusion area <p>R&I Values: Cultural value, fish or wildlife resources, historic value, natural hazards, natural system or process, and scenic value.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Restrict surface-disturbing activities. 2. Limit access to hazardous geologic areas. 3. Limit access to historic sites to protect historic structures and natural features. 4. Maintain habitat for threatened and endangered and special status plant and animal species. <p>Allocations:</p> <ul style="list-style-type: none"> • Leasables: Open with standard lease terms and conditions (29,628 acres), open with moderate constraints (12,623 acres), open with major constraints (14,022 acres), closed (6,016 acres) • Salables: Open (29,670 acres), open with moderate constraints (12,582 acres), closed (20,040 acres) • Locatables: Open (51,680 acres), withdrawn (10,617 acres) • Renewables: Closed to geothermal (32,663 acres) and open to geothermal (29,629 acres), excluded from solar (32,658 acres) and variance for solar (29,627 acres), excluded from wind (20,040 acres), avoid (12,620 acres), and open (29,626 acres) • VRM: Class II (11,567 acres), Class III (28,334 acres) and Class IV (22,385 acres) • Travel: Limited to existing (60,967 acres), closed (1,335 acres) • Grazing: Open (57,405 acres), closed (4,896 acres) • ROWs: Open (29,628 acres), avoid (12,621), and excluded (20,040 acres)
7	Pope's Well (81 acres)	<p>R&I Value: Historic value.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Limit access to historic sites to protect historic structures. <p>Allocations:</p> <ul style="list-style-type: none"> • Leasables: Open with major constraints • Salables: Closed • Locatables: Withdrawn • Renewables: Closed to geothermal, excluded from solar and wind • VRM: Class IV • Travel: Closed to travel • Grazing: Closed to livestock grazing • ROWs: Exclusion area

SUMMARY DESCRIPTIONS OF ALLOCATIONS PROPOSED FOR LANDS MANAGED TO PROTECT WILDERNESS CHARACTERISTICS IN ALTERNATIVE C (PREFERRED ALTERNATIVE)

Map Key	Unit Name	Special Management Attention/Allocations
801	Adjacent to Lonesome Ridge Wilderness Study Area (82 acres)	<p>Leasables: Closed. Salables: Closed Locatables: Recommended for withdrawal Renewables: Closed to geothermal and excluded from solar and wind VRM: Class II Travel: Limited to existing until a travel plan is completed. Maintenance that would alter the classification as a “primitive route” would not be permitted. Existing, natural route characteristics would be preserved and maintenance would only be permitted in specific affected route segments where natural or other occurrences have rendered the route impassable. Maintenance would be limited to the affected area and disturbance would be limited to the minimum required to restore passage. Grazing: Open ROWS: Excluded</p>
803A	Lechugilla South (1,130 acres)	(Same as Unit 801.)
815	Slaughter and Double Canyons (3,988 acres)	Leasables: Open with Major Constraints. (Otherwise, same as Unit 801.)
902	Big Ox Yoke (9,834)	Leasables: Open with Major Constraints. (Otherwise, same as Unit 801.)
909	Salt House Draw (9,130 acres)	Leasables: Open with Major Constraints. (Otherwise, same as Unit 801.)
813	(no name) (8,504 acres)	Leasables: Unit 813 was incorrectly categorized as Open with Moderate Constraints in the GIS data that was used for the Draft RMP/EIS. Unit 813 will be categorized as Open with Major Constraints in GIS under this alternative in the Final EIS. (Otherwise, same as Unit 801.)

CARLSBAD FIELD OFFICE

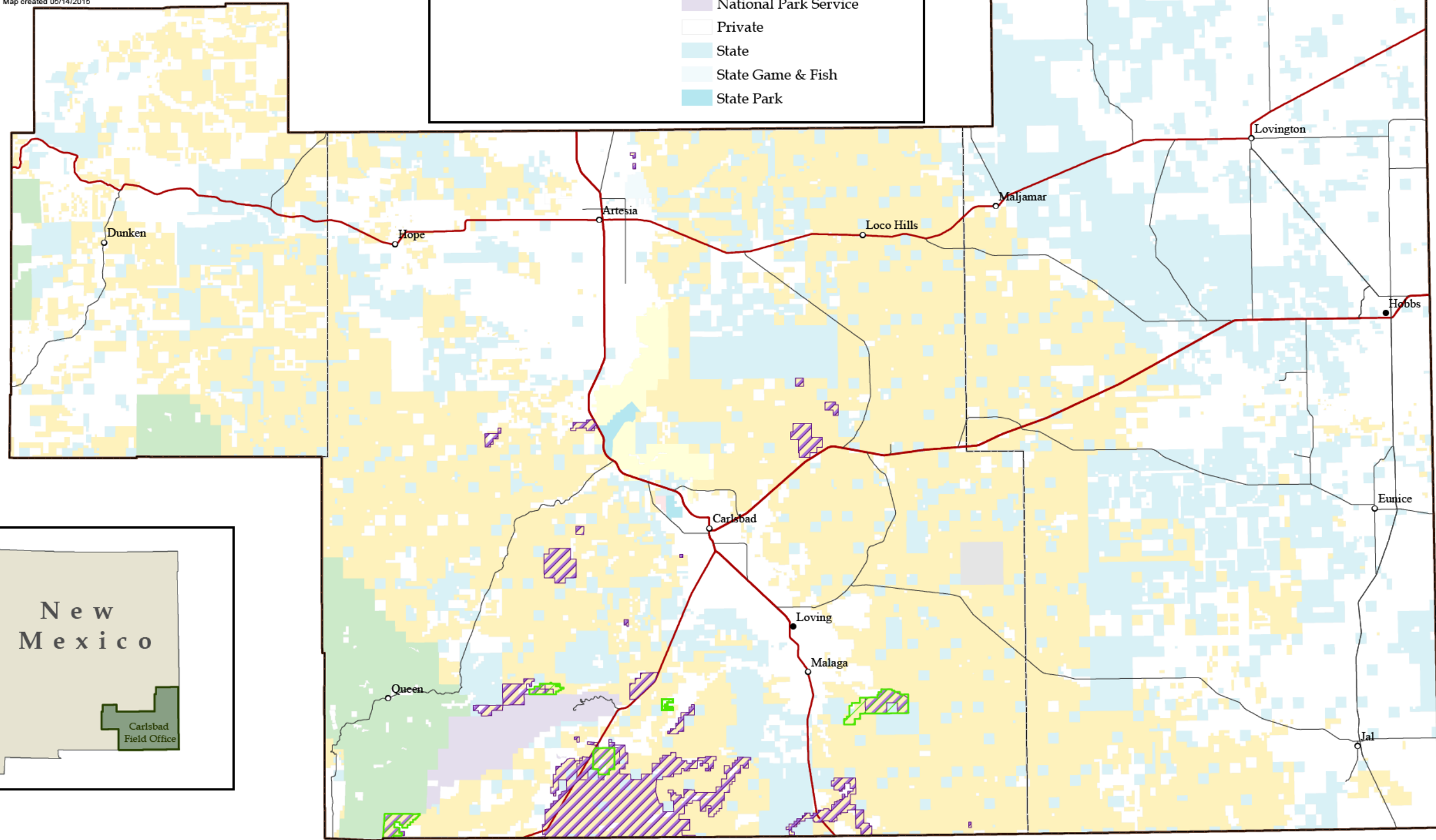
PECOS DISTRICT



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Map created 05/14/2015

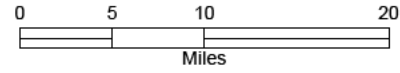
Areas of Critical Environmental Concern No Action and Alternative C

Legend	
	Federal Highway
	State Highway
	ACEC Alt C 93,721 Acres
	ACEC No Action 11,074 Acres
Administered Land	
	Bureau of Land Management
	Bureau of Reclamation
	Dept. of Defense
	Dept. of Energy
	Forest Service
	Tribal
	National Park Service
	Private
	State
	State Game & Fish
	State Park



CARLSBAD FIELD OFFICE

PECOS DISTRICT



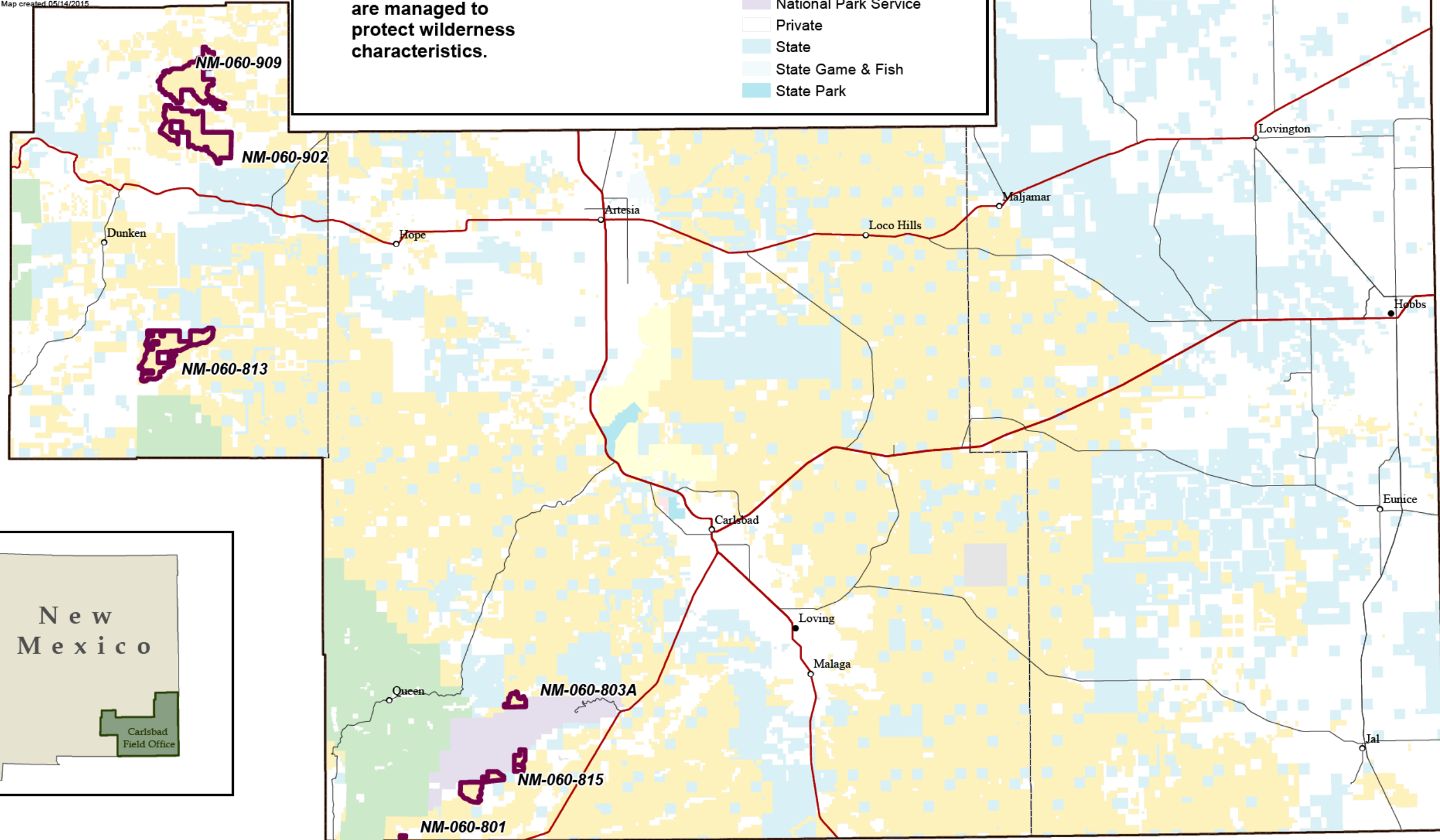
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Lands with wilderness characteristics No Action and Alternative C

Legend

Alt C - Lands with Wilderness Characteristics 32,668 Acres	Bureau of Land Management
Federal Highway	Bureau of Reclamation
State Highway	Dept. of Agriculture
NM BLM Administration	Dept. of Defense
	Dept. of Energy
	Forest Service
	Fish & Wildlife Service
	Tribal
	National Park Service
	Private
	State
	State Game & Fish
	State Park

Note: Under No Action, no lands are managed to protect wilderness characteristics.



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

DATE: March 13, 2017

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

SUBJECT: Inventorying and Managing BLM Lands with Wilderness Characteristics

The purpose of this memo is to provide clarity on what BLM policies and regulations under the Federal Land Policy and Management Act (FLPMA) require with regard to inventorying lands with wilderness characteristics.

BACKGROUND

The BLM’s multiple-use, sustained-yield mandate includes managing the wilderness resource. The BLM does so in three ways:

- 1) managing nearly 8.8 million acres of federally designated wilderness in 10 Western States, under the authority of the Wilderness Act;
- 2) managing 12.6 million acres of Wilderness Study Areas (WSAs) in 12 Western States and Alaska until Congress designates them as wilderness or releases them for other uses, under the authority of Section 603 of the FLPMA; and
- 3) managing other BLM lands—non-Wilderness, non-WSA acres—that have wilderness characteristics, under Section 201 of FLPMA.

This paper describes how the BLM addresses areas in the third category, known as lands with wilderness characteristics.

DISCUSSION

Lands with wilderness characteristics are areas that the BLM has inventoried and found to have wilderness characteristics, as defined by the Wilderness Act (i.e., they possess sufficient size, naturalness, and outstanding opportunities for either solitude or primitive and unconfined recreation).

Identifying land as having wilderness characteristics is an inventory finding. Determining whether that land should be managed to protect those characteristics is an administrative decision that the BLM makes through the land use planning process. This decision does not constitute a formal designation of any kind.

Under Section 201 of FLPMA, the BLM has an ongoing responsibility to “prepare and maintain on a continuing basis an inventory of all public lands and their resources and other values.” This responsibility includes the wilderness resource. In many areas, conditions have changed on the ground from when BLM conducted the initial inventory for the presence of wilderness characteristics over 30 years ago, and now contain a higher level of naturalness.

Below is a brief chronology on the evolution of BLM’s policy regarding this resource:

- 2003: A court settlement agreement between then-Interior Secretary Gale Norton and the State of Utah stipulates that the BLM no longer has the authority to designate WSAs.
- 2003–2012: BLM/DOI issues several iterations of policy for inventorying and managing lands with wilderness characteristics, including a 2010 Secretarial Order (“Wild Lands Policy”) that causes controversy with certain stakeholders (policy rescinded in 2011).
- 2008: The U.S. Court of Appeals affirms the BLM has responsibility to maintain a current inventory and manage the wilderness resource: “[W]ilderness characteristics are a value which, under the FLPMA, the Bureau has the continuing authority to manage, even after it has fulfilled its [FLPMA-mandated] duties to recommend some lands with wilderness characteristics for permanent congressional protection. As a result, the BLM’s completion of its permanent preservation recommendations for the planning area does not mean that the Bureau may entirely decline to consider wilderness characteristics presently existing in the area.” (*Oregon Natural Desert Association v. Bureau of Land Management*, 531 F.3d 1114 (9th Cir. 2008, as amended). A series of related cases also reaffirm this authority.
- 2012: BLM releases Manual 6310—Conducting Wilderness Characteristics Inventory on BLM Lands, and Manual 6320—Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process, which serve as the current policy.

CURRENT POLICY

Manual 6310 contains the BLM’s policy and guidance on conducting inventories of wilderness characteristics, while Manual 6320 describes how the BLM incorporates the results of those inventories in its land-use planning process.

Once an inventory is completed, Manual 6320 states that BLM’s consideration of the lands with wilderness characteristics identified in the planning process may result in several outcomes. The manual lists three outcomes, which are intended to represent more of a continuum rather than discrete options:

- 1) prioritize other uses while not protecting wilderness characteristics;
- 2) minimize impacts to wilderness characteristics while managing for other uses; and
- 3) protect wilderness characteristics as a priority over other multiple uses.

When revising a Resource Management Plan (RMP), a State Director may choose any one of these outcomes, or some combination thereof, for parcels of land containing wilderness characteristics, provided that the plan documents the basis for this determination.

Finding that an area possesses wilderness characteristics does not mean that the BLM must manage to protect those characteristics. Inventory and management are often conflated, which leads to confusion about the true nature of the policy. Inventory and management are separate activities, carried out under different provisions of FLPMA (Sections 201 and 202, respectively).

In response to a provision in the Fiscal Year 2011 appropriations law, the BLM currently does not track the acres of lands with wilderness characteristics it has inventoried, nor the number of those acres it has decided to manage for protection.

The Forest Service's policy on lands with wilderness characteristics is substantially similar to the BLM's.

RMPs that have incorporated updated inventories across the entire planning area have generally encountered fewer protests than those that have not. In cases where RMPs have relied on incomplete inventory data, some Field Offices are realizing the vulnerability to appeals when implementing plans, and are now proposing amendments to address wilderness characteristics in a more comprehensive fashion. Other offices are delaying implementation of certain decisions until inventories are updated.

There is also the misperception that identifying and/or managing lands with wilderness characteristics will lead to the designation of additional WSAs or constitute some form of recommendation for wilderness designation. This is not the case. The intent of the BLM policy for lands with wilderness characteristics is to comply with FLPMA, both in terms of inventorying for the presence of wilderness characteristics and managing such lands as a resource through land use planning decisions.

ATTACHMENT

Examples of RMPs That Consider Lands with Wilderness Characteristics

ATTACHMENT
Examples of RMPs That Consider Lands with Wilderness Characteristics

BACKGROUND

Manual 6320—Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process describes a variety of management actions that may protect lands with wilderness characteristics. Such actions could include:

- Closing an area to leasing or allowing leasing but only with no surface occupancy with no exceptions, waivers, or modifications;
- Designating as a right-of-way exclusion area; or
- Designating an area as closed to motor vehicle use, or as limited to mechanized use on designated routes.

Manual 6320 also allows the BLM to emphasize other multiple uses while applying management restrictions to minimize impacts to wilderness characteristics. Examples of such restrictions include:

- Applying fluid mineral leasing stipulations of controlled surface use;
- Designating right-of-way avoidance areas;
- Designating an area as limited to motor vehicle use on designated routes.

As demonstrated in the following examples, Manual 6320 provides the BLM considerable latitude in considering lands with wilderness characteristics. Rather than presenting an all-or-nothing “Protect/Do Not Protect” choice, the manual allows the BLM to select from several management outcomes so long as the plan documents the rationale for the decision.

**Colorado: White River Field Office Approved RMP Amendment for Oil and Gas Development
*Record of Decision signed August 2015***

BLM Colorado identified 301,700 acres of lands with wilderness characteristics in the planning area:

- 164,000 acres (55% of lands with wilderness characteristics identified) are managed to prioritize other uses while not protecting wilderness characteristics (i.e., open to leasing, without any lease stipulations designed to protect wilderness characteristics);
- 66,200 acres (22% of lands with wilderness characteristics identified) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., open to leasing with a Controlled Surface Occupancy stipulation);
- 71,500 acres (23% of lands with wilderness characteristics identified) are managed to protect wilderness characteristics (i.e., open to leasing with a No Surface Occupancy stipulation).

Montana: Hi-Line Approved RMP
Record of Decision signed September 2015

BLM Montana identified 399,448 acres of lands with wilderness characteristics in the planning area:

- 92,190 acres (23% of lands with wilderness characteristics identified) are managed to prioritize other uses while not protecting wilderness characteristics;
- 290,865 acres (73% of lands with wilderness characteristics identified) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., No Surface Occupancy with limited exceptions and no waivers);
- 16,393 acres (4% of lands with wilderness characteristics identified) are managed to protect wilderness characteristics.

Alaska: Approved Eastern Interior Resource Management Plan
Record of Decision signed January 2017

Of the 6,524,000 acres in the planning area:

- 3,068,000 acres (47% of planning area) are managed to prioritize other uses while not protecting wilderness characteristics;
- 3,456,000 acres (53% of planning area) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., allows temporary structures and equipment placement related to hunting, fishing, and trapping; cross-country snowmobile travel; and limited off-highway vehicle use);
- Zero acres are managed to protect wilderness characteristics as a priority over other multiple uses.

Idaho: Jarbidge Approved RMP
Record of Decision signed September 2015

BLM Idaho identified 104,000 acres of lands with wilderness characteristics in the planning area:

- Zero acres are managed to prioritize other uses while not protecting wilderness characteristics;
- 104,000 acres (100% of lands with wilderness characteristics identified) are managed to minimize impacts to wilderness characteristics while managing for other uses (i.e., right-of-way avoidance areas, areas where motorized travel is limited to designated routes);
- Zero acres are managed to protect wilderness characteristics.

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

DATE: March 14, 2017

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

SUBJECT: Carlsbad (NM) Draft Resource Management Plan Briefing Follow-Up

The purpose of this briefing memo is to follow-up on several questions that arose from a briefing on the Carlsbad Resource Management Plan (RMP) that was held on February 16, 2017.

DISCUSSION

During and after the briefing, several follow-up items were requested by the Transition Team. These included the following:

- 1) What is the current acreage of oil and gas leases that have Controlled Surface Use (CSU) or No Surface Occupancy (NSO) stipulations attached, and how does this compare to the Preferred Alternative?**

To address this question, maps of leasable mineral management decisions for the No Action Alternative, which represents current management (Attachment 1) and the Preferred Alternative (Alternative C) are provided (Attachment 2).

The acreages for the surface and subsurface Federal estate vary, as there are lands where the Federal government owns the subsurface minerals but may not own the surface estate.

	No Action Alternative		Alternative C (Preferred)	
	Surface (acres)	Subsurface (acres)	Surface (acres)	Subsurface (acres)
Closed	81,706	69,886	33,166	61,629
Open with Major Constraints ¹	46,481	8,622	196,604	25,042
Open with Moderate Constraints ²	88,802	312	507,525	61,189
Open	1,874,319	670,047	1,353,776	601,007

¹ Open with Major Constraints typically indicates leasing with a No Surface Occupancy (NSO) stipulation.

² Open with Moderate Constraints indicates leasing with one or more Controlled Surface Use (CSU) or Timing Limitation stipulation.

- 2) How do Areas of Critical Environmental Concern (ACECs) overlap with mineral potential and mineral allocation decisions?**

To address this question, maps were created of the ACECs that would be carried forward under Alternative C overlaid with mineral potential (Attachment 3) and leasable mineral allocations under Alternative C (Attachment 4). The lands with wilderness characteristics overlays are presented on the same maps.

Portions of four ACECs fall within areas with high potential for reasonably foreseeable oil and gas development, while portions of two ACECs fall within areas with moderate potential. Portions of six ACECs fall within areas with either low or no oil and gas development potential.

Under Alternative C, two ACECs would be closed to leasable mineral development and four would be open with No Surface Occupancy. One ACEC has portions managed as open, Controlled Surface Use, No Surface Occupancy, and closed to oil and gas leasing, depending on the area.

In addition, a summary table is included listing the relevant and important (R & I) criteria found within each ACEC, as well as the special management actions for each ACEC (Attachment 5). Current ACECs (No Action alternative) and ACECs proposed under Alternative C are shown in Attachment 6.

3) How do lands with wilderness characteristics overlap with mineral potential and mineral allocation decisions?

To address this question, maps were created of the lands with wilderness characteristics that would be protected under Alternative C overlaid with mineral potential (Attachment 3-1) and leasable mineral allocations under Alternative C (Attachment 4). The ACEC overlays are presented on the same maps.

A portion of one unit possessing lands with wilderness characteristics that would be protected under Alternative C, Unit 803A, falls within an area of high potential for oil and gas development. The other portion of Unit 803A, along with the other five units that would be protected under Alternative C, fall within areas with low or no development potential.

Under Alternative C, two units of lands with wilderness characteristics would be closed to leasable mineral development, and the other four units would be open to leasing with a No Surface Occupancy stipulation.

In addition, a summary table of the special management actions for lands with wilderness characteristics is also included (Attachment 5). Under the No Action alternative, there are no lands with wilderness characteristics units. Units proposed to be managed for wilderness characteristics in Alternative C are shown in Attachment 7.

4) Provide a current version of the Carlsbad Draft RMP/EIS.

Due to the length of the document, it is not provided as an attachment to this memo, but it and the papers mentioned in this paper are available on the Bisson Connect Google Drive at: <https://drive.google.com/drive/folders/0B6OfZMx529A2Y19BYTI2eGRfNjg>

NEXT STEPS

Upon approval of the Notice of Availability for the Carlsbad Draft RMP/EIS, the New Mexico state office can proceed with printing and publication of the document, which will be followed by a public comment period. Upon conclusion of the comment period, staff will begin work on the Final RMP/EIS. Once the Final RMP/EIS is published, it will be open for qualified protests as well as the Governor's Consistency Review. The BLM could proceed to issue the Record of Decision on the RMP after those processes are completed.

ATTACHMENTS

- 1) Map, Leasable Mineral Management Decisions, No Action
- 2) Map, Leasable Mineral Management Decisions, Alternative C
- 3) Map, Leasable Mineral Potential, Areas of Critical Environmental Concern, and Lands with Wilderness Characteristics, Alternative C
- 4) Map, Leasable Mineral Management Decisions, Areas of Critical Environmental Concern, and Lands with Wilderness Characteristics, Alternative C
- 5) Summary Descriptions of Special Management Proposed for Areas of Critical Environmental Concern and Lands Managed to Protect Wilderness Characteristics in Alternative C
- 6) Map, Areas of Critical Environmental Concern, No Action and Alternative C
- 7) Map, Land with Wilderness Characteristics, No Action and Alternative C

From: james_cason@ios.doi.gov
To: gareth_rees@ios.doi.gov
Cc: russell_rodny@ios.doi.gov; nancy_guiden@ios.doi.gov; caroline_boulton@ios.doi.gov
Subject: Mtg w/Secy Zinke re: Fracking Rule @ Wed Mar 15, 2017 3pm - 3:30pm (russell_rodny@ios.doi.gov)
Attachments: [invite.cs](#)

more details -> https://www.google.com/calendar/event?action=VIEW&eid=bHh62FmMW5vNGFiamtqG5uZGsyYjlsb2MgenVzc2VsbF9yb2RkeUBpb3MuZG9pLmdvdg&tok=MjMjamFZXNXIy2Fhb25AaW9zLmRvaS5ub3YwMDgwYWVmYmU4ZjNlZjhmGEzMDjNTA2NWExOTBiYmlIZmZhZDU2&etz=America/New_York&hl=en

Mtg w/Secy Zinke re: Fracking Rule
When: Wed Mar 15, 2017 3pm - 3:30pm Eastern Time
Where: Secy's Immediate Office (map -> <https://maps.google.com/maps?q=Secy%27s+Immediate+Office&hl=en>)
Video call https://plus.google.com/hangouts/_/doi.gov/james-cason -> https://plus.google.com/hangouts/_/doi.gov/james-cason?hl=en&amFZXNXIy2Fhb25AaW9zLmRvaS5ub3YwMDgwYWVmYmU4ZjNlZjhmGEzMDjNTA2NWExOTBiYmlIZmZhZDU2&etz=America/New_York&hl=en
Calendar: russell_rodny@ios.doi.gov
Who: james_cason@ios.doi.gov - organizer
• catherine_gulac@ios.doi.gov - creator
• gareth_rees@ios.doi.gov
• russell_rodny@ios.doi.gov - optional
• nancy_guiden@ios.doi.gov - optional
• caroline_boulton@ios.doi.gov - optional

Your attendance is optional.
Going? Yes -> https://www.google.com/calendar/event?action=RESPOND&eid=bHh62FmMW5vNGFiamtqG5uZGsyYjlsb2MgenVzc2VsbF9yb2RkeUBpb3MuZG9pLmdvdg&erst=1&tok=MjMjamFZXNXIy2Fhb25AaW9zLmRvaS5ub3YwMDgwYWVmYmU4ZjNlZjhmGEzMDjNTA2NWExOTBiYmlIZmZhZDU2&etz=America/New_York&hl=en
- Maybe -> https://www.google.com/calendar/event?action=RESPOND&eid=bHh62FmMW5vNGFiamtqG5uZGsyYjlsb2MgenVzc2VsbF9yb2RkeUBpb3MuZG9pLmdvdg&erst=3&tok=MjMjamFZXNXIy2Fhb25AaW9zLmRvaS5ub3YwMDgwYWVmYmU4ZjNlZjhmGEzMDjNTA2NWExOTBiYmlIZmZhZDU2&etz=America/New_York&hl=en
- No -> https://www.google.com/calendar/event?action=RESPOND&eid=bHh62FmMW5vNGFiamtqG5uZGsyYjlsb2MgenVzc2VsbF9yb2RkeUBpb3MuZG9pLmdvdg&erst=2&tok=MjMjamFZXNXIy2Fhb25AaW9zLmRvaS5ub3YwMDgwYWVmYmU4ZjNlZjhmGEzMDjNTA2NWExOTBiYmlIZmZhZDU2&etz=America/New_York&hl=en
more options -> https://www.google.com/calendar/event?action=VIEW&eid=bHh62FmMW5vNGFiamtqG5uZGsyYjlsb2MgenVzc2VsbF9yb2RkeUBpb3MuZG9pLmdvdg&tok=MjMjamFZXNXIy2Fhb25AaW9zLmRvaS5ub3YwMDgwYWVmYmU4ZjNlZjhmGEzMDjNTA2NWExOTBiYmlIZmZhZDU2&etz=America/New_York&hl=en
Invitation from Google Calendar -> <https://www.google.com/calendar/>
You are receiving this email at the account russell_rodny@ios.doi.gov because you are subscribed for invitations on calendar russell_rodny@ios.doi.gov.
To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.
Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More -> <https://support.google.com/calendar/answer/37135#forwarding> ->

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SUMMARY:Mtg w/Secy Zinke re: Fracking Rule
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From: [Google Calendar](#) on behalf of [Nancy Guiden](#)
To: james_cason@ios.doi.gov
Subject: Accepted: Mtg w/Secy Zinke re: Fracking Rule @ Wed Mar 15, 2017 3pm - 3:30pm (james_cason@ios.doi.gov)
Attachments: [invite.ics](#)

Nancy Guiden has accepted this invitation.

Mtg w/Secy Zinke re: Fracking Rule

When Wed Mar 15, 2017 3pm – 3:30pm Eastern Time

Where Secy's Immediate Office (map <<https://maps.google.com/maps?q=Secy%27s+Immediate+Office&hl=en>>)

Video call https://plus.google.com/hangouts/_/doi.gov/james-cason <https://plus.google.com/hangouts/_/doi.gov/james-cason?hceid=amFtZXNfY2Fzb25AaW9zLmRvaS5nb3Y.lrkoaf1no4abjkjnnnk2b21oc>

Calendar james_cason@ios.doi.gov

Who • james_cason@ios.doi.gov - organizer

- catherine_gulac@ios.doi.gov - creator
- gareth_rees@ios.doi.gov
- caroline_boulton@ios.doi.gov - optional
- nancy_guiden@ios.doi.gov - optional
- russell_rodny@ios.doi.gov - optional

Invitation from Google Calendar <<https://www.google.com/calendar/>>

You are receiving this email at the account james_cason@ios.doi.gov because you are subscribed for invitation replies on calendar james_cason@ios.doi.gov.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.

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<<https://support.google.com/calendar/answer/37135#forwarding>> .

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TRANSP:OPAQUE
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LOCATION:Secretary's Conference Room #6151
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SUMMARY:Meeting with BP America
TRANSP:OPAQUE
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From: [Google Calendar](#) on behalf of [Timothy Williams](#)
To: caroline_boulton@ios.doi.gov
Subject: Accepted: Meeting with BP America @ Wed Mar 22, 2017 11am - 11:30am (caroline_boulton@ios.doi.gov)
Attachments: [invite.ics](#)

Timothy Williams has accepted this invitation.

Meeting with BP America

Attendees:

John Mingé, Chairman and President, BP America
Bob Stout, Head of Regulatory Affairs, BP America

Topic:

Introductory meeting, relay top concerns (BLM Venting and Flaring Rule, Offshore Leasing, NEPA reforms)


When Wed Mar 22, 2017 11am – 11:30am Eastern Time


Where Secretary's Conference Room #6151 (map <<https://maps.google.com/maps?q=Secretary%27s+Conference+Room+%236151&hl=en>>)


Video call https://plus.google.com/hangouts/_/doi.gov/caroline-boulton <https://plus.google.com/hangouts/_/doi.gov/caroline-boulton?hceid=Y2Fyb2xpbmVfYm91bHRvbkBpb3MuZG9pLmdvdg.cqc36rc39jo7fpohso51iv33sc>


Calendar caroline_boulton@ios.doi.gov

Who • caroline_boulton@ios.doi.gov - organizer

•  caroline_boulton@ios.doi.gov

•  timothy_williams@ios.doi.gov

•  scott_hommel@ios.doi.gov

•  nancy_guiden@ios.doi.gov - optional

Invitation from Google Calendar <<https://www.google.com/calendar/>>

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<<https://support.google.com/calendar/answer/37135#forwarding>> .

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CREATED:20170315T171121Z
DESCRIPTION:Attendees:\nJohn MingÃ©, Chairman and President, BP America\nBob Stout, Head of Regulatory Affairs, BP America\n\nTopic:\nIntroductory meeting, relay top concerns (BLM Venting and Flaring Rule, Offshore Leasing, NEPA reforms)\n\nThis event has a Google Hangouts video call.\nJoin: https://plus.google.com/hangouts/_/doi.gov/caroline-boulton?hceid=Y2Fyb2xpbnVfYm91bHRvbkb3MuZG9pLmdvdg.cqc36rc39jo7fpohso51iv33sc&hs=121\n\nLAST-MODIFIED:20170317T153052Z
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SUMMARY:Meeting with BP America
TRANSP:OPAQUE
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END:VCALENDAR

From: Quinn, Brendan
To: [Jim Cason](#)
Subject: end of week full follow up list
Date: Friday, March 17, 2017 5:11:59 PM
Attachments: [Task Matrix Afternoon 3-17-17 full.xlsx](#)

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
1						
2	Assistant Secretary	Bureau	Lead Name	Date Assigned	Task	Follow Up
3	AS/IA	BIA		11/7/2016	This final rule updates the Tribal Transportation Program regulation to comply with statutory updates. (Final, In Effect)	12/7/2016
4	AS/FWP	FWS		11/8/2016	The Service is soliciting public comment on the development of a regulatory program and local management structures for carrying out the responsibilities under the U.S.-Russia Agreement and title V of the Marine Mammal Protection Act. The Service is also interested in entering into a cooperative agreement with an Alaska Native Organization for the purposes of involving subsistence users in conservation and management of wildlife in Alaska. (Proposed)	1/9/2017
5	AS/FWP	FWS		11/14/2016	The U.S. Fish and Wildlife Service (FWS) is finalizing regulations governing the exercise of non-Federal oil and gas rights outside of Alaska in order to improve its ability to protect refuge resources, visitors, and the general public's health and safety from potential impacts associated with non-	12/14/2016
6	AS/FWP	FWS		11/14/2016	The U.S. Fish and Wildlife Service has selected Alternative B, implementation of the final rule, Management of Non-Federal Oil and Gas Rights, which revises current Service regulations, as its final decision (Proposed)	N/A

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
7	AS/LMM	BSEE		11/16/2016	This rule amends BSEE regulations requiring lessees and owners of operating rights to submit summaries of actual decommissioning expenditures incurred for certain decommissioning activities related to oil and gas and sulfur operations on the OCS (Final, In Effect)	12/16/2016
8	AS/LMM	OSM		11/16/2016	The OSM announce the availability of the Final Environmental Impact Statement for the Stream Protection Rule developed pursuant to NEPA (Final, In Effect)	11/16/2016
9	AS/LMM	BLM		11/17/2016	This final rule replaces Onshore Oil and Gas Order No. 3, Site Security (Order 3), with new regulations codified in the CFR (Final, In Effect)	1/17/2017
10	AS/LMM	BLM		11/17/2016	This final rule updates and replaces Onshore Oil and Gas Order Number 4, Measurement of Oil (Order 4) with new regulations codified in the CFR (Final, In Effect)	1/17/2017
11	AS/LMM	BLM		11/17/2016	This final rule updates and replaces Onshore Oil and Gas Order No. 5 (Order 5) with a new regulation codified in the CFR (Final, In Effect)	1/17/2017
12	AS/LMM	BSEE		11/17/2016	This final rule adjusts the level of the civil monetary penalty contained in the BSEE regulations pursuant to the OCSLA, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, and OMB guidance (Final, In Effect)	11/17/2016

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
13	AS/LMM	BSEE		11/17/2016	BSEE currently charges a fee for 31 different services it provides to non-Federal recipients. This proposed rule would revise and clarify the existing fees; add new fees for certain services; revise and codify the existing conditions for refunding fees; and clarify the acceptable methods of fee payment (Proposed)	1/17/2017
14	AS/LMM	BLM		11/18/2016	The BLM is promulgating new regulations to reduce waste of natural gas from venting, flaring, and leaks during oil and natural gas production activities on onshore Federal and Indian (other than Osage Tribe) leases (Final, In Effect)	1/17/2017
15	Dep Sec	OS (with USDA and DOC)		11/23/2016	The DOA, the DOI, and DOC are jointly issuing final rules for procedures for expedited trial-type hearings and the consideration of alternative conditions and fishway prescriptions required by the Energy Policy Act of 2005. The Departments have determined that no revisions to existing regulations are warranted at this time (Final, In Effect)	11/23/2016
16	AS/FWP	FWS		11/28/2016	The FWS notifies the public that it is making changes to its July 6, 2012, proposed rule to list the hyacinth macaw as an endangered species under the ESA. Based on new information, FWS now proposes to list the hyacinth macaw as	1/27/2017
17	AS/FWP	FWS		11/30/2016	The FWS announces 90- day findings on three petitions to list or reclassify wildlife or plants under the ESA. FWS announces that it plans to initiate a review of the status of these species to determine if the petitioned actions are warranted. To ensure that these status reviews are comprehensive, FWS is requesting more data regarding these species. (Proposed)	1/30/2017
18	AS/FWP	FWS		12/2/2016	In this CNOR, the FWS present an updated list of plant and animal species native to the United States that we regard as candidates for the Lists of Endangered and Threatened Wildlife and Plants under the ESA (Proposed)	N/A

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
19	AS/IA	BIA		12/2/2016	The BIA is adopting as final the interim final rule published on June 30, 2016, adjusting the level of civil monetary penalties contained in Indian Affairs regulations with an initial "catch-up" adjustment under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and OMB guidance	12/2/2016
20	Dep Sec	OS		12/5/2016	On June 20, 2016, the Bureau of Indian Affairs announced Tribal consultation on potential updates to probate regulations and announced that it would accept written comments until August 1, 2016 (Proposed)	1/4/2017
21	Dep Sec	OS (BLM, BOR, NPS, FWS)		12/7/2016	The DOI proposes to promulgate regulations under the Paleontological Resources Preservation Act (Proposed)	2/6/2017
22	AS/IA	BIA		12/9/2016	The DOI is considering whether to propose an administrative rule that would comprehensively update 25 CFR part 140 in an effort to modernize the implementation of the Indian Trader statutes consistent with the Federal policies of Tribal	4/10/2017
23	AS/LMM	BLM		12/12/2016	The BLM is amending its regulations that establish the procedures used to prepare, revise, or amend land use plans pursuant to the FLPMA (Final, In Effect)	1/11/2017
24	AS/FWP	FWS		12/14/2016	The FWS announce a proposal to list five tarantula species under the ESA. This document also serves as the 12-month finding on a petition to list these species (Proposed)	2/13/2017

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
25	AS/FWP	FWS		12/15/2016	The FWS propose to remove the black-capped vireo from the Federal List of Endangered and Threatened Wildlife List due to recovery (Proposed)	2/13/2017
26	AS/FWP	FWS		12/16/2016	FWS revised the regulations for eagle nonpurposeful take permits and eagle nest take permits. FWS intended the revisions to add clarity to the eagle permit regulations, improve their implementation, and increase compliance, while maintaining strong protection for eagles. (Final, In Effect)	1/17/2017
27	AS/LMM	BLM		12/19/2016	Through this final rule the BLM is amending its regulations governing rights-of-way issued under the FLPMA and the MLA. This final rule includes provisions to promote the use of preferred areas for solar and wind energy development	1/18/2017
28	AS/LMM	OSM		12/20/2016	The OSM revised its regulations based on, advances in science to improve the balance between environmental protection and the Nation's need for coal as a source of energy. This final rule will better protect water supplies, surface water and groundwater quality, streams, fish, wildlife, and related	1/19/2017
29	Dep Sec	OS		12/20/2016	This rule revises the regulations that the DOI follows in processing records under the FOIA in part to comply with the FOIA Improvement Act of 2016 (Final, In Effect)	1/19/2017
30	AS/FWP	FWS		12/21/2016	The FWS is amending the List of Endangered and Threatened Wildlife by removing the current species-level listing of the humpback whale, and in its place listing the Cape Verde Islands/Northwest Africa, Western North Pacific, Central America, and Arabian Sea distinct population segments (DPSs) as endangered and the Mexico DPS as threatened. (Final, In Effect)	12/21/2016

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
31	AS/FWP	NPS		12/21/2016	NPS amends its special regulation for off-road vehicle use at Cape Hatteras National Seashore, North Carolina, to revise the times that certain beaches open to ORV use in the	1/20/2017
32	AS/FWP	FWS		12/22/2016	The FWS announce the reopening of the comment period on our proposed rule to remove the Hualapai Mexican vole from the Federal List of Endangered and Threatened Wildlife (Proposed)	1/23/2017
33	AS/FWP	FWS		12/23/2016	The FWS, with the support of the State of Oregon Parks and Recreation Department, propose to establish a NEP of the Oregon silverspot butterfly. This proposed rule provides a	2/21/2017
34	AS/FWP	FWS		12/23/2016	The U.S. Fish and Wildlife Service is adopting an interim rule that revised its civil procedure regulations and increased civil monetary penalties for inflation. (Final, In Effect)	12/23/2016
35	AS/FWP	FWS		12/29/2016	The FWS propose to reclassify the Tobusch fishhook cactus from endangered to threatened on the Federal List of Endangered and Threatened Plants List. (Proposed)	2/27/2017
36	AS/FWP	FWS		1/5/2017	The FWS propose to remove the plant <i>Trichostema austromontanum</i> ssp. <i>compactum</i> from the Federal List of Endangered and Threatened Plants on the basis of recovery (Proposed)	3/6/2017
37	AS/FWP	FWS		1/6/2017	The FWS recently published a final rule that revises the regulations for eagle nonpurposeful take permits and eagle nest take permits. This document announces that OMB has	1/23/2017
38	AS/FWP	FWS		1/6/2017	The FWS propose to remove <i>Eriogonum gypsophilum</i> from the Federal List of Endangered and Threatened Plants List due to recovery (Proposed)	3/7/2017
39	AS/FWP	FWS		1/6/2017	The FWS propose to remove the lesser long-nosed bat from the Federal List of Endangered and Threatened Wildlife List due to recovery (Proposed)	3/7/2017

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
40	AS/FWP	FWS		1/6/2017	The FWS propose to reclassify <i>Echinocereus fendleri</i> var. <i>kuenzleri</i> from endangered to threatened under the ESA (Proposed)	3/7/2017
41	Dep Sec	OS		1/18/2017	The Secretary of the Interior has selected proposed members to form the BIE Accountability Negotiated Rulemaking Committee. The Secretary also proposes to appoint Federal representatives to the Committee as listed. (Proposed)	2/17/2017
42	AS/FWP	FWS		1/19/2017	The FWS issued this final rule in accordance with the Inflation Adjustment Act and OMB guidance, to adjust for inflation the statutory civil monetary penalties that may be assessed for violations of Service-administered statutes and their implementing regulations (Final, In Effect)	1/19/2017
43	AS/LMM	BLM		1/19/2017	This rule adjusts the level of civil monetary penalties contained in the BLM's regulations governing onshore oil and gas operations as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015. The adjustments made by this final rule constitute the annual	1/19/2017
44	AS/IA	BIA		1/23/2017	This rule provides for annual adjustments to the level of civil monetary penalties contained in BIA regulations to account for inflation under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and OMB guidance. (Final, In Effect)	1/23/2017
45	AS/FWP	FWS		1/26/2017	The FWS revised its regulations concerning enhancement-of-survival permits issued under the ESA, associated with Candidate Conservation Agreements with Assurances. They added the term "net conservation benefit" to the Candidate	3/21/2017
46	AS/FWP	FWS		2/9/2017	The FWS and the NMFS announced revisions to the Candidate Conservation Agreements with Assurances policy under the ESA. They added a definition of "net conservation benefit" to this policy and eliminated references to the confusing	3/21/2017

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
47	AS/LMM	BLM		2/9/2017	The BLM is amending its existing Onshore Oil and Gas Order Number 1 (Onshore Order 1) to require the electronic filing (or e-filing) of all APD and NOS (Final, Not in Effect)	3/21/2017
48	AS/FWP	FWS (with NOAA)		2/10/2017	The FWS and NOAA add the rusty patched bumble bee to the List of Endangered and Threatened Wildlife under the ESA (Final, Not in Effect)	3/21/2017
49	AS/FWP	FWS	Maureen Foster	2/13/2017	Asked FWS at Staff Meeting to follow up regarding the ESA with more information and clarification regarding our role in changes	20-Feb
50	AS/FWP	NPS		2/13/2017	The NPS is amending its regulations for National Park System units in Alaska to allow qualified subsistence users to collect nonedible fish and wildlife parts and plants for creating handicrafts for barter and customary trade. (Final, Not in	3/21/2017
51	AS/LMM	AS/LMM	Rich Cardinale	2/13/2017	Asked Minerals at Staff Meeting to follow up with Solicitors Office regarding its recommendation (NOTE: no further context given)	20-Feb
52	Dep Sec	DOI	Jim Cason	13-Feb	Asked for all offices at Staff Meeting to find DOI reps for wind farm opening (1-2 people total)	20-Feb
53	Dep Sec	DOI	Jim Cason	2/13/2017	Asked all offices at Staff Meeting for a more comprehensive and complete schedule regarding implementation and possible changes to the DOI's 5 year strategic plan	20-Feb
54	Dep Sec	DOI	Jim Cason	2/13/2017	Told all offices at Staff Meeting to submit a prioritized list of needs to Cabinet Affairs	By end of business day 2/14
55	Dep Sec	DOI	Jim Cason	2/13/2017	Asked all offices at Staff Meeting for data regarding APD in North Dakota (NOTE: full name not given at meeting)	20-Feb

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
56	Dep Sec	DOI	Jim Cason	2/13/2017	Asked Solicitor's Office at Staff Meeting for more data regarding 20 state lawsuit and our plan to react to it	20-Feb
57	Dep Sec	DOI	Jim Cason	2/13/2017	Asked Solicitor's Office at Staff Meeting to schedule a lunch talk with Gary regarding ESA and how we choose to approach the issue of ESA reform	20-Feb
58	Dep Sec	DOI	Jim Cason	2/13/2017	At Staff Meeting, asked to talk to Harry Humbert regarding the BLM Law Enforcement situation, and how we are deploying our LEO assets in the area	20-Feb
59	Dep Sec	DOI	Jim Cason	2/13/2017	At Staff Meeting, asked to talk to head LEO of Standing Rock situation regarding moving DOI to a more benign role, as well as to make local tribes more visible in welcoming our help	20-Feb
60	Dep Sec	DOI	Jim Cason	2/14/2017	Told PMB to go agency by agency to review communications systems in place	14-Mar
61	Dep Sec	OCL	Micah Chambers	2/14/2017	Told Congressional Affairs to collect all available inquiries from the last administration (4 pending) (NOTE: no context given for nature of inquiries)	14-Feb
62	AS/IA	AS/IA	Mike Black	2/15/2017	Asked to try and raise the threshold to from 25,000 to 100,000 in order to help the tribe (NOTE: context for numbers not specified)	17-Feb
63	AS/IA	BIA	Mike Black	2/15/2017	Told Mike to hold the memo regarding resources and quotas for the Confederated Salish and Kootenai until more information becomes available	15-Feb
64	AS/WS	USGS	Lori	2/15/2017	Asked Lori to point out the selection bias in the NAWQA report, in interest of public transparency	17-Feb
65	AS/WS	USGS	Lori	2/15/2017	Asked for further clarification and prioritization of the 51 chemicals in the NAWQA study, as well as the implications for the environment + people	17-Feb

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
66	Dep Sec	DOI	Jim Cason	2/15/2017	Printed 2 of 3 components for Mary Kendall's testimony re: Federal Tribal Programs topics (GAO High Risk List, GAO reports of significant problems with Indian resources & services, DOI OIG released findings re: management of tribal	24-Feb
67	AS/FWP	NPS	Maureen Foster	2/16/2017	Dan asked NGS to eliminate the backlog of NHR requests within 7 days	23-Feb
68	AS/FWP	NPS	Maureen Foster	2/16/2017	At NAGPRA And NHR meeting, asked for clarification as to whether the 45 day process and automatic outcome regarding NHR requests was statutory or regulatory (if regulatory, need to change process)	24-Feb
69	AS/FWP	NPS	Maureen Foster	2/16/2017	Told NGS to stop sending NHR notices to White House Liason	16-Feb
70	AS/FWP	NPS	Maureen Foster	2/16/2017	Asked NGS people to lay out the sequence of events, what decisions WE are making, their implications, etc, regarding actions on NHR and NAGPRA	24-Feb
71	AS/FWP	NPS	Virginia Johnson	2/16/2017	Asked to schedule a follow up meeting, tasked Virginia to organize	24-Feb
72	AS/IA	BIA	Ben Keel	2/16/2017	Asked for follow up regarding road repair in Tohono O'odom land, work with Border Patrol, and anything involving the border wall on Tohono O'odom land to be marked HIGH PRIORITY	2/17 / As needed
73	Dep Sec	DOI	Jim Cason	2/16/2017	Asked bureau heads and budget team to schedule follow up for next week regarding budget brief	24-Feb

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
74	Solicitor	SOL	Gary Frazer	2/16/2017	Asked for Solicitor's team to create a package for Politicals group for educational purposes regarding the 20 state lawsuit (will take 3 to 4 days)	Within the week
75	Solicitor	SOL	Gary Frazer	2/16/2017	Asked for Solicitor's team to set up a meeting for next Friday/Monday after next to follow up on progress regarding 20 state lawsuit	Within the week
76	Solicitor	SOL	Gary Frazer	2/16/2017	Before leaving for next meeting, asked Solicitor's group to start thinking about ESA reform and our role in it	Within the week
77	AS/LMM	BOEM	Walter Cruikshank/Kate Macgregor	2/17/2017	Asked to rescind the 113 Financial Assurance orders from small energy companies	24-Feb
78	AS/LMM	BOEM	Walter Cruikshank/Kate Macgregor	2/17/2017	Asked Kate to go visit Meghan, give her copy of Financial Assurance information to send out	24-Feb
79	AS/LMM	BOEM	Walter Cruikshank/Kate Macgregor	2/17/2017	Asked for Walter to tie his press/comms person with Meghan regarding Financial Assurance matters	17-Feb

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
80	AS/LMM	BOEM	Walter Cruikshank/Kate Macgregor	2/17/2017	Asked for BOEM to keep Meghan in the loop regarding press ops and the Financial Assurance issues	17-Feb
81	Dep Sec	SIWRO	Pamela Williams	2/17/2017	Asked Pamela to use you as point-of-contact in the short term regarding anything from SIWRO that needs your attention	2.17/ As needed
82	Special Trustee For American Indians	OST	Deborah Dumontier	2/17/2017	Asked Deb to look for another format regarding the Federal Register component of ITARA	Within the week
83	Special Trustee For American Indians	OST	Deborah Dumontier	2/17/2017	Asked Deb to bring the internal people together to: -map out where ITARA appraisal services are conducted -figure out best place in Department for it (she says it's already been accomplished)	Within the week
84	Special Trustee For American Indians	OST	Deborah Dumontier	2/17/2017	Asked her to "light a fire" under everyone re: evaluations	Within the week
85	Dep Sec	DOI	Jim Cason	21-Feb	At Politicals meeting, told group we NEED to deal with budget + talk with OMB by the end of the week	24-Feb
86	Dep Sec	DOI	Jim Cason	21-Feb	At Politicals meeting, told group we need to address the Twin Meadows situation (NOTE: No further clarification given)	3/23 (End of month)
87	AS/IA	BIA	Eric Shepard	23-Feb	At Meeting regarding Patchak & Reservation Shopping, told staff that we NEED additional criteria regarding how we define "jurisdiction", in order to craft something that is a little more meaningful	3/23/2017 (End of month)

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
88	AS/IA	BIA	Eric Shepard	23-Feb	Regarding Littlefield case, asked if we could look into filing for a stay while we wait for remand analysis, as well as talk with Mashpea regarding taking land out of trust or not	3/23 (End of month)
89	AS/IA	BIE	Travis Clark	2/23/2017	At BIE Negotiated Rulemaking meeting, asked Travis to focus on: identifying programs to address AYP problem, gather AYP criteria state-by-state for all 23 states, gather 3 to 5 years of AYP evaluations, and analyze thematic elements that are	3/23/2017 (ASAP)
90	AS/IA	BIE	Travis Clark	23-Feb	At BIE Negotiated Rulemaking meeting, asked staff to gather information regarding what standards BIE is looking to get out of negotiated rulemaking process	3/23 (ASAP)
91	AS/IA	BIE	Travis Clark	23-Feb	AT BIE Negotiated Rulemaking meeting, asked staff to consider which organization would be responsible for evaluating standards and keeping them accountable	3/23 (ASAP)
92	AS/IA	BIE	Travis Clark	23-Feb	At end of Negotiated Rulemaking meeting, asked assembled staff to arrange with Gareth best time to get back on schedule	3/23 (ASAP)
93	AS/IA	BIE	Travis Clark	23-Feb	Told BIE at meeting to send NO LETTERS to possible committee group	2/23 (immediate)
94	AS/IA	BIE	Travis Clark	23-Feb	Told BIE at meeting to assemble bios of possible committee members by next meeting	3/23 (ASAP)
95	Dep Sec	DOI	Greg Gould	2/23/2017	At Valuation meeting on 2/23, asked Greg if he could terminate our Department's/country's role in EITI, citing the lack of value that it brings (asked specifically about process of moving us to a "supporter" role rather than an "implementer"	3-Mar

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
96	Dep Sec	DOI	Greg Gould	2/23/2017	At Valuation meeting on 2/23, asked Greg if he could start the process for: withdrawing us from the January 1st rule regarding valuation, start an ANPR on a parallel timeline (asked to not let ANPR process drag out too long), THEN	3-Mar
97	Dep Sec	DOI	Olivia + Mary	23-Feb	At DOI Facilities Mapping Briefing, asked for staff to further clarify what made up the .9% of spending regarding "departmental management" (idea is to further illustrate that spending on HQ is the smallest amount we spend while	3-Mar
98	Dep Sec	DOI	Olivia + Mary	2/23/2017	At DOI Facilities Mapping Briefing, told staff that you were open to ideas regarding how to better illustrate HOW we spend money in HQ vs spending in field (said not to take TOO much time on task focus is just to cover all our bases)	3-Mar
99	Dep Sec	DOI	Olivia + Mary	2/23/2017	At DOI Facilities Mapping Briefing, told staff that it would be beneficial to have a visualization on-hand of our departments nation-wide footprint, for the benefit of the secretary and others that would be wondering	Within the week
100	AS/FWP	NPS	Herbert Frost	2/24/2017	At meeting regarding Jamestown power lines, asked NPS to get us to a point where we can write a letter stating that the DOI supports the construction project, as to remove us as an impediment	3-Mar
101	AS/FWP	NPS	Herbert Frost	2/24/2017	At meeting regarding Jamestown power lines, asked Maureen and Herbert to figure out where the concern is in NPS that's standing in the way of helping this firm get the construction	3-Mar
102	AS/IA	BIA	Mike Black	24-Feb	At meeting regarding Oneida FTT, asked Mike for a good copy of the FTT Bulletin doc, complete with the signature page	3-Mar
103	AS/IA	BIA	Mike Black	24-Feb	After Oneida FTT meeting, Mike took initiative by saying that he will find who's in charge of determining jurisdiction regarding the matters discussed at the 2/23 meeting	3-Mar
104	AS/IA	BIA	Daryl LaCounte	24-Feb	At meeting regarding Northern Arapaho Business Council, asked Daryl on the conference call if he could negotiate a meeting between the Arapaho and the Shoshonee, as well as look into options for possible partition of reservation	3-Mar

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
105	AS/LMM	BOEM		27-Feb	At meeting with API officials, asked them to provide the public comments regarding the BLM planning 2.0 process	3/27 (End of Month)
106	AS/LMM	BOEM		27-Feb	At meeting with API officials, asked them if it was possible for them to send us copies of their off shore flow charts that they have already produced	3/27 (End of Month)
107	AS/LMM	BOEM		27-Feb	At conclusion of meeting with API officials, said that you would be interested in having a follow up meeting towards the end of March to discuss the possibility of new rule making	3/27 (End of Month)
108	AS/LMM	BOEM	Walter Cruikshank	27-Feb	At meeting with AS/LMM, told Walt to begin process to rescind G&G denials from previous administration	3-Mar
109	AS/LMM	BOEM	Walter Cruikshank	27-Feb	At meeting with AS/LMM, told Walt that we need to make a public notice of availability regarding the Gulf of Mexico multi sale as soon as possible	3-Mar
110	AS/LMM	BOEM	Walter Cruikshank	27-Feb	At meeting with AS/LMM, said to wait that BOEM should put out a multi sale EIS, PROVIDED that we as a department have a discussion regarding the Clean Air Act rule and its implications for us	10-Mar
111	AS/LMM	BOEM	Walter Cruikshank	27-Feb	At meeting with AS/LMM, asked Walt and team to take a look at the timeline and schedule for the ongoing air modeling study, put it out for public comment while its in draft form, invite industry people to comment, and have our contractor edit the draft to include the practical implications from the	3/27 (End of Month)
112	AS/LMM	BOEM	Walter Cruikshank	27-Feb	At meeting with AS/LMM, asked Walt to make a notice of availability regarding the Gulf of Mexico multi sale, and to pass it to Julie Lillie as soon as possible	28-Feb

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
113	AS/LMM	BOEM	Walter Cruikshank	27-Feb	At meeting with AS/LMM, told Walt to follow up in approximately a week regarding the notice of availability for the Gulf of Mexico multi sale	10-Mar
114	AS/LMM	BOEM	Walter Cruikshank	27-Feb	At meeting with AS/LMM, told Walt to go forward with the multi sale ASAP, and to draft a supplemental within 1 week	2/27 (Multi sale); 3/10 (Draft Supplement)
115	AS/LMM	BOEM	Walter Cruikshank	27-Feb	At meeting with AS/LMM, told Walt to write a paper regarding directions BOEM wants from the Secretary about the new 5 year plan, and to have it ready within the week to present to him once he gets situated	3-Mar
116	Dep Sec	All	Jim Cason	1-Mar	At Assistant Secretaries weekly meeting, told all the bureau heads to put together a "one pager" for each infrastructure project they're responsible for greater than \$100 million	17-Mar
117	Solicitor	SOL	Eric Shepard	1-Mar	At Desert Water Agency meeting, asked Eric to look at the 2 solutions presented by the reps more in depth about what course of action we can do, or if we even CAN do either of their 2 options presented	17-Mar
118	Solicitor	SOL	Eric Shepard	1-Mar	At Desert Water Agency Meeting, asked our people to see what we can do to help determine a template for mutually agreeable easements that help the tribe as well as the water	17-Mar
119	NIGC		Maria Wiseman	2-Mar	At meeting reviewing boundary for the Oneida Gaming application, asked Maria to get a map of the actual reservation boundaries by the morning for the Secretary's	3-Mar
120	Solicitors Office		Jack Haugrud	3-Mar	At meeting regarding Alabama v. NMFS, asked to set up a meeting with the states in the lawsuit regarding Option 6 of our option brief	24-Mar

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
121	Solicitors Office		Jack Haugrud	3-Mar	At meeting regarding Alabama v. NMFS, asked to set up a follow up meeting regarding options we can take for action	24-Mar
122	AS/FWP	FWS	Maureen Foster	6-Mar	at Assistant Secretaries weekly meeting, told Maureen to revisit the budget offsets in FWS	17-Mar
123	AS/FWP	FWS	Maureen Foster	6-Mar	At Assistant Secretaries weekly meeting, asked Maureen to go to DOJ regarding the bumblebee ESA rule extension	10-Mar
124	AS/FWP	AS/FWP	Maureen Foster	6-Mar	At Assistant Secretaries weekly meeting, asked Maureen to add something on the FWS website regarding the new lead rule	10-Mar
125	AS/IA	AS/IA	John McClanahan	6-Mar	At meeting regarding the Buy Back Strategy, told John to go back to square one; asked him to figure out what would he do if we designed the program with a different goal, given the legislation we have (same thing you asked him the first time	31-Mar
126	AS/IA	AS/IA	John McClanahan	6-Mar	At meeting re: Buy Back Strategy, asked John to review the executive order about the hiring freeze to see if there are exemptions that could help with the strategy	31-Mar
127	AS/IA	AS/IA	John McClanahan	6-Mar	At meeting re: Buy Back Strategy, asked John to focus on describing the positive things the program has managed to accomplish	31-Mar
128	AS/IA	BIA	Ben Keel	6-Mar	At Assistant Secretaries weekly meeting, asked Ben to find a BIA regional person to send as a rep to the solar plant ceremony in Vegas	10-Mar
129	AS/IA	BIA	Ben Keel	6-Mar	At Assistant Secretaries weekly meeting, asked Ben to get more info about White House Council on Indian Affairs meeting	10-Mar

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
130	AS/LMM	BLM	Kathleen Benedetto	6-Mar	At meeting re: Cadiz Pipeline Project, asked Kathleen to rope in Downey and Dan Jorjani to set up a small meeting regarding the global settlement in the sage grouse issue	3/17 (Sooner rather than later)
131	AS/LMM	BLM	Kathleen Benedetto	6-Mar	At meeting re: Cadiz, asked Kathleen to revise the IM	3/17 (Sooner rather than later)
132	AS/LMM	BLM	Downey	6-Mar	At meeting re: Cadiz, asked Downey to take the "M" Opinion, look at the facts, and write an analysis that says the facts suggesting railroad benefits were ignored	3/17 (Sooner rather than later)
133	AS/LMM	BLM	Kathleen Benedetto	6-Mar	At meeting re: Cadiz, asked to get rid of the Hillary opinion, to leave the matter up to the railroad right of ways	3/17 (Sooner rather than later)
134	AS/LMM	BOEM	Rich Cardinale	6-Mar	At Assistant Secretaries weekly meeting, asked Rich and Kate to look at how APDs are being handled and processed	17-Mar
135	AS/LMM	AS/LMM	Rich Cardinale	6-Mar	At Assistant Secretaries weekly meeting, asked Rich to get on the Secretary's calendar regarding coal	10-Mar
136	AS/LMM	AS/LMM	Rich Cardinale	6-Mar	At Assistant Secretaries weekly meeting, asked Rich to add something on BLM website regarding coal	10-Mar
137	AS/LMM	BOEM	Walter Cruikshank	6-Mar	At meeting re: BOEM issue, asked Walter to undo previous directors memo regarding Cat X	10-Mar

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
138	AS/LMM	AS/LMM	Rich Cardinale	6-Mar	After meeting re: BOEM issue, asked Ricj to figure out an adoptability matrix to help solve the wild horse and burro issue, or to figure out solutions that don't keep costing DOI money	17-Mar
139	AS/WS	AS/WS	Scott Cameron	6-Mar	At Assistant Secretaries weekly meeting, asked Scott Cameron to start calling the stakeholders for the Navajo power generating station in around 3 weeks to start getting their material ready	27-Mar
140	Dep Sec	DOI	Jim Cason	6-Mar	At Assistant Secretaries weekly meeting, told all bureaus to review the rules that are approaching their 60 day windows, with recommendations on how to move forward	10-Mar
141	Dep Sec	DOI	Jim Cason	6-Mar	At Assistant Secretaries weekly meeting, asked all bureau heads for suggestions regarding expanding ethical culture at DOI by next week, as per Secretary's request	13-Mar
142	AS/FWP	FWS	Virginia Johnson	7-Mar	At meeting regarding Dominion Power and Jamestown, asked Virginia to go to the Friday meeting regarding both topics	10-Mar
143	AS/LMM	OSM	Downey	7-Mar	at AS/LMM meeting, asked Downey to inquire about the specific issues regarding the OSM buy out matter	17-Mar
144	AS/LMM	BSEE	Margaret Schneider	7-Mar	AT AS/LMM meeting, asked to set up a "side bar" meeting ewith BSEE re: Taylor Energy; whether current contracting policy is the appropriate policy	17-Mar
145	AS/LMM	BLM	Kristin Bail	7-Mar	At AS/LMM meeting, asked Kristin to reach out to Forest Service (again) to set up a meeting with their politicals regarding withdrawals	17-Mar
146	AS/LMM	BLM	Kristin Bail	7-Mar	At AS/LMM meeting, asked Kristin to: get numbers (\$\$\$) regarding the extension, come up with options list (go with 60 days or 4 months)	30-Mar

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
147	AS/IA	BIA	Eric Shepard	8-Mar	At meeting regarding Western Rivers conservancy, asked Eric to get to the bottom of the legal issues surrounding the deal	17-Mar
148	AS/IA	Indian Affairs	Paula Hart	9-Mar	At 2 part determination briefing, asked NIGC to maintain the status quo for the time being until a meeting with Mike can be arranged to talk about the issue	17-Mar
149	AS/IA	Indian Affairs	Paula Hart	9-Mar	At 2 part determination briefing, asked for the 2 Salazar memos from 2010 regarding land into trust	13-Mar
150	AS/IA	BIA	Bruce Loudermilk	9-Mar	At follow up meeting, asked Bruce to call the Yurok's tribal counsel, in order to get their input on their position regarding the Western Rivers deal	15-Mar
151	AS/IA	BIA	Bruce Loudermilk	9-Mar	Asked Bruce to do whatever consulting he needed to do, run the ideas about the \$10 million payment by Denise, and to get on the schedule for next week	15-Mar
152	PMB	ONRR	Greg Gould	9-Mar	At meeting regarding valuation, asked Greg to add a question regarding the "default" rule	10-Mar
153	PMB	ONRR	Greg Gould	9-Mar	At meeting regarding valuation, asked Greg to get both of the rules out (one to OMB, other out for comment)	10-Mar
154	PMB	ONRR	Greg Gould	9-Mar	At meeting regarding valuation, asked Greg to explain the sequence to Meg Bloomgreen	10-Mar
155	AS/LMM	BLM	Kathleen Benedetto	13-Mar	At Sage Grouse briefing, asked Kathy to put together an options paper on sage grouse (lay out the issues, our options on department policy, what we're trying to accomplish, etc)	22-Mar

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
156	AS/LMM	BLM	Kathleen Benedetto	13-Mar	At sage grouse briefing, asked Kathy to reach out to someone in Forest Service that knows what they're doing re: sage grouse	22-Mar
157	AS/LMM	BLM	Kathleen Benedetto	13-Mar	At sage grouse briefing, asked Kathleen to stop MOU's + listening activities until we know what we're doing	22-Mar
158	AS/LMM	BLM	Kathleen Benedetto	13-Mar	At sage grouse meeting, asked group to find DOI's sage grouse coordinator, remind them to coordinate through Kathy going forward since she volunteered to take the lead	22-Mar
159	AS/LMM	BLM	Kathleen Benedetto	13-Mar	At sage grouse briefing, asked Kathy to talk with sage grouse coordinator, find out what they have to say	22-Mar
160	AS/LMM	BLM	Kathleen Benedetto	13-Mar	At sage grouse briefing, asked group to reach out to all states principally effected, find FWS directors for each state, ask them their sage grouse policies (specifically if they allow hunting), and to record their contact information	22-Mar
161	AS/LMM	BLM	Kathleen Benedetto	13-Mar	At sage grouse briefing, asked to bring Virginia and Casey on on next meeting, as well as someone from the solicitors office	22-Mar
162	AS/IA	BIA	Mike Black	13-Mar	At meeting with Targa Resources, asked Mike to look around BIA to find realty resources they could potentially move around to help alleviate the situation facing Targa (addendum: asked to look for affordable housing in the area)	31-Mar
163	Dep Sec	DOI	Jim Cason	13-Mar	At Deputy Secretary weekly meeting, reminded everyone to turn in their 1 pagers on private infrastructure by Friday	17-Mar
164	Dep Sec	DOI	Amy Holley	13-Mar	At Deputy Secretary weekly meeting, asked everyone to start collecting info on National Monuments under their management, including cursory information	31-Mar
165	Dep Sec	DOI	Jim Cason	13-Mar	At Deputy Secretary weekly meeting, asked everyone to be prepared to talk about wildlife and wilderness study areas in a few weeks	31-Mar

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
166	AS/FWP	FWS	Maureen Foster	13-Mar	At Deputy Secretary weekly meeting, asked Maureen to find the FWS sage grouse coordinator, and to loop them in through Kathy B	22-Mar
167	BIA	Buy Back Program	John McClanahan	13-Mar	Asked John to identify any authorities we can use to retain the interest	17-Mar
168	BIA	Buy Back Program	John McClanahan	13-Mar	Asked John to look at annual reports, write a blended report (program status report as of JANUARY 20TH)	17-Mar
169	BIA	Buy Back Program	John McClanahan	13-Mar	Asked John to be ready to represent DOI at buy back listening session on April 25th	25-Apr
170	AS/LMM	BOEM	Rich Cardinale	14-Mar	Asked for a follow up meeting to look at policy options re: Contractor Incidents of Non-Compliance	24-Mar
171	AS/FWP	NPS	Virginia Johnson	14-Mar	At meeting with Dominion Power, asked to set up a meeting within a week to talk with FWS/NPS	22-Mar
172	AS/IA	OST	Deborah Dumontier	15-Mar	At ITARA meeting, told Deb to ask the Solicitors office to evaluate the conflict of: Undersecretary of Indian Affairs, OST Director, and the Indian Affairs Secretary	17-Mar
173	AS/IA	OST	Deborah Dumontier	15-Mar	Asked Deb to get a copy of the Jim Jones document by close of business Friday	17-Mar
174	AS/IA	OST	Deborah Dumontier	15-Mar	Asked for Deb to talk to Julie Lilie about the 25 comments	17-Mar
175	AS/IA	BIA	Bruce Loudermilk	16-Mar	Asked Bruce to call Western Rivers people re: documents for \$10 million commitment	24-Mar
176	OS	PMB	Amy Holley	16-Mar	At meeting to discuss improving DOI ethics, asked Melinda to find someone in policy analysis to help with ethics assignment, put them on 60-90 day detail	19-May
177	OS	PMB	Melinda Loftin	16-Mar	At ethics meeting, told group to assemble an up to date picture of the Department's dedicated ethics resources	2-Apr
178	OS	PMB	Melinda Loftin	16-Mar	Asked Melinda to get everyone at the ethics meeting a copy of the Salazar assesment	26-Mar
179	OS	PMB	Melinda Loftin	16-Mar	Asked group to get on calendar for another meeting	26-Mar

Deputy Secretary Assignments
Follow Up List

	A	B	C	D	E	F
180	BIA	Buy Back Program	John McClanahan	17-Mar	Asked John to follow up with Department of Agriculture re: loan program; find funding amount for loan program	24-Mar
181	BIA	Buy Back Program	John McClanahan	17-Mar	Asked John to get data re: who has received Cobell scholarships	24-Mar
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From: Stewart, Shannon
To: [Janine Velasco](#); [Ronald Dunton](#); [Salvatore Lauro](#); [Kristin Bail](#); [Timothy Spisak](#); [Lonny Bagley](#); [Christopher McAlear](#); [Matthew Allen](#); [Jody Hudson](#); [Howard Cantor](#)
Cc: [Jerome Perez](#); [Kathleen Benedetto](#); [Jeff Brune](#); [Michael Nedd](#)
Subject: Directorate Priority Work - due March 29th
Date: Wednesday, March 22, 2017 6:11:29 PM
Attachments: [BLM-WO Workload and Priorities.xlsx](#)

Sending on Mike's behalf

Assistant Directors:

I would like us to go through a series of steps together over the next couple of weeks to identify an integrated approach to meeting the new Administration's priorities.

For the first step, I'd like each of you to begin to identify the priority work items for your directorate and come prepared to discuss them at our next AD meeting on Monday, March 27th at 3:00 pm. The goal is to have a complete set of priorities by next Wednesday, March 29th. Specifically, I would like you to: (see the example on the attached spreadsheet)

- * Identify the priority work items for your directorate.
- * Identify the major milestones under those priority work items and completion dates if known.
- * Organize and align your priority work items according to the Administration's priorities listed below (while a given item may meet more than one priority, try to place it in one spot where it makes most sense).
- * Populate the attached spreadsheet so we can collate all of the priority work items.

Through this exercise I hope we can gain a better sense for our overall workload. On Monday I will share my vision for the next steps. In short, I'd like us to take the big-picture view, see where there are links and cross-overs among the directorates, and work together to further refine the overall plan. Once this process is complete, we will present the package to ASLM for their feedback.

Jeff Brune will be assisting with this effort, feel free to contact Jeff if you have questions. I look forward to working with you on this. It offers a great opportunity to develop a shared vision and focus our work into the Administration's priority areas.

Mike

Administration Priorities for DOI and BLM

Making America Safe through Energy Independence

- * America First Energy Plan - all of the above energy development
- * Concept is to provide opportunities for energy development knowing that economics will determine if a project is feasible.
- * Streamlining processes
- * Transmission and pipeline ROWs

Making America Great Through Shared Conservation Stewardship

Making America Safe - Restoring Our Sovereignty

- * Securing the Southern Border

Getting America Back to Work

- * Jobs related to energy, mining, grazing, multiple use
- * Access (permitting, transmission and pipeline ROWs, addressing barriers, infrastructure projects on private or other Federal lands that involve BLM)

Serving the American Family

- * Service, partnerships, robust relationships with state, local and Tribal governments and the American People

BLM Priority Work Items

Administration Priorities	Making America Safe through Energy Independence	Making America Great Through Shared Conservation Stewardship	Making America Safe - Restoring Our Sovereignty	Getting America Back to Work	Serving the American Family
FA-100: Fire & Aviation					
WO-120: Office of Law Enforcement and Security					
WO-200: Resources and Planning					
WO-300: Energy, Minerals and Realty Management	<i>Example:</i> Streamline the Coal Leasing and Permitting Process: - NEPA (June 2017) - Coal Application Processing (June 2017) - Fair Market Value (August 2017) - Regulation (June 2018) - Program Management (June 2017)				
WO-400: National Conservation Lands and Community Partnerships					
WO-600: Communications					
WO-700: Human Capital Management					
WO-800: Business, Fiscal and Information Resources Management					
National Operations Center					

From: Seidlitz, Joseph (Gene)
To: [Anderson, Michael](#); [Lassiter, Tracie](#)
Cc: [Beverly Winston](#); [Shannon Stewart](#); [Jeff Brune](#); [Jill Moran](#); [Richard Cardinale](#); [Katharine Macgregor](#)
Subject: Lands/Realty 101 - Briefing Docs
Date: Friday, March 24, 2017 5:25:01 PM
Attachments: [Lands and Realty 101 Briefing Memo 03.24.17.docx](#)
[Lands and Realty Powerpoint 03.24.17.pptx](#)

Hi!

Please find the attached briefing paper/memo and PowerPoint for Lands/Realty 101.

This briefing is scheduled for March 29 at 1:00. Please finalize for the "binders".

Shannon/Jeff/Bev - thanks for the continued advance sending of the document prior to the briefings. Much noted and appreciated.

Thank you
Gene

Gene Seidlitz
Analyst-Liaison
Office of the Assistant Secretary
Land and Minerals Management
1849 C St, NW
Room 6629
Washington, DC 20240
202-208-4555 (O)
775-304-1008 (C)

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

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DATE: March 24, 2017

FROM: Michael D. Nedd, Acting Director – Bureau of Land Management (BLM)

SUBJECT: Lands, Realty and Cadastral Survey Division Briefing

BACKGROUND

The BLM Lands, Realty, and Cadastral Division is one of the units within the Energy, Minerals and Realty Management Directorate. The Division Chief is Robert Jolley, the Branch Chief for Cadastral is Don Buhler, and the Branch Chief for National Realty Projects is Stephen Fusilier.

DISCUSSION

The Lands, Realty and Cadastral Survey Division is responsible for maintaining national policies and processes for land use and land tenure. The Division ensures that useful data are collected, available information is properly considered in decision making, and that policies regarding land use and land tenure are properly implemented. Following are descriptions of the major programs managed by the Lands, Realty and Cadastral Survey Division as well as a summary of influential laws and authorities related to these programs.

Alaska Conveyance and Lands

- Transfers land title from the Federal government to individual Alaska Natives, Alaska Native Corporations, and the State of Alaska.

Lands, Realty and Cadastral Management

- Provides cadastral survey services that are an important component to managing both Federal and private lands. Manages withdrawals, extensions, revocations, modifications, segregation of public lands, and major rights-of-way.

Land Acquisition

- Promotes the conservation of natural landscapes and resources by consolidating public lands through purchase, exchange, and donation to increase management efficiency and preserve areas of natural, cultural, and recreational importance.

Influential Laws and Authorities

- Federal Land Policy and Management Act (FLPMA), Recreation and Public Purpose Act, Native Allotment Act, Alaska Statehood Act, Alaska Native Claims Settlement Act, Alaska National Interest Lands Conservation Act, Public Land Orders, Executive and Secretarial Orders, Engle Act

ATTACHMENT

- 1) Lands, Realty and Cadastral Division PowerPoint Presentation



U.S. Department of the Interior
Bureau of Land Management

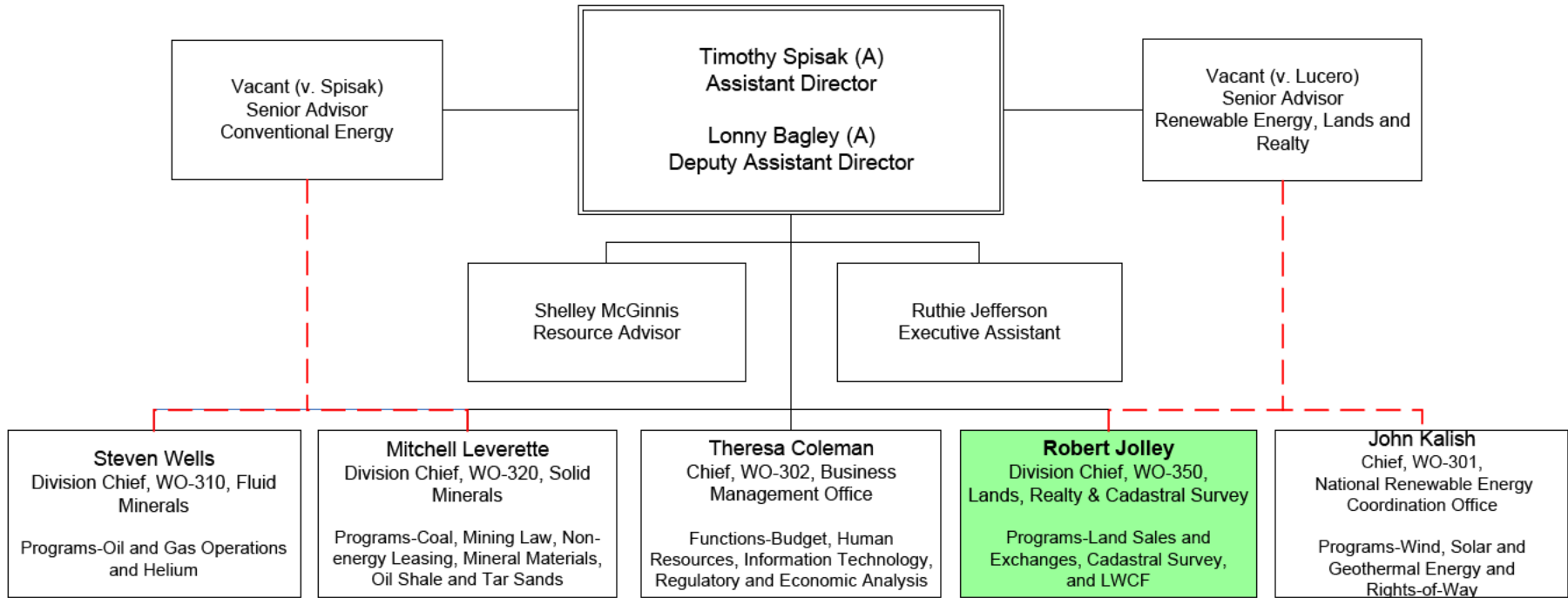
Lands, Realty and Cadastral Survey Division

March 2017





Energy, Minerals, and Realty Management (WO-300) Functional Chart



Directorate Total 90: (87 FTE, plus 3 temp/term positions)



WO-350 Program Descriptions

Alaska Conveyance and Lands (Subactivity 1410)

Fiscal Year 2016 Budget: \$22 million

Transfers land title from the Federal government to individual Alaska Natives, Alaska Native Corporations, and the State of Alaska.

Lands, Realty and Cadastral Management (Subactivity 1440)

Fiscal Year 2016 Budget: \$51.25 million

Provides cadastral survey services that are an important component to managing both Federal and private lands. Manages withdrawals, extensions, revocations, modifications, segregation of public lands, and major rights-of-way.

Land Acquisition (Subactivity 3110)

Fiscal Year 2016 Budget: \$36.6 million

Promotes the conservation of natural landscapes and resources by consolidating public lands through purchase, exchange, and donation to increase management efficiency and preserve areas of natural, cultural, and recreational importance.



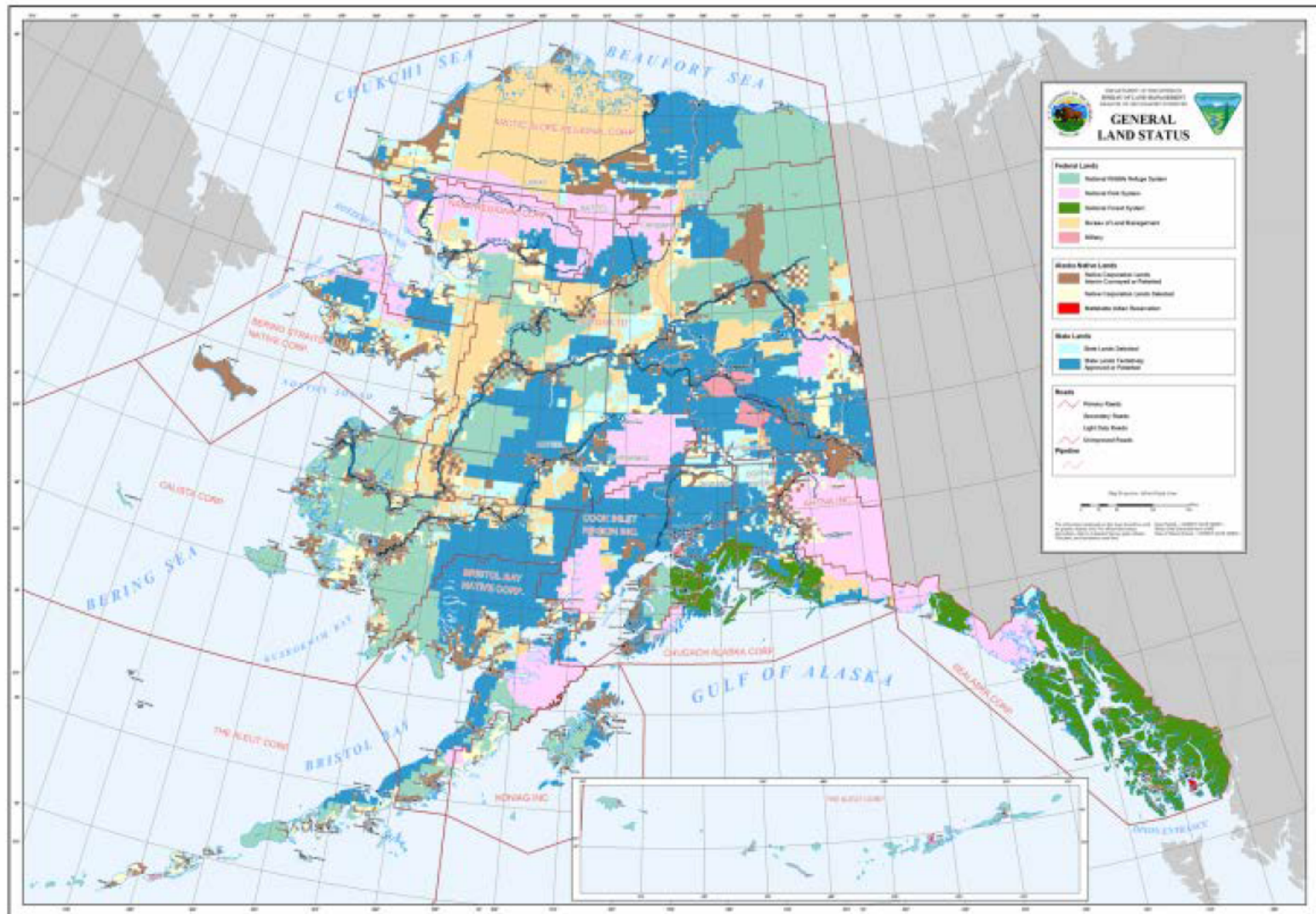
Cadastral, Lands & Realty Budget (2016 – \$ million)

Program	Regulation (43 CFR)	Subactivity	Budget (million \$)	FTE (FY17)
Alaska Conveyance and Lands	9180	1410	22	109
Cadastral, Lands & Realty Management	2700/2900/9180	1440	51	319
Land Acquisition	2100	3110	37	12
		Total:	110	440



Alaska Land Conveyance

Largest land conveyance program in USA





Land Conveyance in Alaska

Influential Laws:

- Native Allotment Act (1906)
- Alaska Statehood Act (1958)
- Alaska Native Claims Settlement Act (1971)
- Alaska National Interest Lands Conservation Act (1980)





Land Conveyance in Alaska

Lands to be conveyed in Alaska:

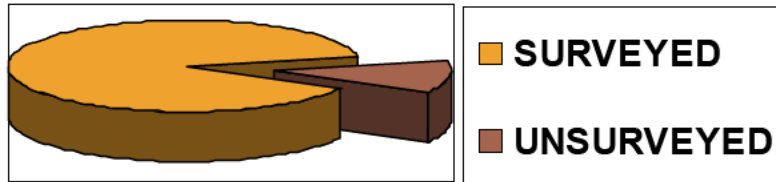
- 365 million acres
- 105 million acres to the State of Alaska
- 44 million acres to individual Alaska Natives & Native corporations
- 83.5 million acres of public lands & Federal boundaries must be identified





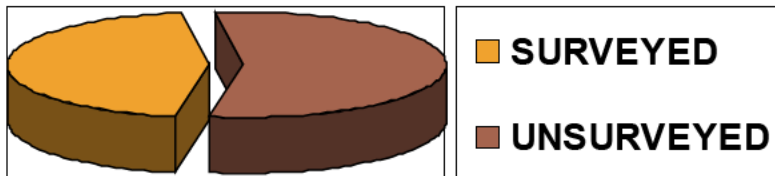
Land Conveyance in Alaska

NATIVE LANDS



88% of 44 million acres surveyed for Native entities

STATE LANDS



45% of 105 million acres surveyed for State of Alaska



Lands, Realty and Cadastral Programs

Cadastral Survey Program

GPS surveys of Native
Alaskan allotment



Cadastral surveys create, mark, define, retrace, or reestablish the boundaries and subdivisions of public lands.



Lands, Realty and Cadastral Programs

Land Withdrawal Program

Withholds land from settlement, sale, location, or entry under some or all of the public land laws. They are accomplished through Public Land Orders (PLO) for the purpose of:

- Limiting activities to maintain other public values;
- Reserving an area for a particular public purpose or program; or
- Transferring administrative jurisdiction or responsibility for an area from one department, bureau, or agency to another.



Lands, Realty and Cadastral Programs

Land Withdrawal Program

History

- 1800s – First withdrawals were created with Presidential Executive Orders (EO)
- 1942 – Authority delegated to the Secretary of the Interior and PLO system established
- 1976 – FLPMA gave administrative authority exclusively to the Secretary of the Interior
- FLPMA limits delegation to individuals appointed by the President and confirmed by the Senate
- ASLM usually signs PLOs
- BLM designated as agency responsible for processing administrative withdrawals for all agencies



Lands, Realty and Cadastral Programs

Land Withdrawal Program

Military Withdrawals – Lands Used by the Military 25 Million Total Acres

Non-Public Lands

9 million acres

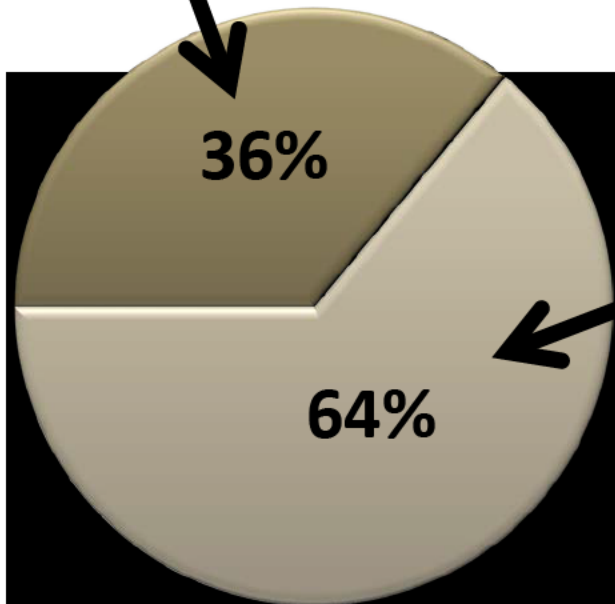
- Purchase
- Easements, Leases, etc

Withdrawn From Public Domain

16 million acres

- (8 million Army)
- (5 million Air Force)
- (3 million Navy)

- Executive Order
- Authority of the Secretary of the Interior
- Act of Congress





Lands, Realty and Cadastral Programs

Land Withdrawal Program

Military Withdrawals

- These lands are owned by the United States
- Lands managed by DOI under FLPMA
- Primarily reserved for DOD use
- Not available for settlement, sale or mineral location under public land laws; may be available for grazing, mineral leasing, recreation and other activities
- Authorized uses are specified in the special legislation
- Transfer of jurisdiction (full/shared)
- Management of lands (DOD/joint)
- Duration of withdrawal
- Environmental remediation upon return to public domain



Lands, Realty and Cadastral Programs

Filming on BLM Public Lands





Lands, Realty and Cadastral Programs

Filming on BLM Public Lands

- Public Law 106 – 206 (published in 43 C.F.R. Part 5) sets criteria
- BLM lands are popular location for filming
- Permits issued for commercial film production
 - Movies
 - Television and radio commercials
 - Documentaries
 - Advertisements
- 300-400 film permits issued per year
 - CA, NV, and UT – majority in these States
- \$185,000 (average) per year rental receipts
- Fully reimbursable processing/monitoring costs



Lands, Realty and Cadastral Programs

Land and Water Conservation Fund

Provides funds for and authorizes Federal assistance to States in planning, acquisition, and development of needed land and water areas and facilities. (managed by the NPS)

The Land and Water Conservation Fund Act was established for two primary purposes:

Open Space and Recreation



Sears Point Area of Critical Environmental Concern



Lands, Realty and Cadastral Programs

Land and Water Conservation Fund

Provides for the purchase of lands, waters, or interests in lands within exterior boundaries of:

- National Forest System
- National Park System
- National Scenic Trails
- National Wild & Scenic River System
- National Wilderness Preservation System
- National Wildlife Refuge System
- National System of Public Lands
 - National Conservation Lands
 - Areas of Critical Environmental Concern
 - Special Recreation Management Areas





Lands, Realty and Cadastral Programs

Land and Water Conservation Fund

Majority of expenditures have been for the purchase of land and interests-in-land and acquisition management costs by the four major Federal land management agencies:

- Bureau of Land Management
- Fish & Wildlife Service
- Forest Service
- National Park Service



Rio Grande National Wild & Scenic River





Land Acquisition

Land Tenure (Acquisitions, Sales & Exchanges)

BLM has general authority to acquire lands or interest in lands under Section 205 of Federal Land Policy and Management Act (43 U.S.C. §1715(a)). This includes authority for:

- Purchase
- Exchange
- Donation
- Eminent domain

Interest is something less than full land ownership and includes:

- Conservation easements
- Access easements
- Mineral rights
- Water rights

The BLM applies this authority to:

- Protect natural and cultural resources
- Increase opportunities for public access and recreation
- Improve management of lands



Questions?

WO-350 Primary Contacts

Don Buhler
Cadastral Branch Chief
202-912-7353
dbuhler@blm.gov

Robert Jolley, PE
Division Chief
202-912-7350
rbjolley@blm.gov

Stephen Fusilier
National Realty Projects
Branch Chief
202-912-77148
sfusilie@blm.gov

From: Stewart, Shannon
To: [Moran, Jill](#); [Seidlitz, Joseph \(Gene\)](#)
Cc: [Winston, Beverly](#); [mike nedd](#); [Jerome Perez](#); [Kathleen Benedetto](#)
Subject: Re: Materials for Onshore Order briefng
Date: Tuesday, March 28, 2017 4:34:47 PM
Attachments: [Onshore Orders Memo 2017 0317 final RME.srw.docx](#)

Jill

Attached is the revised paper in track changes which addresses your questions. Please send us the final when it is complete. This briefing is scheduled for Friday 3/31.

Thanks
Shannon

On Tue, Mar 21, 2017 at 4:43 PM, Moran, Jill <jcmoran@blm.gov> wrote:

Hi Shannon,

I made some edits, but just related to acronyms, etc. - nothing substantive.

I did, however, ask three questions that I think Rich and Kate will want to see in the briefing paper. They are in track changes in the document.

Let me know if you have any questions. This briefing isn't until March 31 so we have some time.

Thanks!
Jill

On Fri, Mar 17, 2017 at 11:13 AM, Stewart, Shannon <scstewar@blm.gov> wrote:

Hi Gene and Jill

Attached are the briefing materials for Monday's meeting on Onshore Orders 3, 4 and 5. We are also submitting a briefing paper on the venting and flaring rule and hydraulic fracturing rule. These will not be the focus of the meeting on Monday but may come up then or in other conversations.

Thanks
Shannon

--

Shannon Stewart
Acting Chief of Staff
Bureau of Land Management
202-570-0149 (cell)
202-208-4586 (office)
scstewar@blm.gov

--

Jill Moran

Energy Program Analyst - BLM Liaison

Office of the Assistant Secretary - Land and Minerals Management

(202) 208-4114

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Shannon Stewart

Acting Chief of Staff

Bureau of Land Management

202-570-0149 (cell)

202-208-4586 (office)

sstewart@blm.gov

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

DATE: March ~~28~~¹⁶, 2017

FROM: Tim Spisak, Acting Assistant Director, Energy, Minerals and Realty Management

SUBJECT: Onshore Orders [Nos. 3, 4, and 5](#)

BACKGROUND

ATTACHMENT

1. API Letter dated February 21, 2017

From: Richard Bouts
To: kathleen_benedetto@ios.doi.gov
Subject: Fwd: BLM ROWs within 1875 RR ROWs
Date: Wednesday, March 29, 2017 8:21:48 AM
Attachments: [ATT00001.htm](#)
[Briefing Memo 1875 RR Act 3-17-17 + SOL-DLR edits.docx](#)

People are moving on this this morning. Here is a briefing paper that was shared by John Kalish that is helpful. You might want to speak to Tim Spisak about what's being requested.

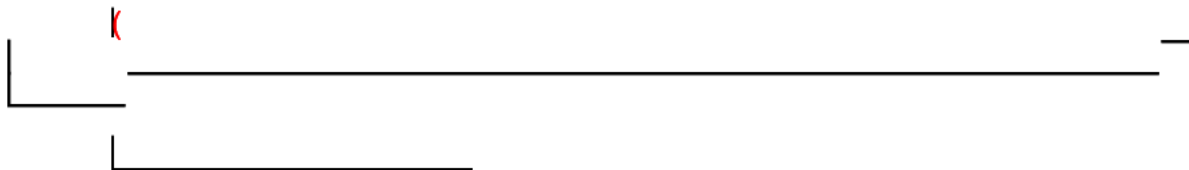
Begin forwarded message:

From: "Kalish, John" <jkalish@blm.gov>
Date: March 29, 2017 at 7:15:21 AM EDT
To: "Jolley, Robert" <rbjolley@blm.gov>
Cc: Timothy Spisak <tspisak@blm.gov>, Richard Bouts <rbouts@blm.gov>, Lonny Bagley <lbagley@blm.gov>, Erica Pionke <epionke@blm.gov>, "McGinnis, Shelley" <smcginnis@blm.gov>
Subject: Re: BLM ROWs within 1875 RR ROWs

Tim:

Mike Smith was involved in this discussion when we did the briefing (attached). We need to get Mike involved. Conf call?

On Tue, Mar 28, 2017 at 6:41 PM, Jolley, Robert <rbjolley@blm.gov> wrote:

A large rectangular area of the email is redacted with a thick black line. A small red mark is visible at the top left of the redaction.

Robert

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

On Tue, Mar 28, 2017 at 6:36 PM, Timothy Spisak <tspisak@blm.gov> wrote:

A rectangular area of the email is redacted with a thick black line. The word "We" is visible to the right of the redaction.

can talk in the am.

Sent from my iPhone

> On Mar 28, 2017, at 6:27 PM, Jolley, Robert <rbjolley@blm.gov> wrote:

>

> Background on the IM and M opinion for Tim/Lonny.

>

>

> Robert Jolley, PE

> Division Chief

> WO-350, Lands, Realty, and Cadastral Survey

> Washington Office, Bureau of Land Management

> wk: 202-912-7350

> cell: 202-669-9736

> rbjolley@blm.gov

>

>

> ----- Forwarded message -----

> From: Pionke, Erica <epionke@blm.gov>

> Date: Fri, Jan 6, 2017 at 12:52 PM

> Subject: BLM ROWs within 1875 RR ROWs

> To: "McGinnis, Shelley" <smcginnis@blm.gov>, John Kalish <jkalish@blm.gov>,

> Stephen Fusilier <sfusilie@blm.gov>, Robert Jolley <rbjolley@blm.gov>,

> Larry Claypool <lclaypoo@blm.gov>

>

>

> Everyone,

>

> In preparation for our meeting at 1:30, I wanted to send you some

> background material which includes:

>

> The M-37025 opinion, which was the impetus for the new policy

> The WO IM 2014-122 which directs the BLM to re-evaluate ROWs within 1875 RR

> ROWs

> The latest draft of the FRN to notify the public of the change in policy.

>

> Thanks.

>

> Erica

>

> --

>

> *Erica Pionke*, JD, PMP

> *Realty Specialist - Roads, Railroads, Pipelines*

> Bureau of Land Management

> 20 M Street, SE, Room 2134 LM

> Washington, DC 20003

> Direct: (202) 912-7219

> Cell: (202) 570-2624

> epionke@blm.govE

> <M-37025 Partial Withdrawal of M-36964 Proposed Installation of MCI Fiber Optic
Communications Line Within S. Pac. Trans. Co.'s RR ROW.pdf>

> <WO IM 2014-122 Evaluation of Activities within RR ROWs Granted under the 1975 Act
SIGNED.pdf>

> <BLMR001095 RR FRN Fed Reg Notice_9.26.16 with JW edits.docx>

--

John R. Kalish, Chief
Office of Renewable Energy Coordination (WO-301)
Bureau of Land Management
20 M Street SE, Rm. 2134LM
Washington DC 20003
202-912-7312 office
202-306-3681 cell

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

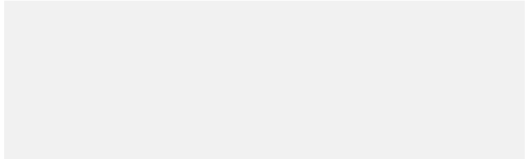
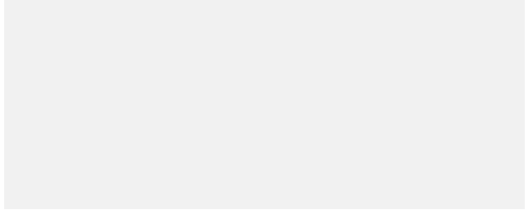
DATE: 3/17/2017

FROM: Michael Nedd, Acting Director – Bureau of Land Management

SUBJECT: Addressing potential rescission of the BLM Washington Office Instruction Memorandum No. 2014-122, *Evaluation of Activities within Railroad Rights of Way Granted under the General Railroad Right of Way Act of March 3, 1875*, dated August 11, 2014.

KEY FACTS

BACKGROUND



NEXT STEPS

ATTACHMENTS

None.

From: Michael Nedd
To: [Shannon Stewart](#)
Cc: [Jerome Perez](#); [Kathleen Benedetto](#); [Linda Thurn](#)
Subject: FW: Secretarial Orders for discussion at 10:00a
Date: Thursday, March 30, 2017 11:09:22 AM
Attachments: [2017_signed_charter_royalty_policy_committee_03_29_17.pdf](#)
[SO_3348_Coal_Moratorium.pdf](#)
[SO_3349_-_American_Energy_Independence.pdf](#)
[EO_promoting_energy_independence.pdf](#)

Here you are and please distribute as you see fit...

In reading the SOs, there are a number of deliverables due beginning 14 days from the issuance of the order and then there are other deliverables at 21, 30, and 90 days. That being said, it may be helpful to send the SOs to WO-200 (the WO-300 team sent them to me and was scheduled to meet earlier today to review them) and have them collaborate with WO-300, if not already planned/initiated. I'm also aware that the SOL (Karen H) was planning to work with WO-300 to develop a chart of the various aspects.

I'm opened to suggestions, but I'm thinking we would want some initial feedback from the two key ADs either Monday or Tuesday as to the game plan for meeting the expectations as outlined in the SOs. This would also allow us to give some guidance if need be... Maybe a 30-minute get together would be in order...

Take care and have a wonderful day! :)

Michael Nedd

202-208-4201 Office

202-208-4800 Fax

mnedd@blm.gov

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

U.S. Department of the Interior

Royalty Policy Committee Charter

1. **Committee's Official Designation.** Royalty Policy Committee (Committee).
2. **Authority.** The Royalty Policy Committee is a discretionary committee established under the authority of the Secretary of the Interior (Secretary) and regulated by the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. Appendix 2. It has been determined that the Committee is in the public interest in connection with the responsibilities of the Department of the Interior (DOI) under the:
 - Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 *et seq.*), including provisions of the Energy Policy Act of 2005 (P.L. 109-058);
 - Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*), (1996);
 - Federal Oil and Gas Royalty Management Act, as amended (P.L. 114-94), (2015);
 - Federal Oil and Gas Royalty Simplification and Fairness Act of 1996 (P.L. 104-185);
 - Geothermal Steam Act of 1970 (30 U.S.C. 1001 *et seq.*);
 - Mineral Leasing Act (30 U.S.C. 181 *et seq.*);
 - Mineral Leasing Act for Acquired Lands (30 U.S.C. 351 *et seq.*);
 - The Act of March 3, 1909 (25 U.S.C. 396);
 - The Act of May 11, 1938 (commonly known as the "Indian Mineral Leasing Act of 1938") (25 U.S.C. 396a *et seq.*);
 - Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 *et seq.*);
 - The Indian Mineral Development Act of 1982 (25 U.S.C. 2101 *et seq.*); and
 - The U.S. National Action Plan for the Open Government Partnership and other related authorities.
3. **Objectives and Scope of Activities.** The Secretary seeks to ensure the public receives the full value of the natural resources produced from Federal lands. The Committee will provide advice to the Secretary, through the Assistant Secretary - Land and Minerals Management (ASLM), Assistant Secretary - Indian Affairs (ASIA), and the Director of the Office of Natural Resources Revenue (ONRR), on the fair market value of and on the collection of revenues derived from, the development of energy and mineral resources on Federal and Indian lands.
4. **Description of Duties.** The duties of the Committee are solely advisory in nature. The Committee will, at the request of the Designated Federal Officer (DFO), advise on current and emerging issues related to the determination of fair market value, and the collection of revenue from energy and mineral resources on Federal and Indian lands. At the request of the DFO, the Committee also will advise on the potential impacts of proposed policies and regulations related to revenue collection from such development, including whether a need exists for regulatory reform.
5. **Agency or Official to Whom the Committee Reports.** The Committee will report to the Secretary through the ASLM, ASIA, and the Director of ONRR.
6. **Support.** The ONRR will provide administrative and logistical support for the Committee.
7. **Estimated Annual Operating Costs and Staff Years.** The annual operating costs associated with supporting the Committee's functions are estimated to be \$350,000, including all direct and indirect expenses and 3 full-time employees.

8. **Designated Federal Officer.** The DFO is a full-time Federal employee appointed in accordance with Agency procedures. The DFO or alternate DFO will approve or call all Committee and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair Committee meetings when directed to do so by the Secretary.
9. **Estimated Number and Frequency of Meetings.** The Committee will meet at least once each calendar year, and at such other times as determined necessary by the DFO.
10. **Duration.** Continuing.
11. **Termination.** The Committee is subject to biennial review and will terminate 2 years from the date the Charter is filed, unless prior to that date, it is renewed in accordance with Section 14 of the FACA. The Committee will not meet or take any action without a valid current charter.
12. **Membership and Designation.** The Committee will not exceed 28 members and will be composed of non-Federal and Federal members in order to ensure fair and balanced representation. The Secretary will appoint non-Federal members and their alternates to the Committee to serve up to a 3-year term. Non-Federal members and alternates may not serve as a member or alternate for more than 6 consecutive years. However, after a 2-year break in service, any such non-Federal member or alternate will again be eligible for appointment.

The ASLM and the Director of ONRR, or their designee(s), shall serve as co-Chairs of the Committee.

Federal Members: The Secretary will appoint the following officials as nonvoting, ex-officio members of the Committee:

- A representative of the Secretary's Immediate Office
- Assistant Secretary – Indian Affairs
- Director, Bureau of Indian Affairs
- Director, Bureau of Land Management
- Director, Bureau of Ocean Energy Management
- Director, Bureau of Safety and Environmental Enforcement

These officials may designate a senior official to act on their behalf.

Non-Federal Members: The Secretary will appoint members in the following categories:

- Up to 6 members representing the Governors of States that receive more than \$10,000,000 annually in royalty revenues from onshore and offshore Federal leases.
- Up to 4 members representing the Indian Tribes that are engaged in activities subject to:
 - (i) the Act of May 11, 1938 (commonly known as the “Indian Mineral Leasing Act of 1938”) (25 U.S.C. 396a *et seq.*);
 - (ii) Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 *et seq.*);
 - (iii) the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 *et seq.*); or
 - (iv) any other law relating to mineral development that is specific to one or more Indian Tribes.

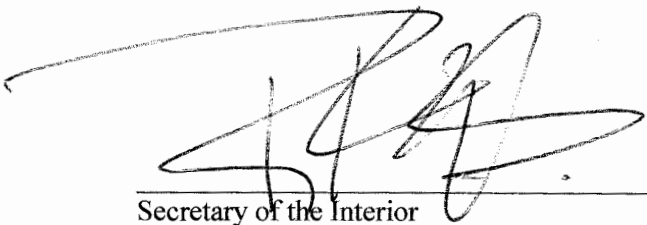
- Up to 6 members representing various mineral and/or energy stakeholders in Federal and Indian royalty policy.
- Up to 4 members representing academia and public interest groups.

Each non-Federal member may nominate an alternate member to the Committee. Alternate members must be approved and appointed to the Committee by the Secretary before attending meetings in lieu of primary members. Alternate members will have experience and/or expertise similar to that of the associated primary member.

Members of the Committee serve without compensation. However, while away from their homes or regular places of business, Committee and subcommittee members engaged in Committee or subcommittee business approved by the DFO may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. 5703, in the same manner as persons employed intermittently in Federal Government service.

Any vacancy on the Committee will be filled in the same manner in which the original appointment was made. All members serve at the discretion of the Secretary.

13. **Subcommittees.** Subject to the DFO's approval, subcommittees may be formed for the purposes of compiling information, conducting research, and/or drafting recommendations. However, such subcommittees must act only under the direction of the Committee and must report their recommendations to the full Committee for consideration. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.
14. **Ethics Responsibilities of Members.** No Committee or subcommittee member or alternate member will participate in any specific party matter (including a lease, license, permit, contract, claim, agreement, or related litigation) with the DOI in which the member or alternate member has a direct financial interest. Members and alternate members will endeavor to avoid any actions that would cause the public to question the integrity of the Committee's operations, activities, or advice. The provisions of this paragraph do not affect any statutory or regulatory ethical obligations to which Federal members (and alternate members) are subject.
15. **Recordkeeping.** The records of the Committee, including formally and informally established subcommittees of the Committee, will be handled in accordance with General Records Schedule 6.2 or other approved Agency records disposition schedule. These records will be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.



 Secretary of the Interior

03-29-2017

 Date

 Date Filed



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3348

Subject: Concerning the Federal Coal Moratorium

Sec. 1 Purpose. The Federal coal leasing program is of critical importance to the economy of the United States, supplying approximately 40 percent of the coal produced in the Nation. On January 15, 2016, Secretary's Order 3338, "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program," was signed and placed a moratorium on the coal leasing program with limited exceptions. Given the critical importance of the Federal coal leasing program to energy security, job creation, and proper conservation stewardship, this Order directs efforts to enhance and improve the Federal coal leasing program.

Sec. 2 Authorities. This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended. Other statutory authorities for this Order include but are not limited to the following statutes:

- a. Mineral Leasing Act, 30 U.S.C. §1181 *et seq.*
- b. Mineral Leasing Act for Acquired Lands, 30 U.S.C. § 351 *et seq.*
- c. Federal Land Policy and Management Act, 43 U.S.C. 1701-1785.
- d. Surface Mining Control and Reclamation Act, 30 U.S.C. §§ 1201-1328.

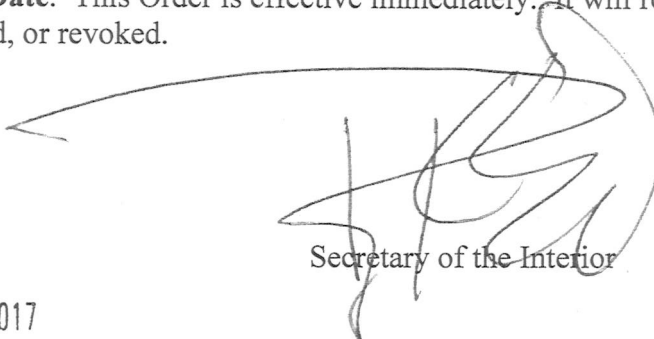
Sec. 3 Background. Secretary's Order 3338 directs the Bureau of Land Management (BLM) to analyze and "consider potential leasing and management reforms to the current Federal coal program." Secretary's Order 3338 ordered the preparation of a discretionary Programmatic Environmental Impact Statement (PEIS) to analyze potential reforms and ordered a "pause on leasing, with limited exceptions" pending completion of the discretionary Federal Coal Program PEIS. The PEIS is estimated to cost many millions of dollars and would be completed no sooner than 2019, even with robust funding.

Sec. 4 Revocation of Secretary's Order 3338. Based upon the Department's review of Secretary's Order 3338, the scoping report for the discretionary Federal Coal Program PEIS issued in January 2017, and other information provided by BLM, I find that the public interest is not served by halting the Federal coal program for an extended time, nor is a PEIS required to consider potential improvements to the program. Accordingly, consistent with the principles of responsible public stewardship entrusted to this office, I revoke Secretary's Order 3338, "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program."

Sec. 5 **Implementation.** With the revocation of Secretary's Order 3338, BLM is directed to process coal lease applications and modifications expeditiously in accordance with regulations and guidance existing before the issuance of Secretary's Order 3338. All activities associated with the preparation of the Federal Coal Program PEIS shall cease. The Deputy Secretary, Assistant Secretaries, and heads of bureaus and offices are hereby directed to make changes in their policy and guidance documents that are consistent with the revocation of Secretary's Order 3338.

Sec. 6 **Effect of the Order.** This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 **Expiration Date.** This Order is effective immediately. It will remain in effect until it is amended, superseded, or revoked.



Secretary of the Interior

Date: MAR 29 2017



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3349

Subject: American Energy Independence

Sec. 1 Purpose. This Order implements the review of agency actions directed by an Executive Order signed by the President on March 28, 2017 and entitled “Promoting Energy Independence and Economic Growth” (March 28, 2017 E.O.). It also directs a reexamination of the mitigation policies and practices across the Department of the Interior (Department) in order to better balance conservation strategies and policies with the equally legitimate need of creating jobs for hard-working American families.

Sec. 2 Authorities. This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and other applicable statutory authorities.

Sec. 3 Background. Among other provisions, the March 28, 2017 E.O. directs the Department to review all existing regulations, orders, guidance documents, policies, and any other similar actions that potentially burden the development or utilization of domestically produced energy resources. A plan to carry out the review must be submitted to the Director of the Office of Management and Budget (OMB) and to certain other White House officials within 45 days of the date of the March 28, 2017 E.O. The objective of the review is to identify agency actions that unnecessarily burden the development or utilization of the Nation’s energy resources and support action to appropriately and lawfully suspend, revise, or rescind such agency actions as soon as practicable.

The March 28, 2017 E.O. also directs the Department to promptly review certain specific actions recently taken by the Department, in particular Secretary’s Order 3338, “Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program,” and four rules related to onshore oil and gas development.

The March 28, 2017 E.O. also rescinds certain Presidential Actions, reports, and final guidance related to climate change, including:

- a. E.O. 13653 of November 6, 2013 (Preparing the United States for the Impacts of Climate Change);
- b. Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards); and
- c. Presidential Memorandum of September 21, 2016 (Climate Change and National Security).

The March 28, 2017 E.O. directs the Department to identify agency actions “related to or arising from” the rescinded Presidential Actions, reports, and guidance, and to initiate a lawful and appropriate process to suspend, revise, or rescind such actions.

The March 28, 2017 E.O. also rescinds the Presidential Memorandum issued on November 3, 2015, entitled “Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment.” That Memorandum directed the Secretary of the Interior, among other Cabinet officials, to undertake a number of actions to implement a landscape-scale mitigation policy, including specific directions to the Bureau of Land Management (BLM) and the Fish and Wildlife Service (FWS) to develop mitigation policies that incorporated compensatory mitigation into planning and permitting processes.

Secretary’s Order 3330, “Improving Mitigation Policies and Practices of the Department of the Interior,” dated October 13, 2013, is directly related to the rescinded Presidential Memorandum on mitigation. Secretary’s Order 3330 dovetails with the subsequently issued Presidential Memorandum by directing the development and implementation of a landscape-scale mitigation policy for the Department. As directed by the Order, the Secretary received a report in April 2014 entitled, “A Strategy for Improving Mitigation Policies and Practices of the Department of the Interior.” The Strategy set forth a number of “deliverables” by nearly every office and bureau within the Department to advance the stated goal of “landscape-scale mitigation.” Given the close nexus between the rescinded Presidential Memorandum and Secretary’s Order 3330, a thorough reexamination is needed of the policies set out in that Order.

Sec. 4 Policy. To begin implementing the March 28, 2017 E.O., I hereby order the following:

a. Revocation of Secretary’s Order 3330. I hereby revoke Secretary’s Order 3330, “Improving Mitigation Policies and Practices of the Department of the Interior,” dated October 31, 2013. As set forth below, all actions taken pursuant to Secretary’s Order 3330 must be reviewed for possible reconsideration, modification, or rescission as appropriate.

b. Review of Department Actions. As set forth in Sec. 5 below, each bureau and office shall review all existing regulations, orders, guidance documents, policies, instructions, notices, implementing actions, and any other similar actions (Department Actions) related to or arising from the Presidential Actions set forth above and, to the extent deemed necessary and permitted by law, initiate an appropriate process to suspend, revise, or rescind any such actions, consistent with the policies set forth in the March 28, 2017 E.O.

Sec. 5 **Implementation.** The following actions shall be taken pursuant to this Order:

a. Mitigation Policy Review.

(i) Within 14 days of the date of this Order, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, all Department Actions they have adopted or are in the process of developing relating to (1) the Presidential Memorandum dated November 3, 2015, “Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment” and (2) Secretary’s Order 3330.

(ii) Within 30 days of the date of this Order, the Deputy Secretary shall inform the Assistant Secretaries whether to proceed with reconsideration, modification, or rescission as appropriate and necessary of any Department Actions they have adopted or are in the process of developing relating to (1) the Presidential Memorandum dated November 3, 2015, “Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment” and (2) Secretary’s Order 3330.

(iii) Within 90 days of the date of this Order, each bureau and office required to reconsider, modify, or rescind any such Department Action, shall submit to the Deputy Secretary, through their Assistant Secretary, a draft revised or substitute Department Action for review.

b. Climate Change Policy Review.

(i) Within 14 days of the date of this Order, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, all Department Actions they have adopted, or are in the process of developing, relating to the Presidential Actions, reports, and guidance that are rescinded by the March 28, 2017 E.O., in particular: Executive Order 13653 of November 6, 2013 (Preparing the United States for the Impacts of Climate Change); Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards); Presidential Memorandum of September 21, 2016 (Climate Change and National Security); Report of the Executive Office of the President of June 2013 (The President’s Climate Action Plan); Report of the Executive Office of the President of March 2014 (Climate Action Plan Strategy to Reduce Methane Emissions); and the Council on Environmental Quality’s final guidance entitled “Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews,” 81 *Fed. Reg.* 51866 (August 5, 2016).

(ii) Within 30 days of the date of this Order, the Deputy Secretary shall inform the Assistant Secretaries whether to proceed with reconsideration, modification, or rescission as appropriate and necessary of any Department Actions identified in the review required by subsection (i) above.

(iii) Within 90 days of the date of this Order, each bureau and office required to reconsider, modify, or rescind any such Department Action, shall submit to the Deputy Secretary, through their Assistant Secretary, a draft revised or substitute Department Action, for review.

c. Review of Other Department Actions Impacting Energy Development.

(i) As previously announced by the Department, BLM shall proceed expeditiously with proposing to rescind the final rule entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,” 80 *Fed. Reg.* 16128 (Mar. 26, 2015).

(ii) Within 21 days, the Director, BLM shall review the final rule entitled, “Waste Prevention, Production Subject to Royalties, and Resource Conservation,” 81 *Fed. Reg.* 83008 (January 17, 2017), and report to the Assistant Secretary – Land and Minerals Management on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

(iii) Within 21 days, the Director, National Park Service shall review the final rule entitled, “General Provisions and Non-Federal Oil and Gas Rights,” 81 *Fed. Reg.* 77972 (Nov. 4, 2016), and report to the Assistant Secretary for Fish and Wildlife and Parks on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

(iv) Within 21 days, the Director, FWS shall review the final rule entitled, “Management of Non-Federal Oil and Gas Rights,” 81 *Fed. Reg.* 79948 (Nov. 14, 2016), and report to the Assistant Secretary for Fish and Wildlife and Parks on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O.

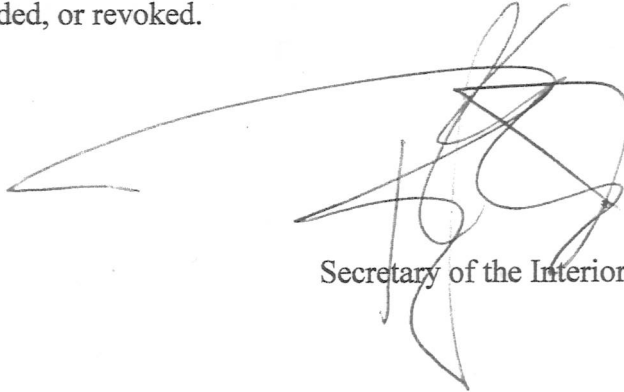
(v) Within 21 days, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, a report that identifies all existing Department Actions issued by their bureau or office that potentially burden (as that term is defined in the March 28, 2017 E.O.) the development or utilization of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear resources.

(vi) Within 35 days, the Deputy Secretary shall provide to me a plan to complete the review of Department Actions contemplated by Section 2 of the March 28, 2017 E.O. The plan must meet all objectives and time lines set forth in the March 28, 2017 E.O.

Sec. 5 Effect of the Order. This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies,

instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 6 **Expiration Date.** This Order is effective immediately. It will remain in effect until it is amended, superseded, or revoked.



Secretary of the Interior

Date: MAR 29 2017

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
March 28, 2017

EXECUTIVE ORDER

- - - - -

PROMOTING ENERGY INDEPENDENCE AND ECONOMIC GROWTH

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. (a) It is in the national interest to promote clean and safe development of our Nation's vast energy resources, while at the same time avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. Moreover, the prudent development of these natural resources is essential to ensuring the Nation's geopolitical security.

(b) It is further in the national interest to ensure that the Nation's electricity is affordable, reliable, safe, secure, and clean, and that it can be produced from coal, natural gas, nuclear material, flowing water, and other domestic sources, including renewable sources.

(c) Accordingly, it is the policy of the United States that executive departments and agencies (agencies) immediately review existing regulations that potentially burden the development or use of domestically produced energy resources and appropriately suspend, revise, or rescind those that unduly burden the development of domestic energy resources beyond the degree necessary to protect the public interest or otherwise comply with the law.

(d) It further is the policy of the United States that, to the extent permitted by law, all agencies should take appropriate actions to promote clean air and clean water for the American people, while also respecting the proper roles of the Congress and the States concerning these matters in our constitutional republic.

(e) It is also the policy of the United States that necessary and appropriate environmental regulations comply with the law, are of greater benefit than cost, when permissible, achieve environmental improvements for the American people, and are developed through transparent processes that employ the best available peer-reviewed science and economics.

Sec. 2. Immediate Review of All Agency Actions that Potentially Burden the Safe, Efficient Development of Domestic Energy Resources.

(a) The heads of agencies shall review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Such review shall not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth in section 1 of this order.

(b) For purposes of this order, "burden" means to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.

(c) Within 45 days of the date of this order, the head of each agency with agency actions described in subsection (a) of this section shall develop and submit to the Director of the Office of Management and Budget (OMB Director) a plan to carry out the review required by subsection (a) of this section. The plans shall also be sent to the Vice President, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality. The head of any agency who determines that such agency does not have agency actions described in subsection (a) of this section shall submit to the OMB Director a written statement to that effect and, absent a determination by the OMB Director that such agency does have agency actions described in subsection (a) of this section, shall have no further responsibilities under this section.

(d) Within 120 days of the date of this order, the head of each agency shall submit a draft final report detailing the agency actions described in subsection (a) of this section to the Vice President, the OMB Director, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chair of the Council on Environmental Quality. The report shall include specific recommendations that, to the extent permitted by law, could alleviate or eliminate aspects of agency actions that burden domestic energy production.

(e) The report shall be finalized within 180 days of the date of this order, unless the OMB Director, in consultation with the other officials who receive the draft final reports, extends that deadline.

(f) The OMB Director, in consultation with the Assistant to the President for Economic Policy, shall be responsible for coordinating the recommended actions included in the agency final reports within the Executive Office of the President.

(g) With respect to any agency action for which specific recommendations are made in a final report pursuant to subsection (e) of this section, the head of the relevant agency shall, as soon as practicable, suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding, those actions, as appropriate and consistent with law. Agencies shall endeavor to coordinate such regulatory reforms with their activities undertaken in compliance with Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs).

Sec. 3. Rescission of Certain Energy and Climate-Related Presidential and Regulatory Actions. (a) The following Presidential actions are hereby revoked:

(i) Executive Order 13653 of November 1, 2013 (Preparing the United States for the Impacts of Climate Change);

(ii) The Presidential Memorandum of June 25, 2013 (Power Sector Carbon Pollution Standards);

(iii) The Presidential Memorandum of November 3, 2015 (Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment); and

(iv) The Presidential Memorandum of September 21, 2016 (Climate Change and National Security).

(b) The following reports shall be rescinded:

(i) The Report of the Executive Office of the President of June 2013 (The President's Climate Action Plan); and

(ii) The Report of the Executive Office of the President of March 2014 (Climate Action Plan Strategy to Reduce Methane Emissions).

(c) The Council on Environmental Quality shall rescind its final guidance entitled "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," which is referred to in "Notice of Availability," 81 *Fed. Reg.* 51866 (August 5, 2016).

(d) The heads of all agencies shall identify existing agency actions related to or arising from the Presidential actions listed in subsection (a) of this section, the reports listed in subsection (b) of this section, or the final guidance listed in subsection (c) of this section. Each agency shall, as soon as practicable, suspend, revise, or rescind, or publish for notice and comment proposed rules suspending, revising, or rescinding any such actions, as appropriate and consistent with law and with the policies set forth in section 1 of this order.

Sec. 4. Review of the Environmental Protection Agency's "Clean Power Plan" and Related Rules and Agency Actions. (a) The Administrator of the Environmental Protection Agency (Administrator) shall immediately take all steps necessary to review the final rules set forth in subsections (b) (i) and (b) (ii) of this section, and any rules and guidance issued pursuant to them, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules. In addition, the Administrator shall immediately take all steps necessary to review the proposed rule set forth in subsection (b) (iii) of this section, and, if appropriate, shall, as soon as practicable, determine whether to revise or withdraw the proposed rule.

(b) This section applies to the following final or proposed rules:

(i) The final rule entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 *Fed. Reg.* 64661 (October 23, 2015) (Clean Power Plan);

(ii) The final rule entitled "Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units," 80 *Fed. Reg.* 64509 (October 23, 2015); and

(iii) The proposed rule entitled "Federal Plan Requirements for Greenhouse Gas Emissions From Electric Utility Generating Units Constructed on or Before January 8, 2014; Model Trading Rules; Amendments to Framework Regulations; Proposed Rule," 80 *Fed. Reg.* 64966 (October 23, 2015).

(c) The Administrator shall review and, if appropriate, as soon as practicable, take lawful action to suspend, revise, or rescind, as appropriate and consistent with law, the "Legal Memorandum Accompanying Clean Power Plan for Certain Issues," which was published in conjunction with the Clean Power Plan.

(d) The Administrator shall promptly notify the Attorney General of any actions taken by the Administrator pursuant to this order related to the rules identified in subsection (b) of this section so that the Attorney General may, as appropriate, provide notice of this order and any such action to any court with jurisdiction over pending litigation related to those rules, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this

order, pending the completion of the administrative actions described in subsection (a) of this section.

Sec. 5. Review of Estimates of the Social Cost of Carbon, Nitrous Oxide, and Methane for Regulatory Impact Analysis. (a) In order to ensure sound regulatory decision making, it is essential that agencies use estimates of costs and benefits in their regulatory analyses that are based on the best available science and economics.

(b) The Interagency Working Group on Social Cost of Greenhouse Gases (IWG), which was convened by the Council of Economic Advisers and the OMB Director, shall be disbanded, and the following documents issued by the IWG shall be withdrawn as no longer representative of governmental policy:

(i) Technical Support Document: Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866 (February 2010);

(ii) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (May 2013);

(iii) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (November 2013);

(iv) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (July 2015);

(v) Addendum to the Technical Support Document for Social Cost of Carbon: Application of the Methodology to Estimate the Social Cost of Methane and the Social Cost of Nitrous Oxide (August 2016); and

(vi) Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis (August 2016).

(c) Effective immediately, when monetizing the value of changes in greenhouse gas emissions resulting from regulations, including with respect to the consideration of domestic versus international impacts and the consideration of appropriate discount rates, agencies shall ensure, to the extent permitted by law, that any such estimates are consistent with the guidance contained in OMB Circular A-4 of September 17, 2003 (Regulatory Analysis), which was issued after peer review and public comment and has been widely accepted for more than a decade as embodying the best practices for conducting regulatory cost-benefit analysis.

Sec. 6. Federal Land Coal Leasing Moratorium. The Secretary of the Interior shall take all steps necessary and appropriate to amend or withdraw Secretary's Order 3338 dated January 15, 2016 (Discretionary Programmatic Environmental Impact Statement (PEIS) to

Modernize the Federal Coal Program), and to lift any and all moratoria on Federal land coal leasing activities related to Order 3338. The Secretary shall commence Federal coal leasing activities consistent with all applicable laws and regulations.

Sec. 7. Review of Regulations Related to United States Oil and Gas Development. (a) The Administrator shall review the final rule entitled "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources," 81 *Fed. Reg.* 35824 (June 3, 2016), and any rules and guidance issued pursuant to it, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules.

(b) The Secretary of the Interior shall review the following final rules, and any rules and guidance issued pursuant to them, for consistency with the policy set forth in section 1 of this order and, if appropriate, shall, as soon as practicable, suspend, revise, or rescind the guidance, or publish for notice and comment proposed rules suspending, revising, or rescinding those rules:

(i) The final rule entitled "Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands," 80 *Fed. Reg.* 16128 (March 26, 2015);

(ii) The final rule entitled "General Provisions and Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 77972 (November 4, 2016);

(iii) The final rule entitled "Management of Non-Federal Oil and Gas Rights," 81 *Fed. Reg.* 79948 (November 14, 2016); and

(iv) The final rule entitled "Waste Prevention, Production Subject to Royalties, and Resource Conservation," 81 *Fed. Reg.* 83008 (November 18, 2016).

(c) The Administrator or the Secretary of the Interior, as applicable, shall promptly notify the Attorney General of any actions taken by them related to the rules identified in subsections (a) and (b) of this section so that the Attorney General may, as appropriate, provide notice of this order and any such action to any court with jurisdiction over pending litigation related to those rules, and may, in his discretion, request that the court stay the litigation or otherwise delay further litigation, or seek other appropriate relief consistent with this order, until the completion of the administrative actions described in subsections (a) and (b) of this section.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order 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.

DONALD J. TRUMP

THE WHITE HOUSE,
March 28, 2017.

#

From: Moran, Jill
To: [Katharine Macgregor](#); [Richard Cardinale](#)
Subject: BLM Policies and Manuals issued Nov - Jan
Date: Friday, March 31, 2017 12:46:46 PM
Attachments: [Directives Transition Documentation \(2\).docx](#)

Kate,

I believe you were looking for the list of BLM policies and manuals issued between Nov 2016 and Jan 2017. Attached is the list the BLM provided in late January. Let me know if you have any questions or needed follow-up.

Thanks,
Jill

--

Jill Moran

Energy Program Analyst - BLM Liaison

Office of the Assistant Secretary - Land and Minerals Management

(202) 208-4114

**BLM Policies and Manuals Issued from
November 6, 2016 to January 20, 2017**

Policies Issued

Instruction Memorandum (IM) 2017-013, BLM Fiscal Year 2017 Bureau-wide National Conservation Lands Scientific Studies Support Program, Issued: November 18, 2016

Outlines the FY 2017 Bureau-wide National Conservation Lands Scientific Studies support program process for project approval.

IM 2017-015, Updates and changes to BLM Manual 1511 Assistance Agreements, Issued: November 18, 2016

Updates the agreements process to include clearer roles for the Grants Management Officers and ensure oversight of agreements especially those that are more complex and involve higher levels of funding.

PIM 2017-002, Policy Guidance for Processing Right-of-Way Applications for High-Voltage Electric Transmission Lines, Issued: November 30, 2016

Updates guidance on the review of right-of-way applications for high-voltage electric transmission line projects. For purposes of this policy, high-voltage electric transmission lines are those that are 100 kV or larger.

IM 2017-019, Calendar Year 2017 Right-of-Way Cost Recovery Fee Schedule and Strict Liability Amount, Issued: December 05, 2016

Transmits the BLM's Calendar Year (CY) 2017 Cost Recovery Processing and Monitoring Fee Schedule and updates the strict liability amounts for CY 2017. The BLM updates the cost recovery fees annually in accordance with the right-of-way (ROW) regulations. All field offices must use the new cost recovery fees for the processing of applications and monitoring of grants and land use authorizations pursuant to FLPMA and Mineral Leasing Act (MLA). Separate decisions are necessary to determine the appropriate cost recovery category for processing actions and the appropriate category for monitoring actions. The BLM also updates strict liability amounts annually in accordance with the ROW regulations.

IM 2017-024, Authorized Law Enforcement Handguns and Qualification Scorekeeping Requirements, Issued: December 15, 2016

Serves to update General Order (G.O.) 15 (Firearms) regarding authorized weapons for BLM Law Enforcement Officers (LEOs) and describes revised procedures to record firearms qualification and scorekeeping requirements.

IM 2017-025, Change to the Group-based Recruitment and Relocation Incentives for GS-881, Petroleum Engineers and GS-802 Petroleum Engineering Technicians, Issued: December 19, 2016

Provides States with some flexibility in offering Recruitment and relocation incentives for key positions in the Oil/Gas program.

IM 2017-021, Identification of State Mitigation Leads, Issued: December 22, 2016

Supports the release of Manual Section (MS) 1794 and Handbook (H) 1794-1 that provide policy guidance on implementing mitigation to address impacts to resources from public land uses. Replaces the Draft Regional Mitigation Manual Section 1794 (IM 2013-142, June 13, 2013). Requests State Directors to identify State Office Mitigation Leads within 30 days to facilitate the implementation of these policies.

IM 2017-027, Oversight and Implementation Plan – Renewable Energy Coordination Office,
Issued: December 28, 2016

Provides a template letter for field personnel to use for implementation of the final solar and wind energy leasing rule titled Competitive processes, Terms, and Conditions for Leasing Public Lands for Solar and Wind Energy Development and Technical Changes and Corrections for 43 CFR Parts 2800 and 2880

IM 2017-030, Principles and Practices of Integrating Science into Land Management,
Issued: January 4, 2017

Provides a systematic and consistent framework for considering science and documenting its use in land management decisions. Updates and builds on the BLM's 2015 "Advancing Science Strategy" and improves transparency in how science is applied and enhances stakeholder support.

PIM 2017-003, The Council on Environmental Quality Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews,
Issued: January 12, 2017

Transmits recent Council on Environmental Quality (CEQ) guidance, specifically guidance related to the National Environmental Policy Act (NEPA) and climate change.

IM 2017-032, Partial Delayed Implementation of 43 CFR 3170 Regs,
Issued: Jan 17, 2017

Outlines BLM's policy and procedures for delaying full implementation of 43 Code of Federal Regulations (CFR) 3173 as it relates to electronic filing requirements for Facility Measurement Points (FMP) and site facility diagrams, and 43 CFR 3174 as it relates to permanent oil measurement facilities installed before January 17, 2017.

IM 2017-033, National Rangeland Inventory, Monitoring, and Evaluation Report,
Issued: January 18, 2017

Outlines responsibilities for the states in providing annual data for rangeland inventory, range condition and monitoring. The information is used for reporting range condition in the Public Land Statistics.

IM 2017-034, Information and Consent Considerations When a Qualified Exchange Proponent Selects Federal Coal in a Split Estate Tract for Exchange,
Issued: Jan. 19, 2017

Provides the BLM Authorized Officer (AO) with guidance for identifying Federal coal tracts in split estate lands that are suitable for consideration for disposition through exchange for privately owned coal deposits. Specifically, this IM provides the BLM AO with guidance about how best to take into consideration the information and consent from a private surface owner that the qualified exchange proponent [1] may provide to the BLM when the BLM is determining if the Federal coal estate in a split estate [2] tract is appropriate for exchange.

IM 2017-036, Considering Backcountry Conservation Management in Land Use Planning Efforts, Issued: January 19, 2017

Based on public proposals in multiple land use planning efforts and consistent with multiple use and sustained yield, the BLM recognizes the value of protecting certain backcountry areas in order to preserve generally intact, undeveloped public lands that contain priority habitats for recreationally-important fish and wildlife species and that provide high-quality wildlife-dependent recreation opportunities afforded by those species. This policy summarizes the criteria and process for considering management of these habitats and recreational opportunities through the application of land use planning components, including establishing backcountry conservation areas (BCAs), during the land use planning.

PIM 2017-006, Ethics Oversight and Management, Issued January 19, 2017

Clarifies the delegation of authority for BLM's Ethics Program and to strengthen the ethics guidance provided to BLM employees by establishing a centralized approach to reviewing and assessing ethics matters rather than having the ethics program administered by each State.

IM 2017-037, Waste Mine Methane Policy, Issued: January 20, 2017

Establishes national policies and processes to foster voluntary activities by operators to capture waste mine methane from underground coal or other solid mineral mines. These policies will allow waste mine methane to be put to productive use, where economical, and reduce environmental impacts, while ensuring continued safe underground mining operations on Federal lands.

Manuals/Handbooks

BLM Manual 1780, Tribal Relations (Public, 240), Issued: December 15, 2017

This release transmits the new MS 1780, Tribal Relations, which replaces MS 8120, Tribal Consultation under Cultural Resources. MS 1780 implements new administration and Departmental policies to provide comprehensive policy direction for all BLM managers and programs.

BLM Manual 1794, Mitigation (Public, 201), Issued: December 22, 2017

This Manual Section is the foundational policy guidance for the BLM when considering mitigation in advance of anticipated public land uses and applying mitigation to address impacts to resources from public land uses.

BLM Handbook H-1794-1, Mitigation (Public, 210), Issued: December 22, 2016

This Handbook reiterates and expands upon the policy guidance in MS 1794 for the BLM when considering mitigation in advance of anticipated public land uses and applying mitigation to address impacts to resources from public land uses.

BLM Manual 6220 - Monuments, National Conservation Areas, and Similar Designations (Public,400), Issued: January 12, 2017

This Manual Section is was updated to incorporate new Renewable Energy Office guidelines. A minor change that has been made to the schedule of meetings required for ROW applicants: Whereas the Renewable Energy Office used to require meetings both before and after submission of ROW applications, the office now requires meetings only after application submission.

From: Michael Nedd
To: [Kathleen Benedetto](#); [Marshall Critchfield](#)
Subject: FW: BLM Priority Work for ELT discussion tomorrow
Date: Monday, April 3, 2017 6:40:43 PM
Attachments: [BLM Priority Work by Theme 4-3-17.pdf](#)

FYI

Take care and have a wonderful day! :)

Michael D. Nedd

202-208-3801 Office

202-208-5242 Fax

mnedd@blm.gov

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

From: Stewart, Shannon [<mailto:scstewar@blm.gov>]
Sent: Monday, April 03, 2017 6:26 PM
To: BLM_EL
Subject: BLM Priority Work for ELT discussion tomorrow

ELT

Attached you will find BLM priority work from a national perspective organized by the Administration's themes for discussion on tomorrow's ELT call. This is a close hold, internal working draft that was developed in coordination with the ADs. Please review for fatal flaws and come prepared to discuss on Tuesday.

Thanks

Shannon

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Shannon Stewart

Acting Chief of Staff

Bureau of Land Management

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scstewar@blm.gov

Making America Safe through Energy Independence

BLM Priority Work

- ◆ Make additional lands available for “all of the above” energy development
- ◆ Address backlog of Applications for Permit to Drill (APDs) and Expressions of Interest (EOIs)
- ◆ Streamline Federal coal leasing and permitting, and address backlog
- ◆ Streamline oil and gas leasing and permitting
- ◆ Streamline rights-of-way processing for pipelines, transmission lines, and solar/wind projects
- ◆ Streamline leasing and permitting for hardrock mining



Making America Great Through Shared Conservation Stewardship

BLM Priority Work

- ◆ Achieve appropriate management levels (AMLs) for the Wild Horse and Burro Program
- ◆ Work with partners to develop and implement priority habitat improvement projects
- ◆ Enhance opportunities for volunteer service on public lands
- ◆ Emphasize BLM's multiple-use mandate through strategic communication efforts and educational outreach



Making America Safe - Restoring Our Sovereignty

BLM Priority Work

- ◆ Coordinate with law enforcement and local communities to enhance public safety
- ◆ Fully deploy communications systems to enhance employee safety, emergency notification, and accountability
- ◆ Enhance partnership projects such as Operation Reclaim Our Arizona Monuments (ROAM)
- ◆ Coordinate with the Department of Defense to ensure that public lands and resources are available to support the mission of our military
- ◆ Prioritize clearance and approval process to support Southern Border actions



Getting America Back to Work

BLM Priority Work

- ◆ Improve and streamline land use planning to support energy and minerals development and other priority initiatives
- ◆ Streamline NEPA processes to achieve efficiencies and decrease time to completion
- ◆ Modernize critical information systems
- ◆ Pursue maintenance and capital improvement projects that address infrastructure needs
- ◆ Provide employment opportunities for veterans and youth to work on public lands
- ◆ Increase efficiency of compliance activities (ESA, NHPA, CWA)



Serving the American Family

BLM Priority Work

- ◆ Maintain a capable, ethical, and diverse professional workforce and an inclusive and motivating work culture that drives high productivity
- ◆ Enhance our relationships with States and local communities
- ◆ Protect life, critical infrastructure, and natural/cultural resources through BLM's Fire and Aviation Program
- ◆ Expand recreational, hunting, and wildlife conservation opportunities
- ◆ Fulfill our trust responsibilities to tribal communities
- ◆ Enhance State and local law enforcement partnerships to increase safety and improve the visitor experience on public lands
- ◆ Streamline the grazing permit process and provide more flexibility to the American rancher



From: Moran, Jill
To: [Macgregor, Katharine](#)
Cc: [Richard Cardinale](#)
Subject: Re: Help
Date: Wednesday, April 5, 2017 2:08:41 PM
Attachments: [EO SO due dates.docx](#)

Hi Kate,

Per your request, please see attached.

Thanks,
Jill

On Wed, Apr 5, 2017 at 8:43 AM, Macgregor, Katharine <katharine_macgregor@ios.doi.gov> wrote:

Hey Jill - Can you go into the Energy EO and SO from last week and calculate all the due dates based on the days required to report back to the Secretary/White House on stuff that impacts our bureaus? I'm most focused on those 21 day regulatory reports that we are required to submit.

--

Kate MacGregor
1849 C ST NW
Room 6625
Washington DC 20240

202-208-3671 (Direct)

--

Jill Moran

Energy Program Analyst - BLM Liaison

Office of the Assistant Secretary - Land and Minerals Management

(202) 208-4114

Executive Order: Promoting Energy Independence and Economic Growth -- Signed March 28, 2017

ACTIONS (With specific due dates*)	DUE DATE (Assumes deadlines are calendar days)
Each agency to develop and submit to OMB/White House plan to execute review of existing regulations that potentially pose undue burden on energy development. <i>45 days.</i>	May 12, 2017
Submit draft final report to OMB/White House on findings and specific recommendations. <i>120 days.</i>	July 26, 2017
Finalize report (unless granted extension by OMB/White House). <i>180 days.</i>	September 24, 2017
Secretarial Order 3349: American Energy Independence, Signed March 29, 2017	
MITIGATION: Report to the Deputy Secretary all adopted actions, or those being developed, related to the 2015 Presidential Memo on mitigation and S.O. 3330. <i>14 days.</i>	April 12, 2017
Reconsider, modify, or rescind identified actions based on Deputy Secretary's direction (due back to ASLM within 30 days of S.O. date), and submit draft revised or substitute action for review. <i>90 days.</i>	June 27, 2017
CLIMATE CHANGE POLICY: Report to Deputy Secretary all adopted actions, or those being developed, related to the various rescinded climate change policy guidance. <i>14 days.</i>	April 12, 2017
Reconsider, modify, or rescind identified actions based on Deputy Secretary's direction (due back to ASLM within 30 days of S.O. date), and submit draft revised or substitute action for review. <i>90 days.</i>	June 27, 2017
BLM will review Venting/Flaring Rule and report to ASLM on whether it is consistent with E.O. <i>21 days.</i>	April 19, 2017
Each bureau will provide to Deputy Secretary a plan to complete its review of agency actions that potentially pose undue burden on energy development (as required by E.O.). <i>21 days</i>	April 19, 2017
*S.O. 3349 also directs the BLM to proceed "expeditiously" with proposing to rescind the HF Rule.	
Note: Both FWS and NPS are also required to do regulatory reviews within 21 days related to "Non-Federal Oil and Gas Rights."	

From: Kelleher, Karen
To: [Michael Nedd](#); [Jerome Perez](#); [Kathleen Benedetto](#)
Cc: [Bail, Kristin](#); [Shannon Stewart](#); [Timothy Shannon](#)
Subject: response to SO 3349
Date: Sunday, April 9, 2017 10:44:09 AM
Attachments: [Memo to ASLM on SO3349 clean final draft_040917.docx](#)

reviewed by 200, 300, 400, solicitor staff level. SOL would like to send to their leadership concurrent with ASLM.

--

Karen Kelleher

Deputy Assistant Director - Resources and Planning

Main Interior room 5644

kkelleh@blm.gov

202-208-4896

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

DATE: April 12, 2017

FROM: Michael Nedd, Acting Director – Bureau of Land Management

SUBJECT: Implementation of Secretary’s Order 3349, Section 5 (a) and (b)

This memorandum responds to questions posed in sections 5(a)(i) and 5(b)(i) of Secretary’s Order (SO) 3349, “American Energy Independence,” which requests summary information about “actions” the Bureau of Land Management (BLM) has adopted or is in the processes of developing with respect to certain memoranda and orders related to mitigation and climate change. The BLM has interpreted “actions,” as described in SO 3349 to include: (1) new regulations or amendments to existing regulations, (2) new or revised BLM Manual Sections, (3) new or revised handbooks, (4) Instruction Memoranda (IM), (5) Information Bulletins (IB), and (6) other policy and guidance documents that include direction on mitigation and climate change.

MITIGATION

BLM has been using mitigation to reduce the severity or seriousness of impacts to resources and land uses across the landscape for decades. As required under the National Environmental Policy Act (NEPA), the BLM routinely evaluates mitigation measures in its Environmental Impact Statements and Environment Assessments on land use plans and project authorizations. When BLM implements mitigation, it seeks to avoid impacts, minimize impacts, and compensate for residual impacts to sensitive, scarce, or important resources consistent with the definition of mitigation in the Council on Environmental Quality (CEQ) regulations (40 C.F.R. § 1508.20). Avoidance and minimization have been and continue to be the most commonly used mitigation when BLM is authorizing an action. Compensatory mitigation has also been used, although with less consistency prior to 2005 when the first policy was issued, particularly to reduce residual impacts to threatened and endangered species, cultural resources, air, and water.

Mitigation measures are often incorporated into lease stipulations, permit conditions of approval, best management practices, or reclamation measures; avoidance and minimization measures are also commonly built into the proposed action as design features to avoid known sensitive resources. Mitigation, including compensation, can help to facilitate compliance with a variety of applicable laws.¹ The Permian Basin Agreement is an example of a voluntary program in which

¹ Mitigation can play an important role under the Clean Water Act, for example when restoration can help achieve the no net loss of wetlands standard; under the Clean Air Act to comply with Implementation Plans for non-attainment areas or to prevent/reduce air quality degradation; under the Endangered Species Act, as incorporated in reasonable and prudent alternatives to avoid jeopardizing the continued existence of a listed species under section 7 or as a component of a Habitat Conservation Plan under section 10; under the National Historic Preservation Act, since BLM must consult with states, tribes, and other parties to seek to resolve an undertaking’s adverse impacts on historic properties, and seek to minimize harm on National Historic Landmarks; and under the Federal Land Policy

a company may choose to contribute the cost of the required archaeological survey (required under Section 106 of the NHPA), into a mitigation pool. The pooled fund allows for effective management of the area's archaeological resources and provides industry more predictability and control over schedules and budgets needed to operate efficiently.

In addition to aiding compliance with various laws and regulations, use of mitigation in appropriate circumstances may also increase the defensibility of BLM's decisions. For example, in 2008, when BLM authorized natural gas development in the Pinedale Anticline in western Wyoming, that record of decision was challenged on the grounds that it violated FLPMA's direction to prevent unnecessary or undue degradation of the public lands. The D.C. Circuit, however, found that BLM's authorization complied with FLPMA, citing BLM's reliance on mitigation measures to reduce project impacts (*Theodore Roosevelt Conservation Partnership v. Salazar*, 661 F.3d 66, 76–77 (D.C. Cir. 2011)).

BLM began working on formal mitigation policy in the early 2000s to provide clarity and guidance for the field and increase consistency in the implementation of mitigation, in particular, identifying, considering, and, as appropriate, requiring, mitigation to address impacts to sensitive, important, or rare resources from public land uses. BLM has also focused on proactive and regional approaches that consider mitigation in the planning process, as well as to encourage the use of mitigation banks, exchanges and similar mechanisms. This has provided more certainty to applicants on the types of mitigation likely to be considered for a project and has helped to streamline the permitting process.

BLM MITIGATION ACTIONS

The BLM has adopted or is in the process of developing the following actions relating to (1) Secretary's Order 3330, dated October 31, 2013, "Improving Mitigation Policies and Practices of the Department of the Interior;" and the associated report dated April 2014, "A Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior;" and (2) the Presidential Memorandum dated November 3, 2015, "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment."

1. **BLM IB No. 2017-015, Availability of Model Compensatory Mitigation MOU** (December 2016). The IB announces the availability of a model memorandum of understanding (MOU) for use by the BLM State Offices when collaborating with state governments regarding state-based compensatory mitigation programs for the Greater Sage-Grouse and its habitat. This model provides language that makes the strongest commitment the BLM can make within our legal constraints to coordinate our project review processes with the states' compensatory mitigation programs. The model MOU can be adapted for other resources and circumstances where state compensatory mitigation programs may assist the BLM in achieving its mission.
2. **BLM Mitigation Manual, MS-1794** (December 2016). This manual section and the Mitigation Handbook, H-1794-1 (listed below), were issued under **BLM IM No. 2017-**

and Management Act (FLPMA), to prevent unnecessary or undue degradation of public lands.

021. This policy includes principles for mitigation that, “effective mitigation is durable, defined by outcomes, implemented and monitored for effectiveness, considered within an adaptive management framework, reported upon, managed by a responsible party, guided by the best available science, and developed through effective, early, and frequent communication with public land users, cooperating agencies, and other stakeholders, including the public.”

3. **BLM Mitigation Handbook, H-1794-1** (December 2016). Description included above under MS-1794.
4. **BLM New Mexico IM No. NM-F010-2016-004, Bureau of Land Management (BLM) Sensitive Species – Brack’s Cactus Management** (September 7, 2016). This IM is specific to the Farmington District and provides guidance to conserve habitat and protect Brack’s cactus, a BLM Sensitive Species and a species included on the State of New Mexico list of endangered plant species, from ground-disturbing projects by (1) requiring surveys to identify Brack’s cactus locations; and (2) implementing management guidance to mitigate impacts to Brack’s cactus by avoiding and minimizing impacts, and then compensating for impacts that cannot be avoided.
5. **BLM California IM No. CA-2015-009, Renewal of IM Implementing Provisions within the Consolidated Appropriations Act, 2012 (Public Law 112-74) Related to Livestock Grazing Authorizations in the California Desert Conservation Area** (December 17, 2014). This IM reiterates and provides direction on implementing the livestock grazing provisions in P.L. 112-74, which states that BLM shall accept the donation of valid existing grazing allotments and make the land available for mitigation by allocating the forage to wildlife use consistent with any applicable Habitat Conservation Plan, Endangered Species Act section 10 permit, or biological opinion.
6. **Multi-Scale Guidance for Identifying Shared Visual Resources and Mitigation Adverse Impacts through a Collective and Collaborative Process** (in progress). The National Park Service and the BLM are co-leading an interagency group to advance a coordinated effort to encourage thoughtful management of shared scenic resources, which encompass both natural and cultural settings. As part of its effort, the team developed the visual resources guidance called for under #15 of the “Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior.” The guidance underwent solicitor review but has not been finalized. The NPS and BLM agreed to wait for the new Administration to finalize the guidance. The draft guidance does not place requirements on agencies instead it encourages them to work cooperatively with states, industry, private property owners and stakeholders to identify important scenic views and visual resources and to forge a collective management strategy for their stewardship into the future, while resolving potential conflicts early in the decision making processes.

In addition to these specific policies, BLM has developed or is in the process of developing regional mitigation strategies in several areas to provide a clear path forward for potential mitigation actions; examples include the Solar Energy Zones, sagebrush-steppe and Greater Sage-Grouse habitat, and the National Petroleum Reserve – Alaska. BLM has also signed memoranda of understanding with Nevada, Wyoming, and Colorado to consider use of the state

mitigation tool (bank, exchange or other mechanism) when evaluating compensatory mitigation for projects with similar discussions underway in other states. In addition, the Greater Sage Grouse Task Force requested a team of state and federal agencies, including BLM, discuss the implementation of mitigation requirements contained in the sage-grouse plans. The team produced the “Report to the Sage-Grouse Task Force: Greater Sage-Grouse Compensatory Mitigation (December 2016)” which identifies key principles and approaches to mitigation commonly agreed to by the state and federal agencies and provides an overview of each state’s approach to compensatory mitigation.

Prior to issuance of Secretarial Order 3330 and the 2015 Presidential Memorandum, the BLM took the following actions of note related to mitigation.

1. **BLM IM No. 2013-142, Interim Policy, Draft Regional Mitigation Manual Section (MS-1794)** (June 2013). This interim policy directed resource programs to move from case-by-case application of mitigation to a regional approach that involves anticipating future mitigation needs and strategically identifies mitigation sites and measures that can help the BLM achieve its resource objectives while improving permitting efficiencies and providing greater certainty to permit applicants, partners, stakeholders, and the public. The 2013 interim policy covered all resource programs and was the precursor to the current Mitigation Policy.
2. **BLM Arizona IM No. AZ-2012-031, Desert Tortoise Conservation Agreement Implementation** (June 2012). This IM articulates mitigation policy, including off-site compensation for the desert tortoise and its habitat on public lands managed by the BLM in Arizona, in a consistent manner between the District and Field Offices.
3. **BLM Special Status Species Manual (M 6840)** (December 2008). This Manual identifies and interprets BLM’s responsibilities under the Endangered Species Act and mentions off-site compensatory mitigation as a means to further the conservation of federally listed species.
4. **BLM IM No. 2009-011, Assessment and Mitigation of Potential Impacts to Paleontological Resources** (October 10, 2008). The IM provides guidelines for assessing potential impacts to paleontological resources in order to determine mitigation steps for federal actions on public lands under the Federal Land Policy and Management Act and the National Environmental Policy Act. These guidelines also apply where a federal action impacts split-estate lands. It also provides field survey and monitoring procedures to help minimize impacts to paleontological resources determined to be significant that are expected to be adversely affected by a federal action.
5. **BLM IM No. 2008-204, Offsite Mitigation** (September 30, 2008). This instruction memorandum outlines policy for the use of offsite mitigation for authorizations issued by the BLM and replaced IM WO-2005-069 Interim Offsite Compensatory Mitigation for Oil, Gas, Geothermal and Energy Rights-of-way Authorizations (February 1, 2005).
6. **BLM National Environmental Policy Act Handbook, H-1790-1** (January 2008). Consistent with the CEQ regulations at 40 CFR 1508.20, this Handbook defines mitigation to include avoidance, minimization, and compensation. It also describes how mitigation can be used to reduce the effects of an action below the threshold of

significance thereby avoiding the need to prepare an EIS (i.e., to arrive at a “mitigated Finding of No Significant Impact (FONSI)”). It also provides guidance relating to BLM’s description of any effects that remain after mitigation measures have been applied, incorporation of mitigation measures into decision documents, and discussions of monitoring to ensure implementation of adopted measures.

7. **BLM IM No. 2008-050, Migratory Bird Treaty Act – Interim Management Guidance** (December 2007). This Memorandum provides direction to avoid, reduce, or mitigate adverse impacts to the habitats of migratory bird species of conservation concern to the extent feasible, and in a manner consistent with regional or statewide bird conservation priorities.
8. **BLM land use planning regulations, 43 CFR 1610 and Land Use Planning Handbook H-1601-1** (2005). BLM’s land use planning regulations and handbook provide broad guidance on the development of land use plans. The handbook guidance includes the consideration of mitigation measures as appropriate to address resource, social, and economic impacts.
9. **BLM Protecting Cultural Resources Manual (MS-8140)** (December 2004). This Manual provides general guidance for protecting cultural resources from inadvertent adverse effects associated with BLM land use decisions, pursuant to the National Historic Preservation Act, the National Environmental Policy Act, Executive Order 11593, and the National Programmatic Agreement regarding the manner in which the BLM will meet its responsibilities under the National Historic Preservation Act.
10. **BLM hardrock mining regulations, 43 CFR 3809**. Among the general performance standards for surface management within a mining plan of operations is the requirement to “take mitigation measures specified by BLM to protect public lands” (43 CFR 3809.420(a)(4)).
11. **BLM FLPMA right of way regulations, 43 CFR 2800**. These regulations require holders to “restore, revegetate, and curtail erosion or conduct any other rehabilitation measures BLM determines necessary” including conditioning agreements on compensatory mitigation, 43 CFR 2805.12(i).
12. **BLM easement regulations, 43 CFR 2920**. These regulations “direct BLM to include terms and conditions that . . . “minimize damage” and “require the use to be located in an area which shall cause least damage to the environment” (43 CFR 2920.7(b)).

CLIMATE CHANGE

For many years, the BLM has considered climate change, its effects on public lands and public land users, and how BLM decisions contribute to climate change, primarily through NEPA analyses for land use planning and project authorizations. BLM began working on formal climate change policy in 2008 through issuance of an Instruction Memorandum (IM), transmitting draft guidance on incorporating climate change into land use planning and NEPA documents. In 2010, the CEQ released a document entitled “Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emission” for review by the public and agencies. The CEQ issued revised draft guidance in December of 2014 for review and comment. Final CEQ guidance was issued in August of 2016.

BLM CLIMATE CHANGE ACTIONS

The BLM has adopted or is in the process of developing the following list of actions relating to the guidance identified in Secretarial Order 3349 and the 2016 CEQ's "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews."

1. **BLM Permanent IM No. 2017-003, The Council on Environmental Quality Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews** (December 2016). The IM transmits CEQ guidance on considering climate change in NEPA analysis. It also provides specific step-down guidance for how to calculate the "downstream" or indirect greenhouse gas emissions associated with fossil fuel actions (coal, oil, and gas), when production estimates are reasonably foreseeable.
2. **BLM IM, Considering Climate Change in NEPA Documents** (never issued). This draft policy was intended to provide BLM-specific step-down guidance based on CEQ guidance and Department of the Interior Office of Environmental Policy and Compliance (OEPC) guidance on considering climate change in NEPA analysis. Topics included land use and carbon sequestration, biogenic emissions associated with prescribed- and wild-fire, and the social cost of carbon.

Prior to issuance of the documents listed in SO 3349, the BLM took the following actions of note related to climate change.

1. **BLM New Mexico IM No. NM-2013-022, Availability of Updated Air Resources Technical Report (ARTR); Use of Environmental Assessment (EA) Template Air Quality and Climate Change Language for Applications for Permit to Drill (APDs) and Lease Sales** (June 2013). The IM instructed District and Field Offices to use the latest version of the BLM New Mexico Air Resources Technical Report, and provided template language for use in NEPA environmental analysis documents, to address air quality and climate change impacts.
2. **BLM Oregon/Washington IM No. OR-2010-012, Analysis of Greenhouse Gas Emissions and Consideration of Climate Change in National Environmental Policy Act Documents** (January 2010). The IM provided guidance on analyzing greenhouse gas emissions and addressing changing climate conditions in NEPA documents. The IM expired in October 2011.
3. **BLM IM No. 2008-171, Guidance on Incorporating Climate Change into Planning and NEPA Documents** (August 2008). The IM transmitted draft guidance on incorporating climate change considerations into the Land Use Planning/NEPA analysis process.

BLM has also developed tools to assist in assessing emissions, including the following:

1. **Tool: BLM Emissions Inventory Toolkit.** The BLM Washington Office is developing an Emissions Inventory Toolkit, scheduled for completion in September 2017, which would consolidate and enhance existing emissions inventory tools. The Emissions

Inventory Toolkit would be a web-based application for calculating emissions from criteria pollutants, hazardous air pollutants and greenhouse gases. It would store emissions inventories from various projects to assess cumulative emissions, and would include a modeling component for near-field impacts analysis. The toolkit would include a library to store documents and reports. The toolkit would be useful in streamlining air analyses for NEPA and General Conformity requirements and showing whether air quality standards or management goals would be met.

2. **Tool: BLM Colorado Emissions Inventory Calculator.** The BLM Colorado emissions calculator estimates air resources emissions, including greenhouse gases, with the goal of providing technical consistency and efficiency in gathering data on emissions-generating activities for use in NEPA analyses. The ability of the tool to gather information from external sources to be compiled for analysis has led to faster processing times for projects requiring air analysis. This tool would be consolidated into the BLM Emissions Inventory Toolkit mentioned above.
3. **Tool: BLM Oregon/Washington carbon calculators.** Four of the BLM western Oregon Districts have developed carbon storage and greenhouse gas calculators to support environmental analyses, primarily timber sales. Key features of these tools would be consolidated into the BLM Emissions Inventory Toolkit mentioned above.
4. **Tool: BLM New Mexico emissions calculators.** In BLM New Mexico, three calculators are available to estimate air resources emissions, including greenhouse gases, for use in NEPA environmental analysis documents associated with applications for permit to drill and oil and gas lease sales. Key features of these tools would be consolidated into the BLM Emissions Inventory Toolkit mentioned above.
5. **Report: Greenhouse Gas & Climate Change Report.** The Greenhouse Gas and Climate Change Report provides a database and air emissions tool to calculate greenhouse gas emissions for the base year database and the out-year projections for 10 western states. The report includes emissions associated with production and consumption activities, separated by Federal and non-Federal lands for coal, oil, natural gas, and natural gas liquids, for incorporation by reference into NEPA analyses. The reports would be housed in the library section of the BLM Emissions Inventory Toolkit mentioned above.

In addition to the policies and tools listed above, the BLM has taken a wide variety of actions over the years to assess and address the risks associated with wildland fire, invasive plants and animals, drought and other environmental changes that may be caused, in part, by climate change. Examples of such adaptation actions include, helping develop and implement the National Cohesive Wildland Fire Management Strategy, participating in the work of the National Invasive Species Council, working with the State of Montana and the National Drought Resilience Partnership to build drought resilience in the Upper Missouri River Basin, synthesizing and considering ecoregional information related to impacts of climate change on resources BLM manages in land use planning, and partnering with individual livestock permittees to adapt their operations to be more resilient to wildland fire and drought.

NEXT STEPS

In responding to SO 3349, the BLM has focused primarily on policies that have been adopted since the date of the documents specified in the Order. The BLM has applied mitigation and considered climate change in its decision-making and use authorizations for years, encompassing thousands of individual actions and decisions. Several laws, such as the National Historic Preservation Act and the National Environmental Policy Act, require the BLM to consider mitigation in its decision-making processes. Courts have also weighed in on the need for the BLM to consider both mitigation and climate change, including greenhouse gas emissions. Due to these legal requirements, the BLM recommends reconsideration or modification of these policies, rather than outright rescission

If the BLM is asked to reconsider or modify its mitigation policy, the BLM requests clarification on what elements of the “mitigation hierarchy” (which variously encompasses avoid, minimize, rectify (repair, rehabilitate, restore), reduce, eliminate, compensate) should be reconsidered and whether specific past decisions should be reconsidered. In general, BLM believes the primary mitigation-related issues of concern relate to compensation and recommends that reconsideration of its mitigation policies focus on its approach to compensation in ongoing or future land use plans and ongoing or future projects, such as which resources should be compensated for and what standard(s) should be applied when compensatory mitigation is appropriate (e.g., no net loss, net conservation gain).

If the BLM is asked to reconsider or modify its climate change policy, the BLM requests clarification on whether reconsideration should focus on analyzing the impacts of BLM’s land use authorizations on climate change (e.g., greenhouse gases) or should also include reconsideration of BLM’s adaptation actions (e.g., drought, invasive species, fire and other changes that may be related to climate change). In general, BLM believes there is broad public support for BLM’s adaptation related actions and recommends that reconsideration focus on consideration of greenhouse gases, such as evaluation of downstream effects.

From: Stewart, Shannon
To: [Richard Cardinale](#); [Katharine Macgregor](#)
Cc: [Kathleen Benedetto](#); [mike nedd](#); [Jerome Perez](#); [Kristin Bail](#); [Kelleher, Karen](#); [Steve Tryon](#)
Subject: Response to SO 3349 Section 5 (a) and (b)
Date: Monday, April 10, 2017 4:50:44 PM
Attachments: [Memo to ASLM on SO3349 clean final draft_041017_113.docx](#)

Attached is BLM's draft response to SO 3349 Section 5 (a) and (b). Our understanding is that this is due to the Secretary on Wednesday 4/12.

Thanks
Shannon

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Shannon Stewart
Acting Chief of Staff
Bureau of Land Management
202-570-0149 (cell)
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INFORMATION/BRIEFING MEMORANDUM FOR THE SECRETARY

DATE: April 12, 2017

THROUGH: Katharine MacGregor, Acting Assistant Secretary – Land and Minerals

FROM: Michael D. Nedd, Acting Director – Bureau of Land Management

SUBJECT: Implementation of Secretary's Order 3349, Section 5 (a) and (b)

This memorandum responds to questions posed in sections 5(a)(i) and 5(b)(i) of Secretary's Order (SO) 3349, "American Energy Independence," which requests summary information about "actions" the Bureau of Land Management (BLM) has adopted or is in the processes of developing with respect to certain memoranda and orders related to mitigation and climate change. The BLM has interpreted "actions," as described in SO 3349 to include: (1) new regulations or amendments to existing regulations, (2) new or revised BLM Manual Sections, (3) new or revised handbooks, (4) Instruction Memoranda (IM), (5) Information Bulletins (IB), and (6) other policy and guidance documents that include direction on mitigation and climate change.

MITIGATION

BLM has been using mitigation to reduce the severity or seriousness of impacts to resources and land uses across the landscape for decades. As required under the National Environmental Policy Act (NEPA), the BLM routinely evaluates mitigation measures in its Environmental Impact Statements and Environment Assessments for land use plans and project authorizations. When BLM implements mitigation, it seeks to avoid impacts, minimize impacts, and compensate for residual impacts to sensitive, scarce, or important resources consistent with the definition of mitigation in the Council on Environmental Quality (CEQ) regulations (40 C.F.R. § 1508.20). Avoidance and minimization have been and continue to be the most commonly used mitigation when BLM is authorizing an action. Compensatory mitigation has also been used, although with less consistency prior to 2005 when the first policy was issued, particularly to reduce residual impacts to threatened and endangered species, cultural resources, air, and water.

Mitigation measures are often incorporated into lease stipulations, permit conditions of approval, best management practices, or reclamation measures; avoidance and minimization measures are also commonly built into the proposed action as design features to avoid known sensitive resources. Mitigation, including compensation, can help to facilitate compliance with a variety of applicable laws.¹ The Permian Basin Agreement is an example of a voluntary program in which

¹ Mitigation can play an important role under the Clean Water Act, for example when restoration can help achieve the no net loss of wetlands standard; under the Clean Air Act to comply with Implementation Plans for non-attainment areas or to prevent/reduce air quality degradation; under the Endangered Species Act, as incorporated in reasonable and prudent alternatives to avoid jeopardizing the continued existence of a listed species under section 7 or as a component of a Habitat Conservation Plan under section 10; under the National Historic Preservation Act, since BLM must consult with states, tribes, and other parties to seek to resolve an undertaking's adverse impacts on historic properties, and seek to minimize harm on National Historic Landmarks; and under the Federal Land Policy

a company may choose to contribute the cost of the required archaeological survey (required under Section 106 of the NHPA), into a mitigation pool. The pooled fund allows for effective management of the area's archaeological resources and provides industry more predictability and control over schedules and budgets needed to operate efficiently.

In addition to aiding compliance with various laws and regulations, use of mitigation in appropriate circumstances may also increase the defensibility of BLM's decisions. For example, in 2008, when BLM authorized natural gas development in the Pinedale Anticline in western Wyoming, that record of decision was challenged on the grounds that it violated FLPMA's direction to prevent unnecessary or undue degradation of the public lands. The D.C. Circuit, however, found that BLM's authorization complied with FLPMA, citing BLM's reliance on mitigation measures to reduce project impacts (*Theodore Roosevelt Conservation Partnership v. Salazar*, 661 F.3d 66, 76–77 (D.C. Cir. 2011)).

BLM began working on formal mitigation policy in the early 2000s to provide clarity and guidance for the field and increase consistency in the implementation of mitigation, in particular, identifying, considering, and, as appropriate, requiring, mitigation to address impacts to sensitive, important, or rare resources from public land uses. BLM has also focused on proactive and regional approaches that consider mitigation in the planning process, as well as to encourage the use of mitigation banks, exchanges and similar mechanisms. This has provided more certainty to applicants on the types of mitigation likely to be considered for a project and has helped to streamline the permitting process.

BLM MITIGATION ACTIONS

The BLM has adopted or is in the process of developing the following actions relating to (1) Secretary's Order 3330, dated October 31, 2013, "Improving Mitigation Policies and Practices of the Department of the Interior;" and the associated report dated April 2014, "A Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior;" and (2) the Presidential Memorandum dated November 3, 2015, "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment."

1. **BLM IB No. 2017-015, Availability of Model Compensatory Mitigation MOU** (December 2016). The IB announces the availability of a model memorandum of understanding (MOU) for use by the BLM State Offices when collaborating with state governments regarding state-based compensatory mitigation programs for the Greater Sage-Grouse and its habitat. This model provides language that makes the strongest commitment the BLM can make within our legal constraints to coordinate our project review processes with the states' compensatory mitigation programs. The model MOU can be adapted for other resources and circumstances where state compensatory mitigation programs may assist the BLM in achieving its mission.
2. **BLM Mitigation Manual, MS-1794** (December 2016). This manual section and the Mitigation Handbook, H-1794-1 (listed below), were issued under **BLM IM No. 2017-**

and Management Act (FLPMA), to prevent unnecessary or undue degradation of public lands.

021. This policy includes principles for mitigation that, “effective mitigation is durable, defined by outcomes, implemented and monitored for effectiveness, considered within an adaptive management framework, reported upon, managed by a responsible party, guided by the best available science, and developed through effective, early, and frequent communication with public land users, cooperating agencies, and other stakeholders, including the public.”

3. **BLM Mitigation Handbook, H-1794-1** (December 2016). Description included above under MS-1794.
4. **BLM New Mexico IM No. NM-F010-2016-004, Bureau of Land Management (BLM) Sensitive Species – Brack’s Cactus Management** (September 7, 2016). This IM is specific to the Farmington District and provides guidance to conserve habitat and protect Brack’s cactus, a BLM Sensitive Species and a species included on the State of New Mexico list of endangered plant species, from ground-disturbing projects by (1) requiring surveys to identify Brack’s cactus locations; and (2) implementing management guidance to mitigate impacts to Brack’s cactus by avoiding and minimizing impacts, and then compensating for impacts that cannot be avoided.
5. **BLM California IM No. CA-2015-009, Renewal of IM Implementing Provisions within the Consolidated Appropriations Act, 2012 (Public Law 112-74) Related to Livestock Grazing Authorizations in the California Desert Conservation Area** (December 17, 2014). This IM reiterates and provides direction on implementing the livestock grazing provisions in P.L. 112-74, which states that BLM shall accept the donation of valid existing grazing allotments and make the land available for mitigation by allocating the forage to wildlife use consistent with any applicable Habitat Conservation Plan, Endangered Species Act section 10 permit, or biological opinion.
6. **Multi-Scale Guidance for Identifying Shared Visual Resources and Mitigation Adverse Impacts through a Collective and Collaborative Process** (in progress). The National Park Service and the BLM are co-leading an interagency group to advance a coordinated effort to encourage thoughtful management of shared scenic resources, which encompass both natural and cultural settings. As part of its effort, the team developed the visual resources guidance called for under #15 of the “Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior.” The guidance underwent solicitor review but has not been finalized. The NPS and BLM agreed to wait for the new Administration to finalize the guidance. The draft guidance does not place requirements on agencies instead it encourages them to work cooperatively with states, industry, private property owners and stakeholders to identify important scenic views and visual resources and to forge a collective management strategy for their stewardship into the future, while resolving potential conflicts early in the decision making processes.

In addition to these specific policies, BLM has developed or is in the process of developing regional mitigation strategies in several areas to provide a clear path forward for potential mitigation actions; examples include the Solar Energy Zones, sagebrush-steppe and Greater Sage-Grouse habitat, and the National Petroleum Reserve – Alaska. BLM has also signed memoranda of understanding with Nevada, Wyoming, and Colorado to consider use of the state

mitigation tool (bank, exchange or other mechanism) when evaluating compensatory mitigation for projects with similar discussions underway in other states. In addition, the Greater Sage Grouse Task Force requested a team of state and federal agencies, including BLM, discuss the implementation of mitigation requirements contained in the sage-grouse plans. The team produced the “Report to the Sage-Grouse Task Force: Greater Sage-Grouse Compensatory Mitigation (December 2016)” which identifies key principles and approaches to mitigation commonly agreed to by the state and federal agencies and provides an overview of each state’s approach to compensatory mitigation.

Prior to issuance of Secretarial Order 3330 and the 2015 Presidential Memorandum, the BLM took the following actions of note related to mitigation.

1. **BLM IM No. 2013-142, Interim Policy, Draft Regional Mitigation Manual Section (MS-1794)** (June 2013). This interim policy directed resource programs to move from case-by-case application of mitigation to a regional approach that involves anticipating future mitigation needs and strategically identifies mitigation sites and measures that can help the BLM achieve its resource objectives while improving permitting efficiencies and providing greater certainty to permit applicants, partners, stakeholders, and the public. The 2013 interim policy covered all resource programs and was the precursor to the current Mitigation Policy.
2. **BLM Arizona IM No. AZ-2012-031, Desert Tortoise Conservation Agreement Implementation** (June 2012). This IM articulates mitigation policy, including off-site compensation for the desert tortoise and its habitat on public lands managed by the BLM in Arizona, in a consistent manner between the District and Field Offices.
3. **BLM Special Status Species Manual (M 6840)** (December 2008). This Manual identifies and interprets BLM’s responsibilities under the Endangered Species Act and mentions off-site compensatory mitigation as a means to further the conservation of federally listed species.
4. **BLM IM No. 2009-011, Assessment and Mitigation of Potential Impacts to Paleontological Resources** (October 10, 2008). The IM provides guidelines for assessing potential impacts to paleontological resources in order to determine mitigation steps for federal actions on public lands under the Federal Land Policy and Management Act and the National Environmental Policy Act. These guidelines also apply where a federal action impacts split-estate lands. It also provides field survey and monitoring procedures to help minimize impacts to paleontological resources determined to be significant that are expected to be adversely affected by a federal action.
5. **BLM IM No. 2008-204, Offsite Mitigation** (September 30, 2008). This instruction memorandum outlines policy for the use of offsite mitigation for authorizations issued by the BLM and replaced IM WO-2005-069 Interim Offsite Compensatory Mitigation for Oil, Gas, Geothermal and Energy Rights-of-way Authorizations (February 1, 2005).
6. **BLM National Environmental Policy Act Handbook, H-1790-1** (January 2008). Consistent with the CEQ regulations at 40 CFR 1508.20, this Handbook defines mitigation to include avoidance, minimization, and compensation. It also describes how mitigation can be used to reduce the effects of an action below the threshold of

significance thereby avoiding the need to prepare an EIS (i.e., to arrive at a “mitigated Finding of No Significant Impact (FONSI)”). It also provides guidance relating to BLM’s description of any effects that remain after mitigation measures have been applied, incorporation of mitigation measures into decision documents, and discussions of monitoring to ensure implementation of adopted measures.

7. **BLM IM No. 2008-050, Migratory Bird Treaty Act – Interim Management Guidance** (December 2007). This Memorandum provides direction to avoid, reduce, or mitigate adverse impacts to the habitats of migratory bird species of conservation concern to the extent feasible, and in a manner consistent with regional or statewide bird conservation priorities.
8. **BLM land use planning regulations, 43 CFR 1610 and Land Use Planning Handbook H-1601-1** (2005). BLM’s land use planning regulations and handbook provide broad guidance on the development of land use plans. The handbook guidance includes the consideration of mitigation measures as appropriate to address resource, social, and economic impacts.
9. **BLM Protecting Cultural Resources Manual (MS-8140)** (December 2004). This Manual provides general guidance for protecting cultural resources from inadvertent adverse effects associated with BLM land use decisions, pursuant to the National Historic Preservation Act, the National Environmental Policy Act, Executive Order 11593, and the National Programmatic Agreement regarding the manner in which the BLM will meet its responsibilities under the National Historic Preservation Act.
10. **BLM hardrock mining regulations, 43 CFR 3809**. Among the general performance standards for surface management within a mining plan of operations is the requirement to “take mitigation measures specified by BLM to protect public lands” (43 CFR 3809.420(a)(4)).
11. **BLM FLPMA right of way regulations, 43 CFR 2800**. These regulations require holders to “restore, revegetate, and curtail erosion or conduct any other rehabilitation measures BLM determines necessary” including conditioning agreements on compensatory mitigation, 43 CFR 2805.12(i).
12. **BLM easement regulations, 43 CFR 2920**. These regulations “direct BLM to include terms and conditions that . . . “minimize damage” and “require the use to be located in an area which shall cause least damage to the environment” (43 CFR 2920.7(b)).

CLIMATE CHANGE

For many years, the BLM has considered climate change, its effects on public lands and public land users, and how BLM decisions contribute to climate change, primarily through NEPA analyses for land use planning and project authorizations. BLM began working on formal climate change policy in 2008 through issuance of an Instruction Memorandum (IM), transmitting draft guidance for state and field office comments on incorporating climate change into land use planning and NEPA documents. In 2010, the CEQ released a document entitled “Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emission” for review by the public and agencies. The CEQ issued revised draft guidance in December of 2014 for review and comment. Final CEQ guidance was issued in August of 2016.

BLM CLIMATE CHANGE ACTIONS

The BLM has adopted or is in the process of developing the following list of actions relating to the guidance identified in Secretarial Order 3349 and the 2016 CEQ's "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews."

1. **BLM Permanent IM No. 2017-003, The Council on Environmental Quality Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews** (December 2016). The IM transmits CEQ guidance on considering climate change in NEPA analysis. It also provides specific step-down guidance for how to calculate the "downstream" or indirect greenhouse gas emissions associated with fossil fuel actions (coal, oil, and gas), when production estimates are reasonably foreseeable.
2. **BLM IM, Considering Climate Change in NEPA Documents** (never issued). This draft policy was intended to provide BLM-specific step-down guidance based on CEQ guidance and Department of the Interior Office of Environmental Policy and Compliance (OEPC) guidance on considering climate change in NEPA analysis. Topics included land use and carbon sequestration, biogenic emissions associated with prescribed- and wild-fire, and the social cost of carbon.

Prior to issuance of the documents listed in SO 3349, the BLM took the following actions of note related to climate change.

1. **BLM New Mexico IM No. NM-2013-022, Availability of Updated Air Resources Technical Report (ARTR); Use of Environmental Assessment (EA) Template Air Quality and Climate Change Language for Applications for Permit to Drill (APDs) and Lease Sales** (June 2013). The IM instructed District and Field Offices to use the latest version of the BLM New Mexico Air Resources Technical Report, and provided template language for use in NEPA environmental analysis documents, to address air quality and climate change impacts.
2. **BLM Oregon/Washington IM No. OR-2010-012, Analysis of Greenhouse Gas Emissions and Consideration of Climate Change in National Environmental Policy Act Documents** (January 2010). The IM provided guidance on analyzing greenhouse gas emissions and addressing changing climate conditions in NEPA documents. The IM expired in October 2011.
3. **BLM IM No. 2008-171, Guidance on Incorporating Climate Change into Planning and NEPA Documents** (August 2008). The IM transmitted draft guidance on incorporating climate change considerations into the Land Use Planning/NEPA analysis process, and requested feedback from the BLM states on their experience with incorporating climate change into NEPA documents.

BLM has also developed tools to assist in assessing emissions, including the following:

1. **Tool: BLM Emissions Inventory Toolkit.** The BLM Washington Office is developing an Emissions Inventory Toolkit, scheduled for completion in September 2017, which

would consolidate and enhance existing emissions inventory tools. The Emissions Inventory Toolkit would be a web-based application for calculating emissions from criteria pollutants, hazardous air pollutants and greenhouse gases. It would store emissions inventories from various projects to assess cumulative emissions, and would include a modeling component for near-field impacts analysis. The toolkit would include a library to store documents and reports. The toolkit would be useful in streamlining air analyses for NEPA and General Conformity requirements and showing whether air quality standards or management goals would be met.

2. **Tool: BLM Colorado Emissions Inventory Calculator.** The BLM Colorado emissions calculator estimates air resources emissions, including greenhouse gases, with the goal of providing technical consistency and efficiency in gathering data on emissions-generating activities for use in NEPA analyses. The ability of the tool to gather information from external sources to be compiled for analysis has led to faster processing times for projects requiring air analysis. This tool would be consolidated into the BLM Emissions Inventory Toolkit mentioned above.
3. **Tool: BLM Oregon/Washington carbon calculators.** Four of the BLM western Oregon Districts have developed carbon storage and greenhouse gas calculators to support environmental analyses, primarily timber sales. Key features of these tools would be consolidated into the BLM Emissions Inventory Toolkit mentioned above.
4. **Tool: BLM New Mexico emissions calculators.** In BLM New Mexico, three calculators are available to estimate air resources emissions, including greenhouse gases, for use in NEPA environmental analysis documents associated with applications for permit to drill and oil and gas lease sales. Key features of these tools would be consolidated into the BLM Emissions Inventory Toolkit mentioned above.
5. **Report: Greenhouse Gas & Climate Change Report.** The Greenhouse Gas and Climate Change Report provides a database and air emissions tool to calculate greenhouse gas emissions for the base year database and the out-year projections for 10 western states. The report includes emissions associated with production and consumption activities, separated by Federal and non-Federal lands for coal, oil, natural gas, and natural gas liquids, for incorporation by reference into NEPA analyses. The reports would be housed in the library section of the BLM Emissions Inventory Toolkit mentioned above.

In addition to the policies and tools listed above, the BLM has taken a wide variety of actions over the years to assess and address the risks associated with wildland fire, invasive plants and animals, drought and other environmental changes that may be caused, in part, by climate change. Examples of such adaptation actions include, helping develop and implement the National Cohesive Wildland Fire Management Strategy, participating in the work of the National Invasive Species Council, working with the State of Montana and the National Drought Resilience Partnership to build drought resilience in the Upper Missouri River Basin, synthesizing and considering ecoregional information related to impacts of climate change on resources BLM manages in land use planning, and partnering with individual livestock permittees to adapt their operations to be more resilient to wildland fire and drought.

NEXT STEPS

In responding to SO 3349, the BLM has focused primarily on policies that have been adopted since the date of the documents specified in the Order. The BLM has applied mitigation and considered climate change in its decision-making and use authorizations for years, encompassing thousands of individual actions and decisions. As noted previously, several laws, such as the National Historic Preservation Act and the National Environmental Policy Act, require the BLM to consider mitigation in its decision-making processes. Courts have also weighed in on the need for the BLM to consider both mitigation and climate change, including greenhouse gas emissions. Due to these legal requirements, the BLM recommends modification of these policies, rather than complete rescission.

When the Deputy Secretary informs the Assistant Secretary for Land and Minerals, in accordance with Section 5(a)(ii) of the SO 3349, about how to proceed in modifying the BLM's mitigation policy, the BLM requests that clarification be provided on what elements of the "mitigation hierarchy" (which variously encompasses avoid, minimize, rectify (repair, rehabilitate, restore), reduce, eliminate, compensate) should be reconsidered. The BLM also requests clarification on whether specific past decisions should be reconsidered. In general, BLM believes the primary mitigation-related issues of concern relate to compensation. Therefore, the BLM recommends that reconsideration of its mitigation policies focus on its approach to compensation in ongoing or future land use plans and projects, such as which resources should be compensated for and what standard(s) should be applied when compensatory mitigation is appropriate (e.g., no net loss, net conservation gain).

When the Deputy Secretary informs the Assistant Secretary for Land and Minerals, in accordance with Section 5(b)(ii) of the SO 3349, about how to proceed in modifying the BLM's climate change policy, the BLM requests that clarification be provided on whether reconsideration should focus on analyzing the impacts of BLM's land use authorizations on climate change (e.g., greenhouse gases) or should also include reconsideration of BLM's adaptation actions (e.g., drought, invasive species, fire and other changes that may be related to climate change). In general, BLM believes there is broad public support for BLM's adaptation related actions and recommends that reconsideration focus on policy related to greenhouse gases, such as evaluation of downstream effects.

Based on feedback from the Deputy Secretary to the Assistant Secretary, the BLM will, in accordance with Section 5(a)(iii) and 5(b)(iii), determine which mitigation or climate policies cause an unnecessary burden to domestic energy development and provide a draft revised or substitute action for review.

From: Brune, Jeff
To: [Janine Velasco](#); [Ronald Dunton](#); [Salvatore Lauro](#); [Kristin Bail](#); [Timothy Spisak](#); [Lonny Bagley](#); [Christopher McAlear](#); [Matthew Allen](#); [Jody Hudson](#); [Howard Cantor](#)
Cc: [Michael Nedd](#); [Kathleen Benedetto](#); [Jerome Perez](#); [Shannon Stewart](#)
Subject: Next Steps for BLM Priority Workload Exercise
Date: Tuesday, April 11, 2017 10:09:55 AM
Attachments: [Priority Work wtih Sub Tasks 4-11-17.docx](#)

Attached please find the priority workload document (keep close hold) discussed at yesterday's leadership meeting. We've also provided definitions, objectives for the next steps, and the schedule.

We suggest the ADs have a meeting soon to strategize the best approach to completing your collective task -- to identify the 4-5 milestones or bodies of work for each priority by COB April 18.

Please coordinate your responses into a single document. If you have questions, you can see Shannon or me. --Jeff

Terms

Example of Theme: Making America Safe through Energy Independence

Example of Priority: Make additional lands available for "all of above" energy development

Major milestone or body of work: These are the 4-5 high level tasks that ADs will identify to carry out each priority.

State-level work projects: These are the workload items that States will define consistent with the priorities and milestones.

Objectives

- * Review existing tasks under each priority in the attached document
- * Work with other ADs to step up these tasks to a higher level
- * For each priority, settle on 4-5 major milestones or bodies of work and identify completion dates, as appropriate
- * Consider that States will be taking the final AD product and adding their state-level work projects to the structure
- * In drafting milestones for each priority, consider
 - * Coming together as a group with a facilitator and/or
 - * Breaking into teams as necessary by Themes (e.g., WO 200, 300, and 400 work on Energy Independence)
- * The final product should speak to different audiences – ASLM, ADs, and States

Schedule

ADs identify major milestones/bodies of work and completion dates, as appropriate

April 10-18

Final AD document provided to States

April 19

States add priority work projects with milestones and completion dates

April 19-25

States provide final documents to WO-100

April 26

WO-100 and ADs review final draft

April 27-28

Final Document for ASLM

May 1

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**BLM Priority Work
4/10/17 Internal Draft**

Making America Safe through Energy Independence

Make additional lands available for “all of the above” energy development

- Support Valid and Existing Rights in the National Conservation Lands (Ongoing) WO-400
- Work with BLM States to find solutions to allow energy development consistent with our National Conservation Lands policies (Ongoing) WO-400
- Support multiple-uses for National Conservation Lands units (when not in conflict with Congressional/Presidential Designation) (Ongoing) WO-400
- Ensure that lands, mineral resources, and energy corridors are made available for development in an environmentally sound manner WO-300
- Make additional lands available through identification and prioritization of existing land use plans AK

Address backlog of Applications for Permit to Drill (APDs) and Expressions of Interest (EOIs)

- Develop strategy to address the backlog of 2,802 pending Applications for Permit to Drill (APDs) and the 7.8 million acres for which informal Expressions of Interest (EOIs) and pre-sale offers have been submitted WO-300
- Evaluate resource needs and consider regionalization of specialized work/functions WO-300
- Coordinate with other agencies involved in the leasing and permitting process on opportunities to maximize efficiencies WO-300
- Complete and deploy the Automated Fluid Minerals Support System 2 and the National Fluids Lease Sale System to increase program efficiencies WO-300
- Maximize the online leasing system WO-300
- Streamline the internal approval process for Federal Register Notices WO-300
- Improve APD [and Grazing Permitting] processes using geospatial technology and providing Public Land Survey System data in publication form (June-Dec 2017) WO-800

Improve and modernize Federal coal leasing and permitting, and address backlog

- Complete the 44 existing coal lease applications WO-300
- Identify the most promising areas in the U.S. for coal leasing and development WO-300
- Evaluate resource needs and consider regionalization of specialized work/functions WO-300
- Coordinate with other agencies involved in the leasing and permitting process on opportunities to maximize efficiencies WO-300
- Provide recommendations in early May 2017 WO-300
- Continue development of the Minerals Tracking System WO-300

Internal Working Document

- Streamline the internal approval process for Federal Register Notices WO-300
- Develop an Abandoned Mine Lands (AML) and Hazmat 5-year site clean-up strategy. (Ongoing) WO-200
- Develop a Good Samaritan program for abandoned mine sites. (Ongoing) WO-200
- Improve Mineral Estate data quality and provide to public (Dec 2017) WO-800

Improve and modernize oil and gas leasing and permitting

- Complete and deploy the Automated Fluid Minerals Support System 2 and the National Fluids Lease Sale System to increase program efficiencies WO-300
- Maximize the online leasing system WO-300
- Streamline the internal approval process for Federal Register Notices WO-300

Improve and modernize rights-of-way processing for pipelines, transmission lines, and solar/wind projects

- Create a centralized agile team that can address national rights-of-way applications and issues more efficiently and effectively WO-300
- Continue permitting of renewable energy generation facilities – solar, wind, and geothermal WO-300
- Streamline the internal approval process for Federal Register Notices WO-300
- Guidance/Review of Resource Management Plans and Rights-of-Way that could impact National Conservation Lands to support timely and defensible project decisions (Ongoing) WO-400

Improve and modernize leasing and permitting for hardrock mining

- Streamline the internal approval process for Federal Register Notices WO-300
- Develop an Abandoned Mine Lands (AML) and Hazmat 5-year site clean-up strategy. (Ongoing) WO-200
- Develop a Good Samaritan program for abandoned mine sites. (Ongoing) WO-200
- Improve Mineral Estate data quality and provide to public (Dec 2017) WO-800

Mission Support Work

WO-600

- Provide strategic communications for the mineral leasing programs, rights-of-way, and transmission projects.
- Use social media, the website, newsletter, and The BLM Daily to highlight BLM initiatives and accomplishments tied to energy and lands programs.
- Develop general interest publications such as the Sound Investment brochure that highlight BLM's economic contributions to the nation (FY 2017).
- Hone press relations to be responsive and provide transparency and awareness to BLM's energy and lands initiatives.

Internal Working Document

- Engage proactively with Congressional delegations and staff to provide information on energy initiatives via briefings, hearings, and State Director Hill visits.
- Facilitate energy-related information-sharing with local and state agencies and elected officials.
- Keep RAC engaged and aware of changing energy policies and programs that affect their area.
- Shepherd energy-related regulatory products, Federal Register notices, and correspondence as required through an efficient surnaming process.
- Assist in rule-making efforts, including drafting and reviewing of the rules, to facilitate effective energy-driven policies.

NTC

- Provide Energy Related Lands Access Training:
 - Oil and Gas (2017)
 - Beginning Rights of Way (2017)
 - Pipeline Training (2018)
 - Transmission Line Training (2018)
 - Solid Minerals Training (2017)
- Safety and Emergency Management
 - Continue exposure monitoring and assessment program to ensure the safety of Petroleum Engineering Technicians managing oil production operations.

WO-800

- Implement requirements of Energy Policy Act of 2005 and Energy Independence and Security Act of 2007:
 - Complete Compliance Assessment Safety Health Environment (CASHE) Audits for 31 organizational units (Sep 2017)
 - Complete 3 Sustainability Inspections and Trainings (SI CASHE) (Aug 2017)

Making America Great Through Shared Conservation Stewardship

Pursue all options to achieve appropriate management levels (AMLs) for the Wild Horse and Burro Program

- Wild Horse and Burro Strategy: in response to the OMB and OIG requests, develop and implement a comprehensive Wild Horse and Burro Strategy, including working with partners to reduce herd sizes to appropriate management levels, decrease reliance on long-term holding, and explore management options (Ongoing; draft recommendations by May 2017) WO-200
- Implement responsive actions to the 2016 OIG review/findings for wild horse and burro holding contracts and agreements in correctional institutions (November 2017) WO-200
- Convert Wild Horse & Burro Agreements to contracts in Colorado & New Mexico for short-term holding in training of horses. WO-850
- Provide wild horses and burros for Border Patrol: continue to work with Border Patrol to provide wild horses and burros. (Ongoing) WO-120

Work with partners to develop and implement priority habitat monitoring and improvement projects

- Sensitive Species: work with state and local partners and private companies on voluntary, collaborative conservation efforts for sensitive species such as Greater Sage-Grouse to avoid listing and enable energy production on public lands. (Ongoing) WO-200
- On-going partnerships with multiple outdoor sports organizations (e.g., Rocky Mountain Elk Foundation and National Wild Turkey Federation) to improve habitat conditions through fuels management, rangeland improvements, and other conservation efforts. FA-100
- Sagebrush Ecosystem: the BLM is working to implement \$60 million of restoration and conservation activities annually across the sagebrush ecosystem to increase and protect resilient landscapes through the implementation of the Integrated Rangeland Fire Management Strategy. (Program of Work IM for 2017 is complete) WO-200
- Invasive Plants: work with local, state, and other federal agencies to reduce invasive weeds (e.g., cheatgrass) on western lands; increase the tools in the toolbox through partnership efforts (e.g., Cooperative Weed Management Areas), more efficient permitting processes for herbicides/biocides, and streamlining NEPA. (Ongoing) WO-200
- Invasive animals: work with state and local agencies, as well as federal partners such as Animal Plant and Health Inspection Service (APHIS), to manage invasive species and prevent damage to public lands and water resources. (Ongoing) WO-200
- Implementation of the National Seed Strategy: work with local business to ensure that sufficient seeds are available at the right time in the right place. (Ongoing) WO-200

Internal Working Document

- Pursue legislative authority to provide for forest and vegetative materials (e.g., firewood) without charge to meet BLM resource management and educational objectives. (Develop legislative proposal December 2017) WO-200
- State Relationships: expand relationships with state fish and wildlife agencies for the management of wildlife and fish and their habitats by updating existing MOUs (Review by June 2017, recommendations by November 2017) WO-200
- Special status species: work with state and federal agencies and other partners to develop and implement cooperative management for imperiled species to avoid listing. For example, the states, BLM, and other federal agencies have a conservation agreement for Sonoran desert tortoise in the desert Southwest. (Ongoing) WO-200
- Restoration of Public Lands: conserving and restoring areas critical for water supplies, wildlife, and recreation as well as providing economic stability for grazing and timber; assess effectiveness of existing Bureau initiatives and programs for habitat and watershed restoration. (Provide recommendations by December 2017) WO-200
- Stakeholder Involvement: working with stakeholders, including sportsmen, grazing, and recreation groups to use land health assessments to evaluate, develop, and implement management across programs (Pilot project in Montana by June 2017) WO-200
- Work with partners, such as the Rocky Mountain Elk Foundation and Trout Unlimited, to develop and implement priority projects to improve habitat for game species. (Ongoing) WO-200
- Release BLM Donations Policy (TBD; priority for previous administration) WO-400
- Partner with local commercial, conservation, and recreation groups: provide access and opportunities on public lands. (Ongoing) WO-400
- Provide draft agreement templates, best practices, and training to support partnership efforts (Ongoing) WO-400
- Award scientific research studies funding to partners (January 2018) WO-400
- Sagebrush Ecosystem: the BLM is working to implement \$60 million of restoration and conservation activities annually across the sagebrush ecosystem to increase and protect resilient landscapes through publication of geospatial datasets to public, partners, and internal stakeholders. NOC
- Invasive Plants: working with local, state, and other federal agencies to reduce invasive weeds (e.g., cheatgrass) on western lands through interagency mapping efforts through Multiresolution Land Characteristics Consortium NOC

Enhance opportunities for volunteer service and youth engagement on public lands

- Implement the Science in Practice Portal, Science Partnerships, and Citizen Science initiatives. (To be completed in 2017) WO-200
- Host National Public Lands Day (September 30, 2017) WO-400
- National Trails Day (June 2017) WO-400
- Lead veteran's initiative: connect veterans to public lands through outreach, volunteerism, and job placement (September 2017) WO-400

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- Expand citizen science projects: connect youth and local communities to public land WO-400
- Create opportunities to engage at least 25,000 volunteers (October 2017) WO-400
- Release BLM Donations Policy (TBD; priority for previous administration) WO-400
- Engage youth crews and interns, as appropriate, in keeping our borderlands safe (Ongoing) WO-120

Emphasize BLM's multiple-use mandate through strategic communication efforts and educational outreach

- Build local/State/National Conservation Lands staff knowledge on energy development (Ongoing) WO-400
- Curriculum for families and teachers on multiple-use and sustained yield topics (Ongoing) WO-400
- Community based programs and presentations about BLM managed public lands (Ongoing) WO-400
- Expand to new areas, partnerships with groups like Tread Lightly! and hunting and angling groups to ensure public lands are accessible (Ongoing) WO-400
- Conduct Leave No Trace Master Training for BLM staff and partners (TBD) WO-400
- Report accomplishments to the public: WO-400
 - Publish annual report, Connecting People to their Public Lands (Winter 2017)
 - Publish Monuments and NCA's Managers' Report Summary (Winter 2018)
 - State of the National Conservation Lands Report (Summer 2017)
- Provide information to attendees at the following events: Society for American Archeology (March 2017), International Travel and Tourism Trade Show/Convention (IPW*) (June 2016), National Scout Jamboree (July 2016), North American Association for Environmental Education (October 2017), National Association for Interpretation Annual Workshop (November 2017) WO-400
- Support visitor centers to provide safe accessibility to public lands, information, orientation, and safety messages for visitors (Ongoing) WO-400
- Youth Opportunities: engage young people in public land management and provide early career opportunities; collaborate with primary schools and universities and other partners to provide for expanded and new opportunities for jobs and internships for youth across the U.S. (Ongoing, Recommendations by August 2017) WO-200
- Diversity and Inclusion: Engage underserved communities to ensure use and enjoyment of public lands and pursue careers with the BLM. (Ongoing) WO-200
- Provide opportunities for education on public lands: WO-400
 - Priority for previous administration: Year Three Every Kid in a Park Launch: Distribute 30,000 passes (Sept. 2017)
 - Priority for previous administration: Complete Online National Conservation Lands training modules (Summer 2017)

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- K-12 Education Initiative: Project Archeology teacher workshops, produce educational materials for educators (Ongoing)
- Develop annual economic contribution estimates associated with BLM activities and programs at a state and national level. Estimates for FY16 are under development. (ongoing)
WO-800

Mission Support Work

WO-600

- Provide strategic communications for planning and NEPA actions, as well as on-the-ground land improvement projects.
- Use social media, the website, newsletter, and The BLM Daily to highlight BLM initiatives and accomplishments tied to partnerships, community engagement and grassroots efforts that support public lands.
- Develop general interest publications that provide quantifiable success in public land stewardship.
- Pitch positive stories to reporters that highlight partnership on-the-ground work.
- Engage proactively with Congressional delegations and staff to provide information on land stewardship efforts via briefings, hearings or State Director Hill visits.
- Facilitate information-sharing with local and state agencies and elected officials.
- Foster intergovernmental relationships to solicit feedback on how to most effectively carry out land stewardship efforts.
- Keep RAC engaged and aware of changing policies and programs that affect their area.
- Solicit RAC feedback and assistance to accomplish tasks that benefit public lands and local community interest groups the RAC members represent.
- Shepherd public land regulatory products, Federal Register notices, and correspondence as required through an efficient surnaming process.

NTC

- Provide training to increase employees knowledge/ability to develop conservation partnerships:
 - Grant writing for Conservation (2018)
- Provide training to non-BLM partners to foster Conservation Stewardship:
 - Integrated Pest Management (2018)
 - Interpreting and Measuring Indicators of Rangeland Health (2018)
 - Archaeological Resource Protection Act ARPA (2018)
- Strengthening the Conservation Workforce:
 - Participation at the Diversity Joint Venture (ongoing)

Making America Safe - Restoring Our Sovereignty

Coordinate with law enforcement and local communities to enhance public safety related to our borders

- **Federal Law Enforcement Communication Center – (FLECC) WO-120**
 - 24/7/365 mission support to DOI Law Enforcement and USFS.
 - Currently provide services to 115 BLM Officers in AZ/NM/CA.
 - Field's operational needs are currently outpacing FLECC's ability to provide adequate support.
 - More base funding needed if BLM continues with Resource Protection border operations.
- Collaborate with local partners and U.S. Border Patrol to increase efficiencies on evaluating actions on public lands; collaborate closely with state, tribal, and local governments to increase joint decision-making; develop decision support tools that address the needs of local communities and partners. (Ongoing, additional recommendations by June 2017) WO-120
- Provide adequate law enforcement for National Conservation Lands units with border and security issues (Ongoing) WO-120
- Ensure safety for visitors and important resources within the National Conservation Lands through security measures and equipment (Ongoing) WO-120
- Provide facilities and interpretative materials that promote safety on public lands (Ongoing) WO-120
- Coordinate with law enforcement and military organizations on border and security issues (Ongoing) WO-120
- Engage youth crews and interns, as appropriate, in keeping our borderlands safe (Ongoing) WO-120
- State and local law enforcement partnerships WO-120
 - BLM States and OLES fund 71 service contracts with Western Sheriffs for public land patrols.
 - BLM has MOUs for state peace officer status with 98 Western Counties.
 - BLM Officers participate in over 15 task forces across the West with state, local, and federal partners.

Fully deploy security and communications systems to enhance employee safety, emergency notification, and accountability

- Fully deploy communications systems to enhance employee safety and emergency notification and accountability, including an emergency text notification system and a fully sustainable network of personal GPS tracker/satellite text message devices, by the end of FY 18. WO-700

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- Full roll out of ROSS/IQCS program for identification of personnel with needed skills for emergency deployment—with no less than 10% of the non-fire BLM workforce identified and enrolled by end of FY 18 WO-700
- Integration and coordination of the diverse emergency reporting pathways across the states and specialized program areas; and implementation bureau-wide of standardized templates and plans for Emergency Management by the end of FY 18. WO-700
- Implement sound Radio infrastructure to support the field employees to maintain direct communications for operations and safety of these employees. BLM Radio infrastructure provides interoperability and is reliable across public land support agencies nationwide. Ensure oversight of Radio infrastructure which continues to change as a result of emerging technology and reallocation of radio spectrum (by FCC and NTIA). Radio infrastructure includes, satellite services, mountain top radio towers, dispatch offices, handheld and mobile radios. WO-800
- Protect BLM's employees and facilities through completion of physical security improvements. WO-800

Enhance partnership projects such as Operation Reclaim Our Arizona Monuments (ROAM)

- **Operation Reclaim Our Arizona Monuments (ROAM) WO-120**
 - Chartered in FY2010 in response to increased illegal border related impacts to public lands
 - 5-10 Law Enforcement surges each year to support resource projects and management goals
 - Accomplishments – cleanup of 794,320 pounds of trash from monument lands, coordination with U.S. Border Patrol to apprehend 2,160 illegal aliens, seizure of 72,905 pounds of illegal drugs through 8,805 documented LE incidents
 - Commitments/ Office of Law Enforcement and Security \$1M/per year and BLM AZ \$500k-\$1M (average)
 - Concept could be expanded to cover public lands on all of S. Border – resource related patrols
- Clean up illegal border crossing dump sites and rehabilitate unauthorized smuggling roads. (Priorities by May 2017) WO-120

Coordinate with the Department of Defense to ensure that public lands and resources are available to support the mission of our military

- Withdraw select public lands for military uses WO-300
- Expand MOA with DOD to include authorized resources for other energy uses WO-300

Prioritize clearance and approval process to support border actions

-

Mission Support Work

WO-600

- Provide strategic communications that clearly articulate the BLM's efforts to secure public lands along the border.
- Use social media, the website, newsletter and The BLM Daily to highlight BLM success stories in reducing adverse impacts to public lands due to illegal border activities.
- Develop general interest publications that provide quantifiable success in public land security efforts.
- Pitch success stories to reporters that highlight proactive border security efforts on public lands.
- Engage with Congressional delegations and staff to provide information on impacts from illegal border activities on public lands and how the BLM is addressing the issue via briefings, hearings or State Director Hill visits.
- Facilitate information-sharing with local and state agencies and elected officials.
- Foster intergovernmental relationships to solicit feedback on how to most effectively carry out border security efforts on public lands.
- Keep RAC engaged and aware of changing policies and programs that affect their area.
- Shepherd regulatory products, Federal Register notices, and correspondence as required through an efficient surnaming process for activities related to border impacts and security.

NTC

Provide Training Support for BLM Law Enforcement:

- Intro to Resource Protection (2017)
- Law Enforcement for Line Officers (2017)

Getting America Back to Work

Improve and streamline land use planning to support energy and minerals development and other priority initiatives

- Work with state and local partners and private companies on voluntary, collaborative conservation efforts for sensitive species such as Greater Sage-Grouse to avoid listing and enable energy production on public lands. (Ongoing) WO-200
- Rapid Ecoregional Assessments (REAs): The NOC oversees contract development of REAs, which allow the field access to compiled data on a wide variety of resource conditions on BLM lands. (Ongoing) NOC
- Develop county level metrics of socio-economic benefits from activities on public lands including energy and mineral development. (2018) WO-200
- Prioritization of Resource Management Plan revisions to support energy and mineral development. (Ongoing; Priorities identified in May 2017) WO-200
- Streamline land use planning and NEPA processes to achieve efficiencies and decrease time-to-completion. (Ongoing; Report to Secretary September 2017) WO-200
- Guidance/Review of Resource Management Plans [and Rights-of-Way] that could impact National Conservation Lands to support timely and defensible project decisions (Ongoing) WO-400
- Develop annual economic contribution estimates associated with BLM activities and programs at a state and national level. Estimates for FY16 are under development. (ongoing) WO-800
- Ensure that lands, mineral resources, and energy corridors are made available for development in an environmentally sound manner WO-300
- Mitigation Policy Review: work with state and local partners on market-based, voluntary mitigation to facilitate energy-based authorizations. (Ongoing) WO-200

Streamline NEPA processes to achieve efficiencies and decrease time to completion

- Mitigation Policy Review: work with state and local partners on market-based, voluntary mitigation to facilitate energy-based authorizations. (Ongoing) WO-200
- Streamline the NEPA process for energy, minerals, and transmission projects WO-300
- Streamline land use planning and NEPA processes to achieve efficiencies and decrease time-to-completion. (Ongoing; Report to Secretary September 2017) WO-200
- Explore Categorical Exclusion authority for vegetation treatments, coal permitting, and energy and mineral development. (September 2017) WO-200
- Publish data to business and public for pre-planning, proposed projects and streamlining application process (Jan 2018) NOC
- Air Resources Toolkit: the BLM is looking to streamline and make more consistent the methodology for calculation of emissions across all organizational levels. BLM will use the

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Air Resources Toolkit emissions calculations and supporting information for various levels of future NEPA assessment. (Draft ready in May 2017) WO-200

Modernize critical information systems

- Increase Accuracy and Consistency of Data: developing new tools and technology infrastructure to make data collection and validation more efficient, as well as increasing opportunities for use by the BLM, its partners, and industry in supporting energy development (e.g., geospatial depiction of lease parcel locations). For example, AIM data has been used to support approval of Applications for Permit to Drill (APDs) and grazing permits. (Ongoing) WO-200
- Increase Availability and Usage of Data: prioritize key geospatial data sets for standardization and corporate implementation (APD and grazing renewals ongoing, identify next priorities summer 2017) WO-200
- Develop national data sets for public use (e.g., geospatially located lands suitable for disposal). (Ongoing) WO-200
- Streamline data standards development process for energy related dataset (Jan 2018) WO-800, NOC
- Improve APD Processing through geospatial data and analysis (Jan 2018) WO-800, NOC
- Support design, development, testing, and deployment of the Automated Fluid Minerals Support System 2 (AFMSS2) NOC
- Increase number of national data compilation (Jan 2018) NOC
- Publish data to business and public for pre-planning, proposed projects and streamlining application process (Jan 2018) NOC
- Implement roadmap for Enterprise Architectural Framework for Geospatial (Jan 2018) NOC
- Implement roadmap for Enterprise Architectural Framework for Geospatial (Jan 2018) NOC
- Vegetation Treatment System: consolidate vegetation management data and develop treatment planning tool based on past project success. This effort will consolidate data sets, improve security, reduce overall development cost, and simplify and speed decision making. (Completed in early 2018) WO-200
- Create data framework standards for 20 dataset/year for landscape approach analysis (March 2018) WO-800
- Collaborate with Federal and State Level Partners to standardize and share data WO-800
- Science in Practice Portal (SPP): The NOC has the lead for the BLM in development and deployment of the SPP, a web-based one-stop science portal to facilitate field level access to and use of science in the BLM. (Completed in 2017) NOC
- The Greenhouse Gas (GHG) & Climate Change Report provides a database and air emissions tool that will calculate greenhouse gas emissions for the base year database and the out-year projections for 10 western states. The Tool was developed to generate a baseline data set for GHG emissions associated with production and consumption activities, separated by Federal and non-Federal lands for coal, oil, natural gas, and natural gas liquids. (Completed Feb. 2017) NOC

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- Digitizing and publishing historical aerial photography collection with USGS to ensure long-term access and availability to all. NOC
- Developing Unmanned Aerial System program to increase field office access to very high resolution imagery to streamline decision making through high quality data NOC
- Protect BLM's IT assets with strong cybersecurity oversight and protecting privacy information. WO-800
- Modernize our energy, minerals, and lands information systems to efficiently lease and permit resources WO-300
- Improve APD and Grazing Permitting processes using geospatial technology and providing Public Land Survey System data in publication form (June-Dec 2017) WO-800
- Improve Mineral Estate data quality and provide to public (Dec 2017) WO-800
- Public Land Survey System data in publication form (June 2017) WO-800
- Improve Mineral Estate data quality and provide to public (Dec 2017) WO-800
- The Economic Profile System (EPS) produces a variety of economic and demographic reports at a variety of geographic levels including counties. EPS is maintained by Headwaters Economics and supported by the BLM. We are exploring the development of custom reports specific to BLM field office. (ongoing) WO-800
- Develop annual economic contribution estimates associated with BLM activities and programs at a state and national level. Estimates for FY16 are under development. (ongoing) WO-800
- Implements the Departmental email Enterprise Records and Document Management System (eERDMS) that will serve as the primary repository of BLM electronic records. Digitize records across the BLM and are centrally track for enterprise coordination. Develop standards (in partnership with NARA) that address technical interoperability and accessibility considerations. WO-800
- Offer access to the public for critical resource and geospatial data by increasing the number of national data sets available, and providing data to show recreation, hunting and fishing opportunities (Jan 2018) WO-800

Pursue maintenance and capital improvement projects that address infrastructure needs

- Work with partners to identify projects within the backlog of BLM deferred maintenance projects that would benefit high priority activities such as mineral development, grazing, and recreation. (Ongoing, Specific Recommendations by May 2017) WO-200
- Initiate 7 FLTP Roads Projects totaling 143 miles of planning, design and road construction across 5 western states totaling a \$78M investment in infrastructure improvements (Sep 2017) WO-800
- 33 Deferred Maintenance and Capital Improvements projects are scheduled to be completed by September 2017 totaling \$16.8 million. WO-800
- Provide assistance to the Small Business, Disadvantaged Businesses, HubZone, Women Owned and Service Disabled business communities through the competitive contracting

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process by awarding in excess of \$250M in contracts during the Fiscal Year (Sept 2017).
WO-800

Provide employment opportunities for veterans, youth, and others to work on public lands

- Robust partnerships to train and hire veterans; assisting them in transitioning to the civilian workforce: FA-100
 - Currently have 8 veterans fire crews located in 8 states
 - Trained more than 500 veterans through partnership with Team Rubicon, a veterans disaster response organization
 - 2017 training sessions planned in multiple states across the nation
 - Providing career opportunities leading to non-fire resource management positions
 - Developing partnerships with Mission 43 and Hire Heroes veterans' organizations.
- Seasonally hire firefighters in rural locations across the West. FA-100
- Provide jobs for 2500 personnel in fire management, most located in rural America. FA-100
- Employ local crews for habitat restoration, data collection and analyses, and infrastructure maintenance and improvement projects (Ongoing) FA-100
- Develop opportunities for tribal and veteran employment. (Ongoing) FA-100
- Make energy and mineral resources available for development to support jobs WO-300
- Create opportunities to employ at least 2,000 youth on conservation crews and through internships to conduct trail maintenance, fire rehabilitation, seed collection, and other multiple-use projects (October 2017) WO-400
- Connect veterans to public lands through outreach programs (Ongoing) WO-400
- Employ, support and assist in permanent placement of DHA interns and students through collaboration with Conservation Corps and other federal partners. (ongoing) NOC
- Youth Opportunities: engage young people in public land management and provide early career opportunities; collaborate with primary schools and universities and other partners to provide for expanded and new opportunities for jobs and internships for youth across the U.S. (Ongoing, Recommendations by August 2017) WO-200
- Veterans Assistance: engage veterans in public land management and provide career opportunities for returning veterans. (Ongoing) WO-200
- Implement recommendations from SO 3342 to improve partnerships and collaborate with Indian Tribes, including through an IM on 638 contracts, 202 contracts, MOU, AA, IPA for IP hiring within BLM lands using tribal funds. (Ongoing) WO-200
- Diversity and Inclusion: Engage underserved communities to ensure use and enjoyment of public lands and pursue careers with the BLM. (Ongoing) WO-200
- Provide employment opportunities through special hiring authorities AK

Increase efficiency of compliance with other agencies authorities (e.g., ESA, NHPA, CWA)

- Increase Efficiency of Compliance Activities (e.g., Section 106/State Historic Preservation Office (SHPO) and Tribal Historic Preservation Officer (THPO), Endangered Species Act (ESA), Air Quality, Clean Water Act): work within the BLM, as well as with stakeholders, to produce

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decision support tools and processes that increase the efficiency of compliance activities. (Programs will provide recommendations by August 2017). Work with the Office of the Solicitor and utilize alternative Section 7 approaches at both the plan and project level. Work with 400 to utilize new ESA 7a1 framework to streamline project level 7a2 consultation. Consider use of the ESA Incremental Step Approach (per the 50 CFR 402.14 (k) regulations) for ESA consultations. WO-200

- Cultural Resources Program Manual (8100 series): the 35-year old manual series will be re-written to assist with streamlining and consistency by the end of 2018. (Drafts by September 2017) WO-200
- The Draft Paleontological Resource Protection Act Rule: released by the Department of the Interior in February 2017, the public comment review period has ended and draft agency response to comments will be completed by October 2017. WO-200
- Complete the updates for the Fish and Wildlife Conservation Manual (6500) and Fisheries and Aquatic Resources Manual (6720). (Drafts for review in Spring 2017) WO-200
- Air Resources Toolkit: the BLM is looking to streamline and make more consistent the methodology for calculation of emissions across all organizational levels. BLM will use the Air Resources Toolkit emissions calculations and supporting information for various levels of future NEPA assessment. (Draft ready in May 2017) WO-200
- Air Handbook: provide detailed instructions, techniques, practices, and processes for streamlining and performing functions related to Air Resource Management required in BLM's Air Resource Manual. (2018) WO-200
- Assessment, Inventory, and Monitoring (AIM): The NOC provides the primary support for the field and WO in terms of development, training, deployment, data management, analysis and reporting for the AIM program. (Ongoing) NOC
- National Riparian Service Team (NRST): The NRST provides training and guidance for aquatic/riparian monitoring for the field. Additionally, the NRST plays a CADR role in challenging resource conflict issues across the west (e.g., Klamath basin, Argenta allotment). (Ongoing) NOC

Mission Support Work

WO-600

- Use traditional and social media to highlight BLM initiatives and accomplishments that create jobs such as infrastructure improvements, local hiring for habitat restoration, and youth programs.
- Develop traditional media products that explain improved opportunities afforded through changes in BLM operations and systems that streamline permitting.
- Develop general interest publications such as the Sound Investment brochure (with county-level metrics) that highlight BLM's economic contributions locally and nationally (FY 2017).
- Use strong press relations to support seasonal training and hiring.

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- Engage proactively with Congressional delegations and staff to provide information on the socioeconomic impact of BLM programs via briefings, hearings or State Director Hill visits.
- Facilitate information-sharing with local and state agencies and elected officials.
- Keep RAC engaged and aware of changing policies and programs that affect their area.
- Shepherd regulatory products, Federal Register notices, and correspondence as necessary through an efficient surnaming process.
- Convey to international delegations the many roles that BLM plays in job creation, recreation and conservation.

NTC

Provide employee training to support field work:

- Contracting Officer Representative (2017)
- Procurement (2017)
- Human Resources/Basic Staffing (2017)
- Federal Appropriations Law (2017)

Information Technology (2017)

- Provide training to help BLM expedite permitting for renewable resources (including support functions):
- Grazing Administration (2017)
- Special Recreation Permits (2017) NEPA/Planning (2017)

WO-800

- Advance data quality initiatives by providing awareness training for program offices and addressing data quality challenges in a timely manner in accordance with the BLM information quality guidelines.

Serving the American Family

Maintain a capable, ethical, and diverse professional workforce and an inclusive and motivating work culture that drives high productivity

- Ensure our workforce has the skills needed to effectively perform their work. NTC
- Habitat Assessment Framework (HAF): The NOC is providing substantial assistance in development and deployment of training on conducting HAF analyses. (Ongoing) NOC
- Training and certifying BLM employees in pesticide application. Support the GSG effort through research and application of bio-pesticides targeting Downy Brome. (ongoing) NOC
- Civil Rights WO-700
 - Ensure all EEO policies are reviewed annually, revised as necessary, widely disseminated and easily accessible.
 - Provide training to make aware and ensure compliance with Title VII, Title VI and the Public Civil Rights Programs.
 - Assess workforce demographics and conduct more in-depth barrier analyses
 - Engage and empower Special Emphasis Program Managers
 - Build coalitions and enhance relationships within HCM and beyond
- Develop a leadership pipeline. NTC
- Assess and change our leadership development programs. WO-700
- Employment Initiatives: WO-700
 - Attend Career Fairs targeting Veterans, Individuals with Disabilities and other underrepresented groups (Ongoing)
 - Operation Warfighter (OWF) Intern Fair (Monthly)
 - Direct Hiring Authority Resource Assistant Internship - (Summer 2017)
 - BLM Career Symposium for College Students (May 2017)
 - BLM Recruitment Summit for Veterans and Individuals with Disabilities (October 2017)
 - Pathways Programs (Internships, Recent Graduates and Presidential Management Fellows) (Ongoing)
- Strengthen BLM's Culture WO-700
 - Increase employee engagement
 - Increase diversity and inclusion
- HR Modernization WO-700
 - Workforce Transformation & Tracking System (WTTS) (Ongoing 2017)
 - Provide centralized, standardized, and automated business capabilities for the on-boarding process of new and transferring employees.
 - Entrance on Duty System (EODS) (Ongoing 2017)
 - Provides secure system access for new hires to complete online forms.
 - Bureau-wide Standard Position Descriptions (SPDs) (Ongoing) (Note: This is a NOC initiative; however, ensuring the utilization is a local HR responsibility)

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- Ease the workload on supervisors, simplify and fast-track the classification process, improve service to the customer, and expedite the hiring process.
- Utilize existing personnel during the hiring freeze to fill critical positions. WO-700
- BLM's culture is one in which all employees understand and value ethical behavior and strive to meet the highest standards of professional ethical conduct. WO-700
- Ethics is recognized as every employees' responsibility. WO-700
- Information, guidance and training increases Bureau-wide compliance with statutes, regulations and policies. WO-700
- Establish sustainable partnerships with underrepresented groups: WO-700
 - Executive Orders Program (Veterans Programs, Individuals with Disabilities Program, Minority Serving Institutions, Girls in STEM, etc.) (Ongoing)
 - Partnership with Greening Youth Foundation (Ongoing)
 - Partnership with Geological Society Association (GSA) (Ongoing)
 - Partnership with American Conservation Experience (ACE) (Ongoing)
 - Partnership with Southern Utah University (SUU) (Ongoing)
 - Partnership with Greening Youth Foundation (GYF) (Ongoing)
 - Partnership with Environment for the Americas (EFTA) (Ongoing)
 - Partnership with INROADS (Ongoing)
 - Partnership with Hispanic Association of Colleges & Universities (HACU) (Ongoing)
 - Partnership with Minorities in Agriculture, Natural Resources & Related Sciences (MANRRS)
- Increase Employee Engagement and Retention: WO-400
 - Creation of the BLM Employee Engagement Working Group (Ongoing)
 - Respectful Workplace Series (Ongoing)
 - Diversity Change Agent Training (April 2017)
 - Roll-out BLM-wide Unconscious Bias Training for Supervisors (May-Sept 2017)
 - Diversity & Inclusion Training: (May-Sept 2017)
- Leading Across Generations: WO-400
- Strategy to down-size the BLM workforce aligned to the projected budget reductions
 - Strategic Workforce Planning
 - VERA/VSIP Preparation
 - Staff Reassignment Strategy

Enhance our relationships with States and local communities

- Develop county level metrics of socio-economic benefits from activities on public lands including energy and mineral development. (2018) WO-200
- We develop annual economic contribution estimates associated with BLM activities and programs at a state and national level. Estimates for FY16 are under development. (ongoing) WO-800
- Partner with Tribes: WO-400

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- Implement Memorandum of Understanding with the American Indian Alaskan Native Tourism Association (AIANTA) (Ongoing).
- Develop letter of intent with AIANTA on shared tourism goals and objectives (TBD)
- Fulfill State and Native land entitlements to further economic opportunities AK

Protect life, critical infrastructure, and natural/cultural resources through BLM's Fire and Aviation Program

- Seasonally hire firefighters in rural locations across the West. FA-100
- Provide jobs for 2500 personnel in fire management, most located in rural America. FA-100
- Mitigation, Education, and Community Assistance programs are used to partner with local entities, home owners, and business owners on projects to protect homes and the public in and near wildland areas. FA-100
- Close partnerships with Rangeland Fire Protection Associations and rural fire departments serve to protect livelihoods, working landscapes, and local economies. FA-100
- Fuels management projects and collaborative efforts to create fuel breaks and reduce flammable vegetation to protect homes, communities, and the public in wildland-urban interface areas. FA-100
- On-going partnerships with multiple outdoor sports organizations (e.g., Rocky Mountain Elk Foundation and National Wild Turkey Federation) to improve habitat conditions through fuels management, rangeland improvements, and other conservation efforts. FA-100

Expand recreational, hunting, and wildlife conservation opportunities

- Finalize and implement BLM Travel and Tourism Action Plan: increase economic support/jobs/recreational access in local communities (July 2017; priority for previous administration) WO-400
- 50th Anniversary of Wild and Scenic Rivers and National Trails System Acts: community events, public education initiatives, restore and improve access initiatives (through 2018) WO-400
- Summit on Gateway Communities: build local community partnerships (Fall 2017) WO-400
- Release BLM Donations Policy (TBD; priority for previous administration) WO-400
- Develop new infrastructure to provide improved access to hunting and fishing in support of SO 3347 (recommendations provided in April 2017) WO-200
- Provide additional opportunities for hunting and fishing guides and outfitters (2018) WO-200
- Support visitor centers to provide safe accessibility to public lands, information, orientation, and safety messages for visitors (Ongoing) WO-400
- Implement Secretarial Order 3347: collaborating with State, Tribal, county, local and federal agencies, as well as other partners, to identify and secure increased opportunities for access to public lands. (Recommendations by April 2017) WO-200
- Recreation Permit Process Streamlining: working with stakeholders to improve the process by which users can obtain permits (e-permitting) and create opportunities for families to

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access and enjoy public lands, including enhancing features of Rec.gov such as recreation information, trip planning, and reservation services. (Ongoing, process identified by September 2017) WO-200

- Develop a legislative proposal that establishes explicit concession authority for the BLM. This authority would provide multiple opportunities in the support of hunting and fishing by ensuring that recreation visitors on BLM lands and waters will have access to the services, products, and facilities necessary for them to realize the full enjoyment of public lands and related waters. (2017) WO-200
- Explore potential for Reauthorization of the Federal Lands Recreation Enhancement Act (2018) WO-200
- Family Recreation: maintain family-friendly recreation sites; provide information to families on how to access nearby public lands through online services, transitioning to the new Rec.gov website that will provide enhanced capabilities for recreation information, trip planning, and reservation services for an increased number of BLM recreation sites (Recommendations by August 2017) WO-200
- Engaging Local Communities: Engage local communities to understand the needs of families connected to local public lands and how BLM can support those needs (Ongoing, recommendations by September 2017) WO-200
- Work with partners, such as the International Mountain Bicycling Association, to identify opportunities for and implement enhanced and expanded recreation experiences. (Ongoing) WO-200
- Develop the BLM's Travel and Tourism Action Plan with WO-400. (October 2018) WO-200
- Develop Travel and Transportation Plans: 5-year program of work. (Ongoing) WO-200
- Initiate Travel and Transportation Management handbook, following the new manual. (2018) WO-200
- Work to provide legal access to the 9% of public lands that are currently inaccessible as identified in SO 3347. (Recommendations in April 2017, Ongoing) WO-200
- Diversity and Inclusion: Engage underserved communities to ensure use and enjoyment of public lands and pursue careers with the BLM. (Ongoing) WO-200
- Promote family experiences on public lands: WO-400
 - Priority for previous administration: developing National Conservation Lands website, recreational maps, and site content (Ongoing)
 - Priority for previous administration: create new Jr. Ranger Programs: Rivers, Trails, Citizen Science, and Archeology/ Paleontology (TBD)
 - Providing family/dog-friendly recreational opportunities on the National Conservation Lands (Ongoing)
 - Fishing and hunting on BLM and National Conservation Lands: joint brochure with WO-200 (April 2017)
 - Pursue land exchanges or acquisitions: increase recreational access to public lands (Ongoing)
- Partner with Tribes: WO-400

Internal Working Document

- Implement Memorandum of Understanding with the American Indian Alaskan Native Tourism Association (AIANTA) (Ongoing).
- Develop letter of intent with AIANTA on shared tourism goals and objectives (TBD)
- Offer access to the public for critical resource and geospatial data by increasing the number of national data sets available, and providing data to show recreation, hunting and fishing opportunities (Jan 2018) WO-800
- Publication of BLM data in geospatial form to support recreational activities on public lands including hunting, fishing, and camping. NOC

Fulfill our trust responsibilities to tribal communities

- Partnership with the BIA, ONRR, and OST in the establishment of the Indian Service Center, providing support and staff in the management of trust assets. NOC
- BLM Agents and Rangers are the primary experts in the enforcement of Archaeological Resources Protection Act (ARPA) and Paleontological Resources Preservation Act (PRPA)
 - Continued training and emphasis on patrols and investigations FA-100
- Tribal Relationships: continue relationship-building with Tribes to improve cross-boundary conservation opportunities; Effective Tribal Consultation classes will be held in CA, NM, and MT, as well as state-specific training on the new 1780 Tribal Relations Manual in FY17. WO-200
- Repatriate Native American Human Remains and Cultural Items to Descendant Communities as collections are located and tribes consulted (Ongoing; action plan and updated field guidance developed by early FY18) WO-200
- Implement recommendations from SO 3342 to improve partnerships and collaborate with Indian Tribes, including through an IM on 638 contracts, 202 contracts, MOU, AA, IPA for IP hiring within BLM lands using tribal funds. (Ongoing) WO-200
- Fulfill our trust responsibilities to tribal communities, including permitting, inspections, and accountability WO-300
- Fulfill State and Native land entitlements to further economic opportunities AK

Enhance State and local law enforcement partnerships to increase safety and improve the visitor experience on public lands

- State and local law enforcement partnerships WO-120
 - BLM States and OLES fund 71 service contracts with Western Sheriffs for public land patrols.
 - BLM has MOUs for state peace officer status with 98 Western Counties.
 - BLM Officers participate in over 15 task forces across the West with state, local, and federal partners.
- High-Use Recreation Areas and BLM LE Details. WO-120
 - Office of Law Enforcement and Security coordinates Law Enforcement details to Imperial Sand Dunes and Dumont Dunes during times of high-use.
 - Increased Law Enforcement emphasis with bureau-wide assets started 10 years ago.

Internal Working Document

- Noticeable decrease in crime and unsafe acts resulting in a safer family environment.

Streamline the grazing permit process and provide more flexibility to the American rancher

- Investigate availability of common reserve allotments to provide alternative grazing for ranchers affected by drought, fire, and other disasters. Work with Public Lands Council (PLC) and other partners during 2017 to develop recommendations in early 2018. WO-200
- Improve APD and Grazing Permitting processes using geospatial technology and providing Public Land Survey System data in publication form (June-Dec 2017) WO-800
- Work with permittees and stakeholders to develop options for targeted grazing (fuel breaks), outcome-based grazing pilot projects, and long-term formal guidance. (Initiate pilots by September 2017) WO-200
- Take a hard look at the livestock grazing permit process and determine if efficiencies can be made. (Early in 2018) WO-200

Mission Support Work

WO-600

- Build traditional and social media campaigns on the local, state and national level to support programs to connect families to the public lands through diverse experiences, including the K-12 initiative.
- Develop general interest publications and website tools that provide information on hunting and fishing opportunities on public lands.
- Create web products that aggregate family- and dog-friendly recreation opportunities on public lands.
- Use social media, the website, newsletters, and The BLM Daily to highlight BLM initiatives and accomplishments tied to supporting family recreation and shared stewardship.
- Promote continued growth of GIS information that provides individuals and families better and safer access to public lands.
- Perform press outreach to convey BLM's role that supports families by providing employment and recreation opportunities.
- Engage proactively with Congressional delegations and staff to provide information on the role of BLM as a member of the communities it serves.
- Facilitate information-sharing with local and state agencies and elected officials.
- Keep RAC engaged and aware of changing policies and programs that affect their area.
- Shepherd regulatory products, Federal Register notices, and correspondence as required through an efficient surnaming process.
- Provide public affairs support to fire incident command centers to keep local communities informed of potential threats to life and property.

Internal Working Document

NTC

Provide training support for operations and employee development processes:

- Maintaining the NTC as the cornerstone of training and development providing quality services and products expected by BLM
- Emerging Leaders (2017)
- Leadership Academy (2017)
- Supervisory Skills Workshop (2017)

Provide training in cultural resources:

- Fundamentals of Managing the Cultural Heritage Program (2017)
- Native American Coordination and Consultation (2017)

Ethics:

- BLM's culture is one in which all employees understand and value ethical behavior and strive to meet the highest standards of professional ethical conduct.
- Ethics is recognized as every employees' responsibility.

WO-800

- Provide great value to the public through effective budget processes, a clean financial audit and efficient asset/property management
- Implement a robust process to identify Verification Reviews by improving cross cutting management of GAO/OIG findings and recommendations and Internal Controls

NOC

- Support the BLM mission by providing an entire spectrum of information technology (IT) support services, including safeguarding the information on BLM IT devices from malicious activity.
- Provide IT services for all fire and aviation operations, supporting multiple agencies.
- Track the BLM's financial assets, expenditures, procurements, and bills, and produce detailed financial reports that foster transparency and accountability of BLM spending.
- Provide effective, efficient, timely, and technically accurate human resource services.
- Provide a comprehensive concentration of unique technical and scientific skills and functions to assist all BLM program areas.

From: Jolley, Robert
To: [Orr, Kelly](#)
Cc: [Wilkinson, Patrick](#); [BLM_WO_100](#); [Dicerbo, Adrienne](#); [Michael Nedd](#); [Larry Claypool](#); [Steve Tryon](#); [Leah Baker](#); [Jill Ralston](#); [Matthew Varner](#); [Matthew Allen](#); [Craig Leff](#); [Michelle Barret](#); [Beverly Winston](#); [Kristin Bail](#); [Jerome Perez](#); [Benedetto, Kathleen](#); [Casey Hammond](#); [Marshall Critchfield](#); [Lara Douglas](#)
Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Tuesday, January 31, 2017 1:58:51 PM
Attachments: [Draft Potentially for Disposal Talking Points_clean_1.31.17-WO350 Comment Response.docx](#)

Kelly and Pat,

See attached response to WO100 comments.

Robert

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

On Tue, Jan 31, 2017 at 1:10 PM, Orr, Kelly <korr@blm.gov> wrote:

Pat -

Attached version with 3 questions that could use some clarification.

Thanks,

Kelly Orr
Advisor to the Director's Office
Bureau of Land Management
1849 C St NW, Rm. 5648
Washington DC 20240
Office: 202-208-6262
Mobile: 202-510-5119
korr@blm.gov

On Tue, Jan 31, 2017 at 12:56 PM, Wilkinson, Patrick <p2wilkin@blm.gov> wrote:

WO100:

Please see the following draft talking points concerning requests related to "lands potentially available for disposal" and concerning H.R. 621, the "Disposal of Excess Federal Lands Act."

WO600 has prepared these in coordination with WO300 and WO200. We would like to share these with the External Affairs Chiefs in the field and anyone else who may

receive inquiries on these topics.

We will also meet with 300 and eventually 100 to discuss next steps on some related requests we have received from Congress concerning lands identified as potentially available for disposal.

Please let us know ASAP if you have questions or feedback on the draft. There is a 4 pm national PAO call today, and if at all possible we would like to share the approved talking points with the group at that time.

Thanks,

Patrick

DRAFT

Talking Points

Requests Related to “Lands Potentially Available for Disposal”

Background

- Under the Federal Land Policy and Management Act (Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning process that disposal of particular parcels serves the national interest.
- FLPMA mandates that the BLM undertake public land use planning and management on the basis of multiple use and sustained yield.
- The BLM has received multiple inquiries about BLM-managed lands identified as potentially available for disposal following the introduction of H.R. 621, the Disposal of Excess Federal Lands Act.
- H.R. 621 would require the competitive sale of Federal lands identified by the BLM as potentially suitable for disposal for fair market value. Under the bill, net proceeds from the sale would be directed to the Treasury.

- The BLM has not yet taken a position on H.R. 621.

Talking Points

- A 1996 law (PL 104-127) directed the Bureau of Land Management to report to Congress on public lands that may be suitable for disposal or exchange.
 - As a result of this law, the BLM produced and delivered to Congress a report in 1997, which includes a county-by-county overview of public lands that may be suitable for disposal or exchange. H.R. 621 references this report.
 - This report has not been updated since 1997, and there are no maps associated with the report.
- The BLM identifies lands potentially available for disposal in its individual Resource Management Plans (RMPs). These RMPs are the only way the BLM captures this information.
 - Typically, lands identified for disposal during the development of RMP are isolated parcels that have lower resource value than larger and more connected land parcels, and consolidation of BLM land patterns would enhance administration, improve resource management, and promote community development.
 - Lands that have been identified as potentially available for disposal in RMPs will require additional evaluation to determine the presence of resources and uses, including endangered or threatened species, cultural or historic resources, mining claims, mineral leases, rights-of-way, and grazing permits.
 - Because RMPs typically are effective over many years, lands identified as potentially available for disposal at one point in time may be found later to be unsuitable because of circumstances such as oil and gas leasing, the listing of threatened and endangered species, the establishment of rights-of-way, or other encumbrances.
- Before the BLM disposes of public lands, appropriate environmental reviews, and clearances must be completed in accordance with the National Environmental Policy Act, the Comprehensive Environmental Response, Compensation and Liability Act, and other laws. Fair market value appraisals as well as cadastral surveys of the parcels are also required.
- The [BLM.gov](https://www.blm.gov) website contains a page with state-by-state links to RMPs that identify lands potentially available for disposal (available at: <https://www.blm.gov/progra>

[ms/planning-and-nepa/planning-101/lands-potentially-for-disposal](https://www.blm.gov/planning-and-nepa/planning-101/lands-potentially-for-disposal)).

- Inquiries regarding lands identified as potentially available for disposal are best directed to these RMPs on [www.BLM.gov](https://www.blm.gov).

--

Patrick Wilkinson
U.S. Department of the Interior
Bureau of Land Management
Legislative Affairs Division (WO 620)
Phone: (202) 912-7429
Fax: (202) 245-0050

DRAFT

**Talking Points
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 - Inquiries regarding lands identified as potentially available for disposal are best directed to these RMPs on [www.BLM.gov](https://www.blm.gov).

From: Hammond, Casey
To: [Wilkinson, Patrick](mailto:Wilkinson.Patrick)
Subject: Re: FOR 100 REVIEW - Draft Talking Points - Requests Related to "Lands Potentially Available for Disposal"
Date: Tuesday, January 31, 2017 2:12:16 PM

Hey Patrick,

I think it looks fine with the edits of others, but due to the sensitive nature of the topic, please loop in the upstairs comms folks.

On Tue, Jan 31, 2017 at 12:56 PM, Wilkinson, Patrick <p2wilkin@blm.gov> wrote:
WO100:

Please see the following draft talking points concerning requests related to "lands potentially available for disposal" and concerning H.R. 621, the "Disposal of Excess Federal Lands Act."

WO600 has prepared these in coordination with WO300 and WO200. We would like to share these with the External Affairs Chiefs in the field and anyone else who may receive inquiries on these topics.

We will also meet with 300 and eventually 100 to discuss next steps on some related requests we have received from Congress concerning lands identified as potentially available for disposal.

Please let us know ASAP if you have questions or feedback on the draft. There is a 4 pm national PAO call today, and if at all possible we would like to share the approved talking points with the group at that time.

Thanks,

Patrick

DRAFT

Talking Points

Requests Related to "Lands Potentially Available for Disposal"

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- Under the Federal Land Policy and Management Act (Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning

process that disposal of particular parcels serves the national interest.

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- Inquiries regarding lands identified as potentially available for disposal are best directed to these RMPs on www.BLM.gov.

--

Patrick Wilkinson
U.S. Department of the Interior
Bureau of Land Management
Legislative Affairs Division (WO 620)
Phone: (202) 912-7429
Fax: (202) 245-0050

From: Downey Magallanes
To: [Brown, Laura](#)
Cc: [James Schindler](#); [Moody, Aaron](#); [Edward Keable](#); [Kevin Haugrud](#)
Subject: Re: Recommended Briefings on a few BLM Matters
Date: Thursday, February 9, 2017 11:31:27 AM

Sounds good.

Sent from my iPhone

On Feb 9, 2017, at 11:09 AM, Brown, Laura <laura.brown@sol.doi.gov> wrote:

Good Morning, James and Downey. Aaron and I think we are at the point that we should organize SOL briefings (including regional SOL) on the following topics:

SUWA v. Schneider UT land use plan settlement (I sent you briefing info on this topic yesterday) (IMR and DLR)

Western Oregon Plans (Timber) and Cascade-Siskiyou NM extension
(PNW Region and DLR)

And finally, FLPMA withdrawals--a basic 101 on withdrawals, the process, etc. (DLR)

The first two (SUWA and Western Oregon/Cascade-Siskiyou) we think are the highest priorities.

If you are okay with moving forward on the briefings, I'll ask Mari, Kim or Ariana to set up a time that works for everyone.

--

Laura Brown, Associate Solicitor
Division of Land Resources
Office of the Solicitor
U.S. Department of the Interior
1849 C St., NW
Washington, DC 20240
Phone: 202 208-6545
Cell: 202 359-2712
Fax: 202 219-1792
Laura.Brown@sol.doi.gov

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From: Douglas, Lara
To: [Cardinale, Richard](#); [Jill Moran](#); [Satrina Lord](#); [Kathleen Lacko](#)
Cc: [Kristin Bail](#); [Jerome Perez](#); [Kathleen Benedetto](#); [Beverly Winston](#)
Subject: Briefing materials - SUWA Settlement
Date: Monday, February 13, 2017 4:25:50 PM
Attachments: [BLM Briefing memo - SUWA v. Schneider Settlement.docx](#)

Rich and all,

Attached is a draft briefing paper for Wednesday's briefing on the SUWA settlement agreement. Please let me know if you have edits or questions - thanks!

Lara

Lara Douglas
Acting Chief of Staff

Bureau of Land Management
202-208-4586

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

DATE: February 13, 2017

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

SUBJECT: SUWA v. Schneider Settlement Agreement involving Six Utah Resource Management Plans and Travel Management Plans

The purpose of this memo is to provide information regarding the settlement agreement that resolves a lawsuit against the BLM over Resource Management Plans (RMPs) and travel management plans (TMPs) in six Utah field offices as well as a 2014 oil and gas lease sale in Utah.

KEY POINTS

BACKGROUND

In December 2008, a consortium of 10 conservation groups filed a lawsuit regarding the resource management plans and associated travel management plans for the BLM's Richfield, Moab, Price, Monticello, Kanab, and Vernal Field Offices, as well as challenges to the November 2014 oil and gas lease sale. The lawsuit alleges, among other things, that the BLM violated (a) the Federal Land Policy and Management Act by failing to consider or ensure that the TMPs comply with off-road vehicle regulations and executive orders; (b) the National Historic Preservation Act by failing to take into account the TMPs' impacts on cultural resources; and (c) the National Environmental Policy Act by failing to take a hard look at the impacts of the RMPs, TMPs, and the 2014 oil and gas lease sale on air quality.

DISCUSSION

NEXT STEPS

From: Jerome Perez
To: [Edwin Roberson](#)
Cc: kathleen_benedetto@ios.doi.gov
Subject: Fwd: SUWA-DOJ GASCO Proposed EAJA Settlement
Date: Monday, February 13, 2017 9:21:33 PM
Attachments: [ATT00001.htm](#)
[GASCO Proposed EAJA Settlement.docx](#)
[Draft Proposal.docx](#)
[ATT00002.htm](#)

Ed let me visit with Kathy in the morning, but at first blush it appears a logical response. Will call later in the morning. JP

Sent from my iPhone

Begin forwarded message:

From: Kristin Bail <kbail@blm.gov>
Date: February 13, 2017 at 6:48:24 AM EST
To: jperez@blm.gov
Subject: Fwd: SUWA-DOJ GASCO Proposed EAJA Settlement

You may have been bcc'd, didn't see you on the recipient list. -K

Sent from my iPhone

Begin forwarded message:

From: "Roberson, Edwin" <eroberso@blm.gov>
Date: February 10, 2017 at 7:33:40 PM EST
To: Kristin Bail <kbail@blm.gov>, "Douglas, Lara E." <ledouglas@blm.gov>
Cc: John Steiger <john.steiger@sol.doi.gov>, Gary Torres <gtorres@blm.gov>, Ryan Sklar <ryan.sklar@sol.doi.gov>
Subject: SUWA-DOJ GASCO Proposed EAJA Settlement

Kristin and Jerry,

I wanted you all to be aware of an EAJA settlement proposal received by DOJ from SUWA in the GASCO case. |

_____ . Please let me know if you would like a briefing next week on this. Thank you. ed

ps: I copied Ryan Sklar who I understand is acting as litigation coordinator.

--

Ed Roberson,

Utah BLM State Director
Office Phone: 801-539-4010
Cell Phone: 801-641-3846
Website: <https://www.blm.gov/utah>

GASCO Proposed EAJA Settlement



UNITED STATES DEPARTMENT OF JUSTICE

JOHN W. HUBER

United States Attorney

District of Utah

REPLY TO:

Jared C. Bennett

Civil Division Chief

Direct: (801) 325-3259

jared.bennett@usdoj.gov

111 South Main Street, #1800

Salt Lake City, Utah 84111

(801) 524-5682

(800) 949-9451

Fax: (801) 325-3269

February 8, 2017

Stephen H.M. Bloch, Esq.

Legal Director

Southern Utah Wilderness Alliance

425 East 100 South

Salt Lake City, UT

84111

Dear Steve:

(b) (5)

(b) (5)

(b) (5)

From: Douglas, Lara
To: [Linda Thurn](#); [Yolando Mack-Thompson](#); [Marshall Critchfield](#); [Edwin Roberson](#); [Madrid, Liana](#); [Kelleher, Karen](#)
Subject: Final SUWA briefing paper
Date: Wednesday, February 15, 2017 11:36:19 AM
Attachments: [BLM Briefing memo SUWA v. Schneider Settlement.docx](#)

Attached is the final version of the SUWA v. Schneider briefing paper for today's briefing.

Lara

Lara Douglas
Acting Chief of Staff

Bureau of Land Management
202-208-4586

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

DATE: February 13, 2017

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

SUBJECT: *Southern Utah Wilderness Alliance v. Schneider* Settlement Agreement involving Six Utah Resource Management Plans and Travel Management Plans

The purpose of this memo is to provide information regarding the settlement agreement that resolves a lawsuit against the BLM over Resource Management Plans (RMPs) and travel management plans (TMPs) in six Utah field offices as well as a 2014 oil and gas lease sale in Utah.

KEY POINTS



BACKGROUND

In December 2008, a consortium of 10 conservation groups filed a lawsuit challenging the Dec. 2008 oil and gas lease sale based on decisions made in the brand new 2008 resource management plans and associated travel management plans for the BLM’s Moab, Price, and Vernal Field Offices (the Richfield, Kanab and Monticello 2008 RMPs were added in 2010) and the November 2014 oil and gas lease sale was brought into the litigation in 2016). An agreement settling the claims was subsequently signed on January 13, 2017. Parties to the settlement agreement include three Off-Highway Vehicle (OHV) organizations (Blue Ribbon Coalition, Colorado Off-Highway Vehicle Coalition, Trails Preservation Alliance), 10 conservation groups (Southern Utah Wilderness Alliance, The Wilderness Society, Natural Resources Defense Council, Sierra Club, National Parks Conservation Association, the Grand Canyon Trust, National Trust for Historic Preservation, Utah Rivers Council, Great Old Broads for Wilderness, Rocky Mountain Wild), and the Federal defendants -- the BLM and the Department of the Interior. Several entities that intervened on behalf of the United States have reviewed the tentative settlement agreement and decided not to oppose its approval by the U.S. District Court.

These entities include: Utah School and Institutional Trust Lands Administration, EOG Resources Inc., XTO Energy Inc., Crescent Point Energy US Corp., and Badlands Energy Inc. Eight Utah counties and the State of Utah, which also intervened on behalf of the United States, have stated they plan to file objections to the settlement with the District Court.

The combined lawsuits allege, among other things, that the BLM violated: (a) the Federal Land Policy and Management Act by failing to consider or ensure that the TMPs comply with off-road vehicle regulations and executive orders; (b) the National Historic Preservation Act by failing to take into account the TMPs' impacts on cultural resources; and (c) the National Environmental Policy Act by failing to take a hard look at the impacts of the RMPs, TMPs, and the 2014 oil and gas lease sale on air quality.

The parties agreed to litigate each RMP on its own, selecting Richfield as the first RMP for the court to review. The district court's decision on the merits of the Richfield RMP was issued on Nov. 4, 2013. The court found that the BLM had failed to follow its designation regulations when completing the Richfield TMP and that it had failed to adequately inventory cultural resources on routes designated for use under the TMP as required by the National Historic Preservation Act (NHPA). It further found that one Area of Critical Environmental Concern (ACEC) was inadequately justified in the RMP and that three streams were insufficiently reviewed for suitability under the Wild & Scenic Rivers Act (WSRA). The district court issued its remedy order on May 22, 2015, requiring intensive ground surveys of all designated routes (4,277 miles) to satisfy the NHPA, an updated review and application of the designation regulation, and a re-evaluation of the ACEC and WSRA segments. On April 2016, DOJ filed an appeal of the district court's adverse NHPA ruling to the 10th Circuit Court of Appeals. (b) (5)

DISCUSSION

(b) (5)

gas activity within the Uinta Basin are adequately studied as future development is approved.

- Conservation group plaintiffs will dismiss their remaining claims regarding the six land use and travel management plans and the November 2014 oil and gas lease sale.

The settlement would preserve all remaining aspects of the 2008 land use plans in the Richfield, Moab, Price, Monticello, Kanab, and Vernal Field Offices.

NEXT STEPS

The settlement will not be put into effect until the Tenth Circuit Court dismisses the appeals of the Federal defendants and their supporting intervenors and when the District Court agrees to dismiss the plaintiffs' lawsuit and vacate two prior orders. Following the designation of Bears Ears National Monument, the parties agreed to remove the Monticello Field Office from the settlement agreement.

The settling parties filed a motion with the District Court seeking an indicative ruling that the court will approve the settlement, dismiss the plaintiffs' lawsuit, vacate its prior orders in the case, and retain jurisdiction over limited portions of the settlement agreement. The counties and State of Utah, which have indicated that they will object to the settlement, have until March 3 to respond to the motion.

Completing the 13 travel management plans within eight years will require considerable staff time and funding. BLM-Utah will soon be submitting associated budget requests to ensure the five involved field offices can fulfill these critical commitments made in the settlement agreement.

From: Macgregor, Katharine
To: [Cardinale, Richard](#)
Subject: Re: Ute Meeting Request
Date: Thursday, February 16, 2017 8:54:36 AM

(b) (5)

On Thu, Feb 16, 2017 at 7:38 AM, Cardinale, Richard <richard_cardinale@ios.doi.gov> wrote:

FYI

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

From: Bail, Kristin <kbail@blm.gov>
Date: Wed, Feb 15, 2017 at 11:00 AM
Subject: Fwd: Ute Meeting Request
To: Richard Cardinale <richard_cardinale@ios.doi.gov>, Kathleen Benedetto <kathleen_benedetto@ios.doi.gov> <mailto:kathleen_benedetto@ios.doi.gov> >
Cc: Jerome Perez <jperez@blm.gov>, "Douglas, Lara" <ledouglas@blm.gov>, Linda Thurn <lthurn@blm.gov>, Ryan Sklar <ryan.sklar@sol.doi.gov>

Want to give you a heads up on this request. (b) (5)

-K

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

From: Rollie Wilson <RWilson@ndnlaw.com>
Date: Wed, Feb 15, 2017 at 10:53 AM
Subject: Ute Meeting Request
To: "kbail@blm.gov" <kbail@blm.gov>

Hi Kristin,

The Ute Indian Tribe is in DC this week and would like to meet with you to see if we can begin talking about settling the lawsuit related to application of the hydraulic fracturing rule to Indian lands. Do you have any time available on Thursday afternoon?

Thanks,

Rollie Wilson
Fredericks Peebles & Morgan LLP
401 9th Street NW, Suite 700
Washington, DC 20004
Telephone: (202) 450-4887
Cell: (202) 340-8232
Fax: (202) 450-5106

This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is

strictly prohibited. If you have received this message in error, please reply immediately to the sender and delete this message. Thank you.

--

Kate MacGregor
1849 C ST NW
Room 6625
Washington DC 20240

202-208-3671 (Direct)

From: Bail, Kristin
To: [Kathleen Benedetto](#)
Cc: [Jerome Perez](#)
Subject: Fwd: R.S. 2477 Background
Date: Thursday, March 2, 2017 10:02:10 AM
Attachments: [National BLM RS2477 Statistics.docx](#)
[RS2477 Cheat Sheet 02 27 17.docx](#)
[Briefing Paper R.S.2477.docx](#)

Just for info. I had asked for some info to get smarter about this subject, which keeps coming up during briefings with Utah. -K

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

From: Douglas, Lara <ledouglas@blm.gov>
Date: Wed, Mar 1, 2017 at 9:38 AM
Subject: R.S. 2477 Background
To: Kristin Bail <kbail@blm.gov>
Cc: Linda Thurn <lthurn@blm.gov>, Beverly Winston <bwinston@blm.gov>, "McGinnis, Shelley" <smcginnis@blm.gov>

Kristin,

Attached is a background paper and a few supplemental documents on R.S. 2477 claims that 300 pulled together for your meeting this week.

Lara

Lara Douglas
Acting Chief of Staff

Bureau of Land Management
202-208-4586

National BLM RS2477 Statistics

State	Field Office	Authorized Dates		Pending Since Dates	
AZ					
	Hassayampa Field Office	28	1962-1994		
	Kaibab National Forest	1	Unk		
	Kingman Field Office	8	1964-2009		
	Lake Havasu Field Office	8	1961-1991		
	Lower Sonoran Field Office	26	1941-1988		
	Safford Field Office	18	1965-2002		
	Tucson Field Office	34	1920-2001		
	Yuma Field Office	13	1939-2013		
	AZ TOTALS	136 Authorized		0 Pending	
CA					
	Applegate Field Office	1	1980		
	Bakersfield Field Office	2	1938 & 1965		
	Bishop Field Office	1	1989		
	California Desert District Office	1	2014		
	Carson City Field office			3	1993
	Eagle Lake Field Office	1	1980		
	El Centro Field Office	4	1951-1986		
	Forest Service	1	1994		
	Mother Lode Field Office	3	1981-1988		
	Palm Springs/S. Coast Field Office	7	1948-1993		
	Redding Field Office	2	1989 & 1992	1	2016
	Ridgecrest Field Office	2	1992 & 1996		
	CA TOTALS	25 Authorized		4 Pending	
CO					
	Colorado River Valley Field Office	5	1967-1991		
	Colorado State Office	3	1948-1989		
	Grand Junction Field Office	1	1988		
	Gunnison Field Office	4	1963-1990		
	Kremmling Field Office	4	1962-1999		
	Little Snake Field Office	4	1972-2002	1	1975
	Royal Gorge Field Office	9	1965-2000	3	1988 & 1990
	San Luis Valley Field Office	2	1941 & 1985		
	Tres Rios Field Office	7	1961-2006	2	1985 & 1988
	Uncompahgre Field Office	3	1972-1987		
	White River Field Office	12	1961-1978		
	CO TOTALS	56 Authorized		6 Pending	
ES					
	Milwaukee Field Office	1	1969		
	ES TOTALS	1 Authorized		0 Pending	
ID					
	Birds of Prey National Conservation Area	2	1958 & 1983		

	Burley Field Office	5	1986-1989		
	Challis Field Office	2	1984 & 1986		
	Cottonwood Field Office	1	2000		
	Four Rivers Field Office	6	1984-1993		
	Jarbridge Field Office	1	1987		
	Owyhee Field Office	2	1951-1990		
	Pocatello Field Office	6	1983-1986		
	Salmon Field Office	1	2000		
	Shoshone Field Office	1	2004		
	Upper Snake Field Office	25	1984-1992		
	ID TOTALS	52 Authorized		0 Pending	
MT					
	Billings Field Office	1	1990		
	Butte Field Office	3	1961-1987		
	Miles City Field Office	2	1984-2000		
	North Dakota Field Office	1	1966		
	MT TOTALS	7 Authorized		0 Pending	
NM					
	Amarillo Field Office	2	1977		
	Carlsbad Field Office	7	1959-1984		
	Farmington Field Office	3	1981-1986		
	Las Cruces District Office	3	1925-2008	3	1982-1984
	Rio Puerco Field Office	2	1959-1985		
	Roswell Field Office	5	1984-2014		
	Socorro Field Office	146	1950-1991		
	Taos Field Office	3	1985-1992		
	NM TOTALS	171 Authorized		3 Pending	
NV					
	Battle Mountain Field Office	1	1990		
	Elko Field Office	1	1992		
	Ely Field Office	1	1933		
	Las Vegas Field Office	1	1933		
	Mount Lewis Field Office	1	1991		
	Sierra Front Field Office	4	1932-1989		
	Stillwater Field Office	1	1988		
	Tonopah Field Office	44	1986-1992		
	Tuscarora Field Office	2	1991		
	Winnemucca	1	1990		
	NV TOTALS	57 Authorized		0 Pending	
OR/WA					
	Burns Three Rivers Field Office	1	1990		
	Coos Bay Myrtlewood Field Office	1	1954		
	Coos Bay Umpqua Field Office	1	1960		
	Eugene District Upper Willamette Field Office	1	1967		
	Eugene District Suislaw Field Office	7	1947-2003		
	Lakeview Klamath Falls Field Office	1	1971		

	Medford Ashland Field Office	4	1966-1992		
	Medford Butte Falls Field Office	2	1967-1989		
	Medford Grants Pass Field Office	4	1967-1976		
	Prineville Central Oregon Field Office	1	1990		
	Prineville Deschutes Field Office	4	1954-1984		
	Roseburg District South River Field Office	6	1958-1972		
	Roseburg District Swiftwater Field Office	3	1952-1968		
	Salem Cascades Field Office	10	1959-1973		
	Salem Division of Field Services	5	1961-2003		
	Salem Marys Peak Field Office	3	1951-1961		
	Salem Tillamook Field Office	3	1934-1955		
	Spokane Border Field Office	6	1942-1986		
	Spokan District Office	3	1951-1996		
	Spokane Wenatchee Field Office	12	1954-1987		
	Vale Baker Field Office	7	1952-1992		
	Vale Malheur Field Office			1	1983
	OR/WA TOTALS	85 Authorized		1 Pending	
UT					
	Cedar City Field Office	5	1990-1992		
	Grand Staircase Escalante National Monument	2	1989 & 1990		
	Kanab Field Office	2	1990 & 1992		
	Moab Field Office	1	1985		
	Monticello Field Office	2	1984 & 1990		
	Price Field Office	2	1990 & 1992	15	1990-2004
	Richfield Field Office			13	1990-2009
	Salt Lake Field Office	2	1968 & 1970		
	St. George Field Office	2	1990 & 1991		
	Vernal Field Office			1	1993
	UT TOTALS	18 Authorized		29 Pending	
WY					
	Casper Field Office	7	1957-1984	1	1985
	Cody Field Office	73	1960-1989		
	Kemmerer Field Office	43	1966-2012		
	Lander Field Office	41	1976-1992		
	Newcastle Field Office	7	1966-1971		
	Pinedale Field Office	41	1965-2004		
	Rawlins Field Office	55	1969-2015		
	Rock Springs Field Office	2	1971 & 1994		
	Worland Field Office	40	1967-1999		
	WY TOTALS	309 Authorized		1 Pending	
	NATIONAL TOTALS	917 Authorized		44 Pending	

Filter: System ID=CR; Case Disp Txt; Casetype=282201

Request: Serial Nr Full, Admin State, Geo State, Cs File Juris Txt, Case Disp Txt, Disp Dt, Casetype, Casetype Txt

Data pulled from LR2000 2/24/17

R.S. 2477

The Law:

- ❖ *“The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted.”*

It was repealed by FLPMA in 1976, which allowed for only “valid” existing ROW, expressly preserved.

1988: Hodel Policy

- Internal procedures for Administrative Determinations (non-binding)
- Defined “construction,” “highway” and “public lands not reserved”

1994 Proposed Rule

- Procedures and criteria for recognizing R.S. 2477 claims (binding)
- PL 104-208 – permanent moratorium on final rule or regulation pertaining to recognition, management, or validity of R.S. 2477 ROWs

1997 Babbitt Policy

- Revoked Hodel policy
- Deferred processing of R.S. 2477 assertions, except where a “demonstrated, compelling, and immediate need” exists

Recordable Disclaimer of Interest (RDI) Rulemaking

- RDI (FLPMA §315) regulations at 43 C.F.R. Subpart 1864 amended in 2003. Preamble specifically mentions use for processing R.S. 2477 assertions
- 2004 GAO report opined that 2003 rulemaking did not violate rulemaking moratorium (PL 104-208) and that DOI had authority to issue RDIs to disclaim interests in R.S. 2477 ROWs

2003 Utah MOU between DOI and State of Utah

- Under Utah MOU, RDI applications for “as is, where is” roads
- 2004 GAO report found MOU violated rulemaking moratorium

2006 Norton Policy

- 2005 10th Circuit Court remands *SUWA v. BLM* – BLM lacks authority to adjudicate R.S. 2477 ROWs, but may make non-binding administrative determinations for land use planning or management purposes
- Applies principles of 10th Circuit decision nationwide
- Revokes Hodel and Babbitt policies and terminates Utah MOU
- Non-binding administrative determinations (NBDs) and RDIs
- Road improvements within scope of ROW (per traditional uses), but BLM to carry out duties to determine if improvements are reasonable and necessary (per state law) and to study effects

WO-IM 2006-159 (NBD process) and WO-IM 2006-161 (Consultation process)

WO-IM 2008-174 (Road Maintenance Agreements) and WO-IM 2008-175 (Consultation process)

- Process for Road Maintenance Agreements with other governmental entities with R.S. 2477 claims
- NBDs as necessary to consider proposed improvements where no R.S. 2477 claim adjudicated

2009 Wenker Policy

- BLM “not to process or review any claims under R.S. 2477, including the use of disclaimer rule”
- Interim step to preserve status quo –not final policy decision

IM 2010-016

- Clarifies that Wenker Policy does not prohibit use of RDIs for purposes not involving R.S. 2477

2010 Salazar memo

- 2006 Norton policy does not prevent DOI from advancing arguments in litigation that may conflict with that policy

Utah Litigation since 2012

- 12,240 road claims in 22 of 29 Utah counties on BLM, NPS, and Forest Service lands
- Under a case management order, six cases involving 1,500 claims are currently being litigated — *Kane (1), Kane (2), (3), and (4), and Garfield (1) and (2)*.
- The remaining cases have been stayed, although preservation depositions have been allowed to continue.
- On May 21, 2015, the District Court of Utah issued a proposal to proceed with one or two “bellwether” lawsuits covering a limited number of claims from the Kane (2), (3), and (4) lawsuits.
- As part of the bellwether process, the Utah District Court will designate 12 bellwether roads and the matter will be referred to the special master to preside discovery and trial.
- **Recapture Canyon** was not included in that 2012 complaint. In approximately August 2015, San Juan County and the State of Utah filed a Notice of Intent to Sue on Recapture Canyon. Subsequently, Commissioner Phil Lyman filed a motion for a new trial, arguing that Recapture Canyon was a public highway under R.S. 2477 and therefore not closed to off-road vehicles. The Court ruled that “The State’s Intent to Sue is also immaterial because it does not establish an R.S. 2477 right-of-way, but simply notifies the [DOI] of the State’s intent to possibly file a civil lawsuit sometime in the future based on its position that an R.S. 2477 right-of-way exists and has existed since at least 1976 on the Recapture Canyon Road.” As far as we know, a lawsuit has not been filed.
- John Steiger, Intermountain Regional Solicitor, and Aaron Moody are excellent resources on the litigation.

Today: (b) (5)

[REDACTED]

ISSUE: REVISED STATUTE 2477

I. KEY POINTS

While Revised Statute (R.S.) 2477 is an issue in a number of states with lands administered by the Bureau of Land Management (BLM), Utah has been the focal point. Between 2005 and 2012, the State of Utah and 22 counties filed 30 lawsuits seeking quiet title to more than 12,000 claimed R.S. 2477 rights-of-way. The vast majority of these claims are on BLM-managed lands, but claims are also pending on lands administered by the National Park Service and U.S. Forest Service. To date, only one case (involving three roads), has been settled. Under a case management order, six cases comprising 1,500 claims are currently being litigated —*Kane (1), Kane (2), (3), and (4), and Garfield (1) and (2)*. The remaining cases have been stayed, although preservation depositions have been allowed to continue.

On May 21, 2015, the District Court of Utah issued a proposal to proceed with one or two “bellwether” lawsuits covering a limited number of claims from the *Kane (2), (3), and (4)* lawsuits involving unsettled legal issues that, once determined, might allow for resolution of other pending claims without protracted litigation.

To date, both parties have submitted briefs on the legal issues that they recommend the court consider during the first bellwether trial.

Other R.S. 2477 related cases are pending in Nevada, Idaho, Alaska and North Dakota.

II. OPPORTUNITIES AND CHALLENGES

There have been several attempts to resolve R.S. 2477 outside the judicial process. In December 2010, the BLM, Iron County, the State of Utah, and other stakeholders began negotiations to attempt to resolve the county’s R.S. 2477 claims. In approximately January of 2015, the negotiations ended without an agreement.

Despite past attempts to address the uncertainty related to R.S. 2477, considerable doubt remains regarding Federal agencies’ ability to manage and to protect important natural resource values underlying and adjacent to unadjudicated and adjudicated R.S. 2477 rights-of-way.

Over the years, the Department has issued a number of policies concerning R.S. 2477 (see Attachment 1). Among other things, the policies have attempted to (1) identify administrative processes to accommodate or assess the validity of unadjudicated R.S. 2477 rights-of-way; (2) interpret the meaning of R.S. 2477; and (3) define the respective rights of the right-of-way holder and the land-managing agency.

The Department’s current R.S. 2477 policy is former Secretary Gale Norton’s March 2006 Memorandum on the subject. Among other things, the Norton Policy identifies Federal Lands Policy and Management Act (FLPMA) Title V rights-of-way, road maintenance agreements (RMAs), non-binding determinations (NBDs), and recordable disclaimers of interest (RDIs) as administrative tools for addressing unadjudicated R.S. 2477 rights-of-way. The Norton Policy has been unsuccessful at reducing the amount of controversy or litigation created by R.S. 2477. Based on concerns with the Norton Policy, the BLM’s then-Acting Director Ron

Wenker issued in February 2009 a memorandum that temporarily suspended the use of NBDs and RDIs. That restriction is still in place.

A considerable amount of research and fact development is necessary to assemble evidence for each asserted R.S.2477 right-of-way for the United States to defend the case. Most of this work is completed by BLM State, District, and Field Office employees. Utah's massive R.S. 2477 litigation will likely to require decades to fully resolve and consume substantial Federal resources.

During 2016, several bills were introduced in Congress that included provisions aimed at accelerating resolution of R.S. 2477 disputes. These bills include H.R. 4313 and S.3334-The Historic Routes Preservation Act; H.R. 4579-Utah Test and Training Range Encroachment Prevention and Temporary Closure Act; and H.R. 5780-the Utah Public Lands Initiative Act.

III. BACKGROUND

Enacted as part of the Mining Law of 1866, in its entirety, Revised Statute (R.S.) 2477 stated: "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." Upon enactment of the FLPMA in 1976, Congress repealed R.S. 2477; however, FLPMA preserved valid existing R.S. 2477 rights-of-way.

R.S. 2477 rights-of-way were self-executing, meaning that establishment did not require government approval or public recording of title. As a result, there is considerable uncertainty regarding which R.S. 2477 rights-of-way may have been established on Federal lands prior to the enactment of FLPMA. This uncertainty has resulted in litigation involving state and local governments, which claim title to R.S. 2477 rights-of-way, and Federal agencies such as the BLM, which are responsible for the management of Federal lands across the American West.

IV. PREPARED BY: Mike Nedd, Assistant Director, BLM Energy, Minerals, and Realty Directorate, 202-208-4201

DATE: September 26, 2016. Updated February 28, 2017.

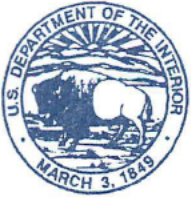
V. ATTACHMENTS:

1 –Cheat Sheet

2 –National Statistics

From: Bail, Kristin
To: [Kathleen Benedetto](#)
Cc: [Karen Kelleher](#)
Subject: Follow Up
Date: Friday, March 17, 2017 2:42:23 PM
Attachments: [M-37039.pdf](#)

As promised during our meeting yesterday, here is a copy of the mitigation-related M Opinion that has been suspended. --K



United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

IN REPLY REFER TO:

DEC 21 2016

M-37039

Memorandum

To: Secretary
Assistant Secretary - Land and Minerals Management
Director, Bureau of Land Management

From: Solicitor

Subject: The Bureau of Land Management's Authority to Address Impacts of its Land Use Authorizations through Mitigation

I. Introduction

(b) (5)



(b) (5)



(b) (5)



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(b) (5)



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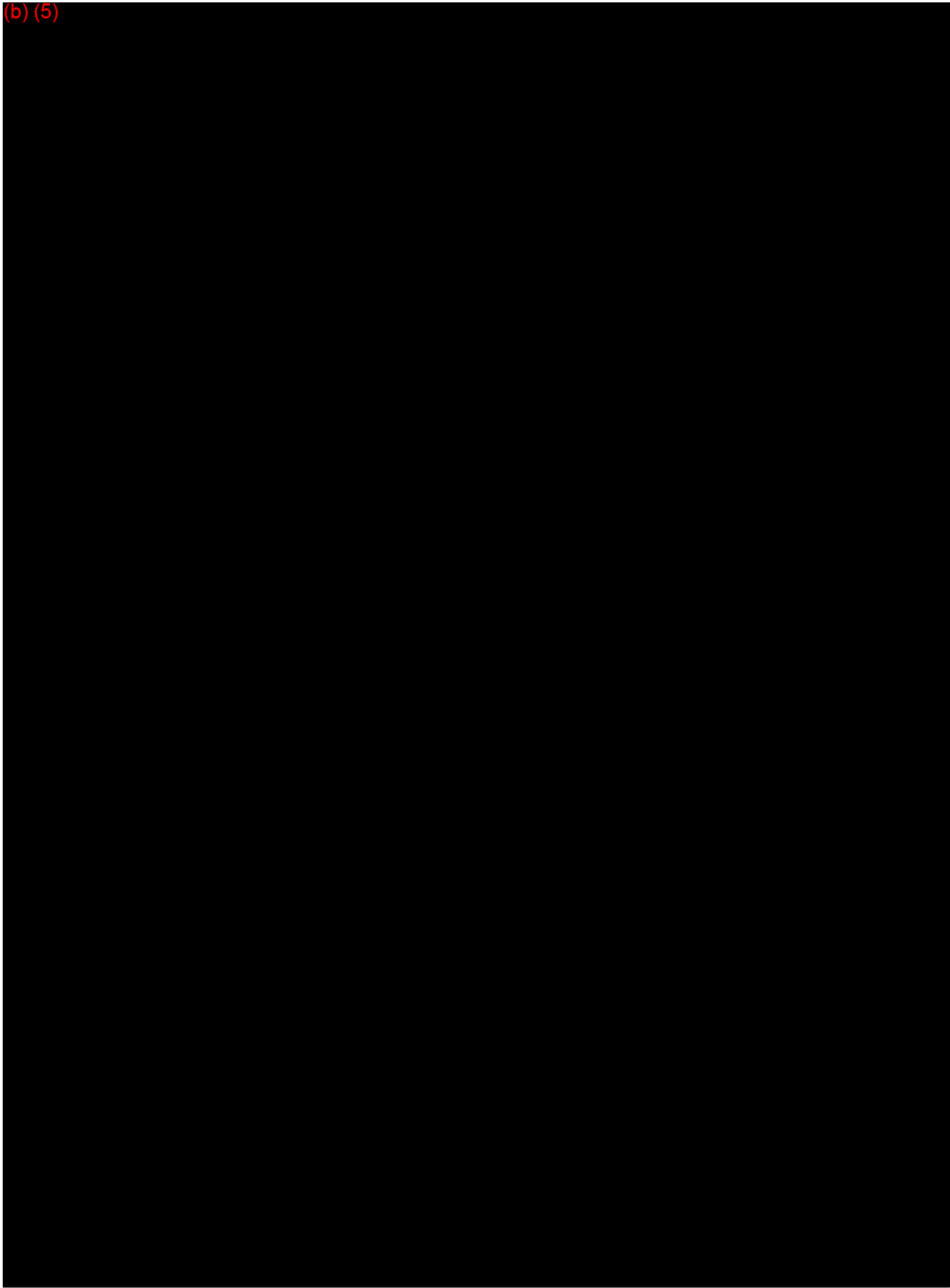
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(b) (5)

This Opinion supersedes all previous Solicitor's Office opinions¹⁶⁶ to the extent that they conflict with this Opinion.¹⁶⁷



Hilary C. Tompkins

(b) (5)

¹⁶⁷ This Opinion was prepared with the substantial assistance of Gregory Russell, Aaron Moody, and Laura Brown in the Division of Land Resources; and Deputy Solicitor for Land Resources Justin Pidot.

From: Ralston, Jill
To: [Michael Nedd](#); [Jerome Perez](#); [Kathleen Benedetto](#)
Cc: [Shannon Stewart](#); [Kristin Bail](#); [Karen Kelleher](#); [Steve Tryon](#); [Timothy Spisak](#); [Lonny Bagley](#); [Matthew Allen](#); [Patrick Wilkinson](#); [Adrienne Dicerbo](#); [Pool, Jamie](#); [Matthew Varner](#)
Subject: Updated Briefing Paper: Lands Potentially Suitable for Disposal -- Options
Date: Friday, March 17, 2017 4:57:06 PM
Attachments: [Options paper LPSD 3.17.17 \(1\).docx](#)

Hi Mike, Jerry, and Kathy,

As requested following last week's ASLM meeting, attached and pasted below is an options paper regarding lands potentially suitable for disposal. The paper details three possible approaches to responding to the Congressional request for information on lands identified as potentially suitable for disposal. The paper has been reviewed and cleared by ADs 200, 300, and 600.

We understand that following today's ASLM meeting, ASLM no longer desires a briefing on the topic, but rather would like to hear from BLM about our recommended next steps (included as "Option 2" in the attached).

After we confirm next steps for BLM, we will visit with Congressional staff to discuss with them (ideally early the week of 3/20). We are coordinating with DOI/OCL as well.

Please let us know if you have any questions or need anything further.

Thank you!

Jill Ralston

Legislative Affairs

Bureau of Land Management

Phone: (202) 912-7173

Cell: (202) 577-4299

Lands Potentially Suitable for Disposal: Potential Options for Responding to Congressional Request for Information

Introduction

On January 25, the BLM received a request from majority staff of the House Natural Resources Federal Lands and Oversight and Investigations Subcommittees about BLM-managed lands identified as potentially suitable for disposal.

Congressional Request: Specifically, committee staff asked for a list of lands potentially suitable for disposal that includes acreage, location, current uses on the land, potential right-of-way or reversionary interests, and any other potential conflicts that would impact disposal.

Background

Under the Federal Land Policy and Management Act (FLPMA, Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning process that disposal of particular parcels serves the national interest. Section 203 of FLPMA provides three disposal criteria¹ for consideration during the land use planning process:

- 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 feasibly 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.

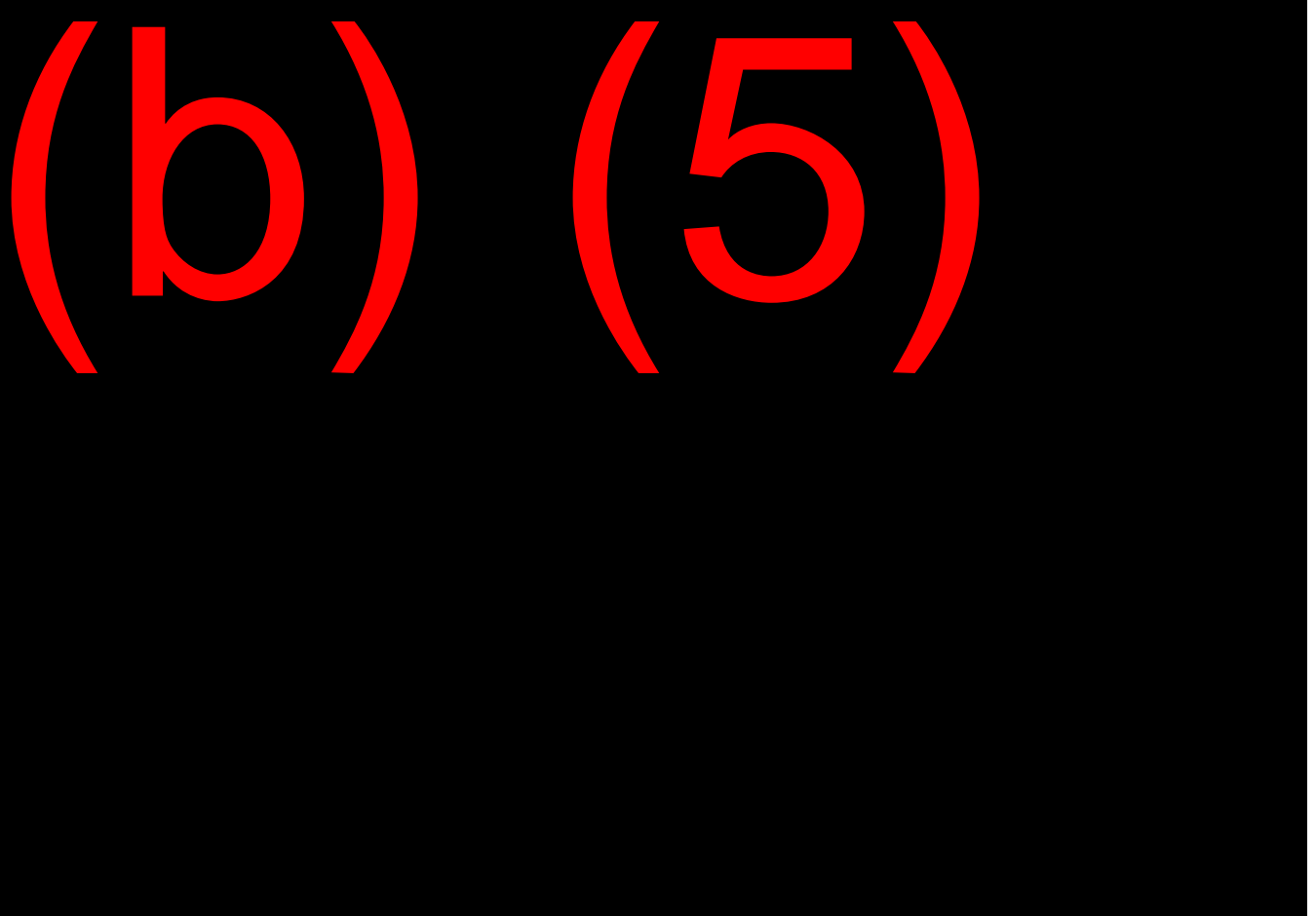
Congressional requests for information relating to lands potentially suitable for disposal have occurred consistently in recent years. In response to a 2016 request, the BLM created a website with state-by-state links to Resource Management Plans (RMPs) that identify lands potentially available for disposal (available at <https://www.blm.gov/programs/planning-and-nepa/planning-101/lands-potentially-for-disposal>).

¹ Public lands within units of the National Wilderness Preservation System, National Wild and Scenic Rivers Systems, and National System of Trails may not be considered for disposal.

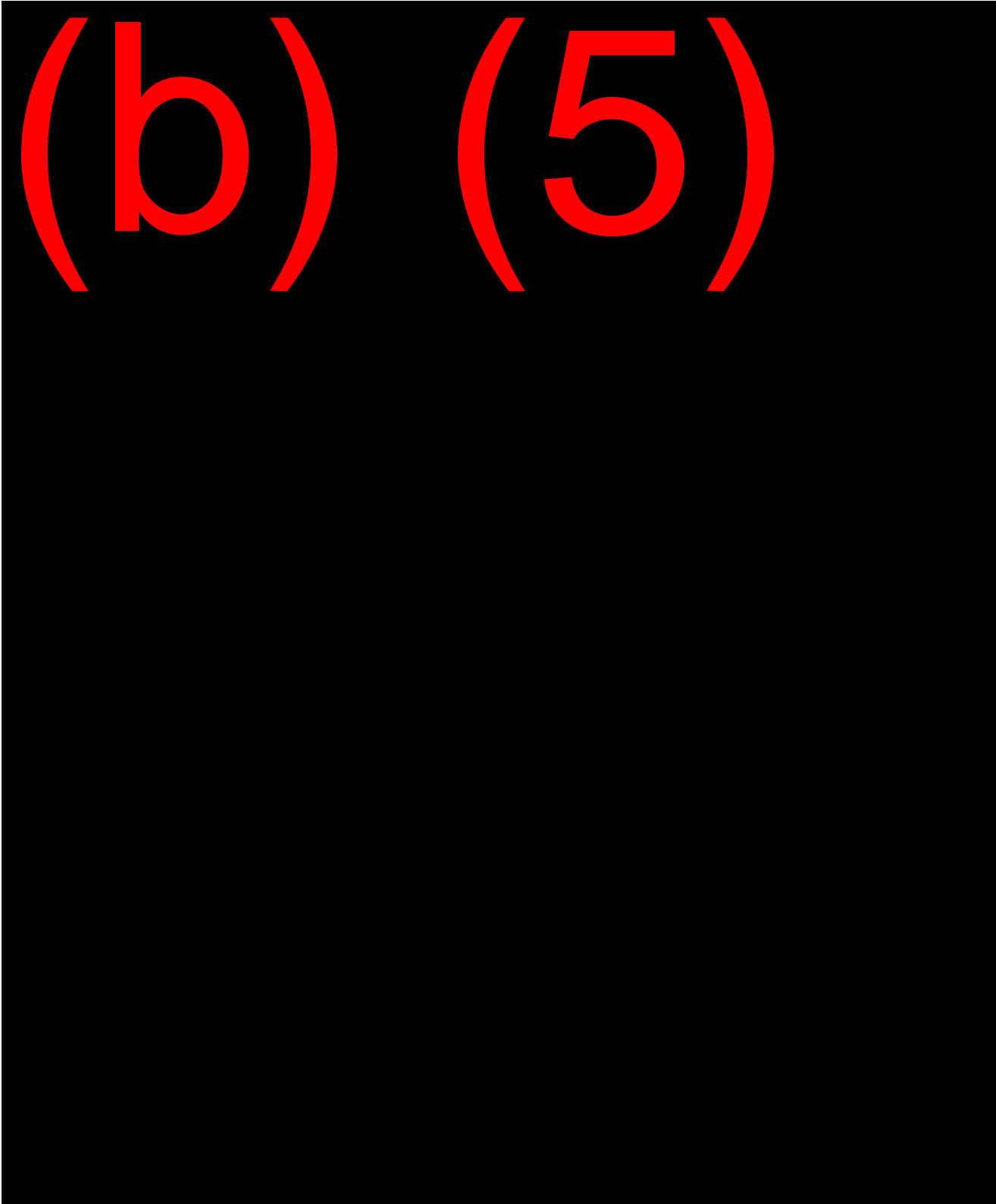
In 1996, Congress enacted a law directing the BLM to report on public lands that may be suitable for disposal or exchange. As a result of the 1996 law, the BLM produced and delivered a report in 1997 that includes a county-by-county overview of public lands that may be suitable for disposal or exchange. This report has not been updated since 1997, and there are no maps associated with it.

The BLM identifies lands potentially suitable for disposal in its individual RMPs; this is the only way the BLM captures this information. Because the information about lands potentially suitable for disposal captured in the BLM’s existing RMPs does not meet a consistent data standard, however, the amount of information that is readily available varies greatly. This variance in available data makes responding in a timely manner to the current request challenging.

Following is a review of potential options for next steps in responding to the congressional request.



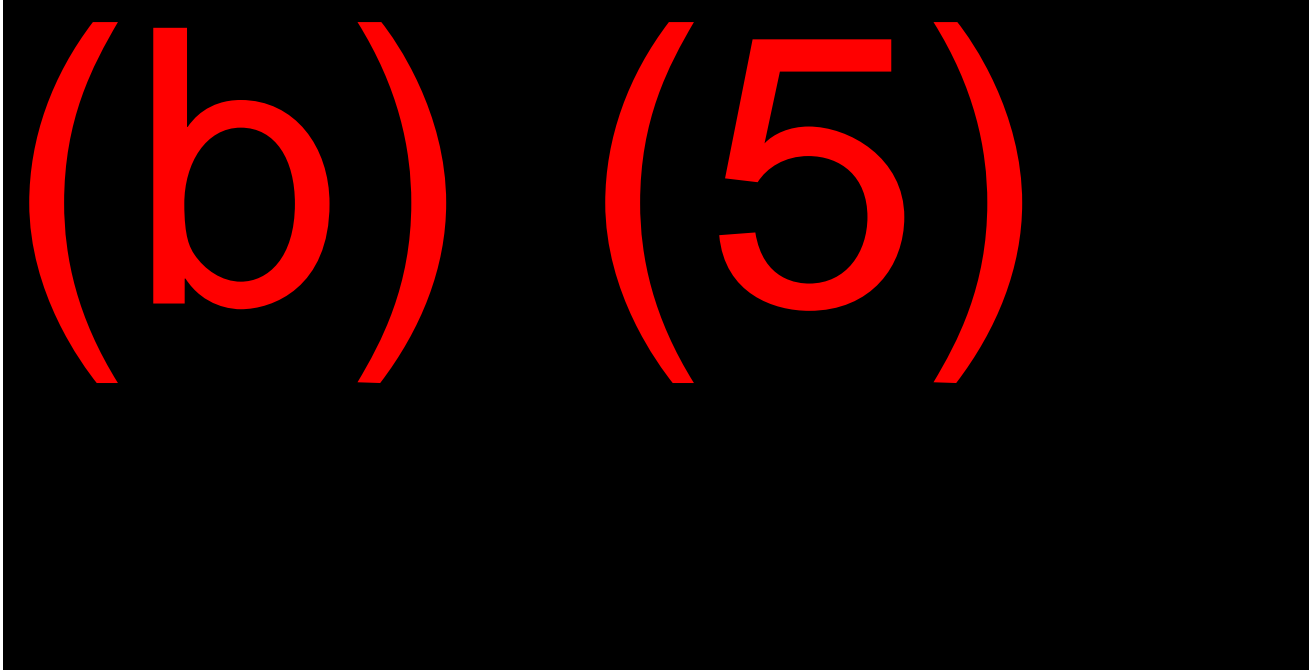
(b) (5)



(b) (5)

Recommendation

(b) (5)



From: Wilkinson, Patrick
To: [Michael D Nedd](#); [Jerome Perez](#)
Cc: [Benedetto, Kathleen](#); [Matthew Allen](#); [Shannon Stewart](#); [Ralston, Jill](#); [Kristin Bail](#); [Karen Kelleher](#)
Subject: Fwd: Updated Briefing Paper: Lands Potentially Suitable for Disposal -- Options
Date: Monday, March 20, 2017 4:13:36 PM
Attachments: [Options paper LPSD 3.17.17 \(1\).docx](#)

mike and jerry - i visited w/ kathy on the following, and did a mini demo w/ her of the map tool that was created which shows 4 planning areas w/ geospatial information displayed. i hope to do the same w/ each of you if you have 5-10 mins yet today. as discussed in the attached document (as "option 2" - phased approach), we would like to touch base w/ the cong staff soon (hopefully in the next day or two) before 200 would initiate a data call to the field.

kathy is comfortable w/ us moving forward but i want to touch base w/ each of you as well.

thx,

patrick

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

From: Ralston, Jill <jralston@blm.gov>

Date: Fri, Mar 17, 2017 at 4:56 PM

Subject: Updated Briefing Paper: Lands Potentially Suitable for Disposal -- Options

To: Michael Nedd <mnedd@blm.gov>, Jerome Perez <jperez@blm.gov>, Kathleen Benedetto <kathleen_benedetto@ios.doi.gov>

Cc: Shannon Stewart <scstewar@blm.gov>, Kristin Bail <kbail@blm.gov>, Karen Kelleher <kkelleh@blm.gov>, Steve Tryon <stryon@blm.gov>, Timothy Spisak <tspisak@blm.gov>, Lonny Bagley <lbagley@blm.gov>, Matthew Allen <mrallen@blm.gov>, Patrick Wilkinson <p2wilkin@blm.gov>, Adrienne Dicerbo <adicerbo@blm.gov>, "Pool, Jamie" <jpool@blm.gov>, Matthew Varner <mvarner@blm.gov>

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Thank you!

Jill Ralston

Legislative Affairs

Bureau of Land Management

Phone: (202) 912-7173

Cell: (202) 577-4299

--

Patrick Wilkinson

U.S. Department of the Interior

Bureau of Land Management

Legislative Affairs Division (WO 620)

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Lands Potentially Suitable for Disposal: Potential Options for Responding to Congressional Request for Information

Introduction

On January 25, the BLM received a request from majority staff of the House Natural Resources Federal Lands and Oversight and Investigations Subcommittees about BLM-managed lands identified as potentially suitable for disposal.

Congressional Request: Specifically, committee staff asked for a list of lands potentially suitable for disposal that includes acreage, location, current uses on the land, potential right-of-way or reversionary interests, and any other potential conflicts that would impact disposal.

Background

Under the Federal Land Policy and Management Act (FLPMA, Section 102), the BLM is directed to retain lands in federal ownership unless it is determined through the land use planning process that disposal of particular parcels serves the national interest. Section 203 of FLPMA provides three disposal criteria¹ for consideration during the land use planning process:

- 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 feasibly 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.

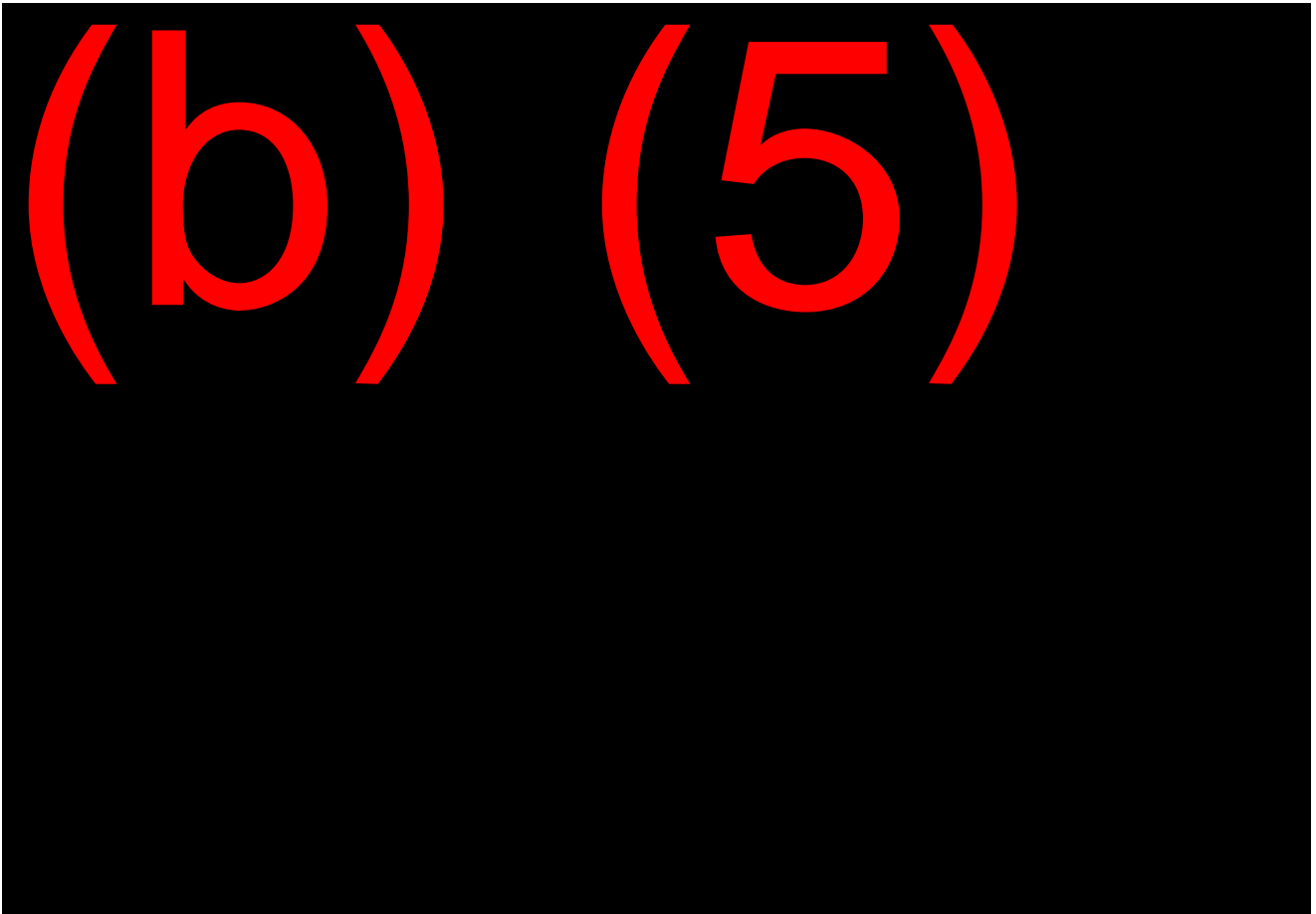
Congressional requests for information relating to lands potentially suitable for disposal have occurred consistently in recent years. In response to a 2016 request, the BLM created a website with state-by-state links to Resource Management Plans (RMPs) that identify lands potentially available for disposal (available at <https://www.blm.gov/programs/planning-and-nepa/planning-101/lands-potentially-for-disposal>).

¹ Public lands within units of the National Wilderness Preservation System, National Wild and Scenic Rivers Systems, and National System of Trails may not be considered for disposal.

In 1996, Congress enacted a law directing the BLM to report on public lands that may be suitable for disposal or exchange. As a result of the 1996 law, the BLM produced and delivered a report in 1997 that includes a county-by-county overview of public lands that may be suitable for disposal or exchange. This report has not been updated since 1997, and there are no maps associated with it.

The BLM identifies lands potentially suitable for disposal in its individual RMPs; this is the only way the BLM captures this information. Because the information about lands potentially suitable for disposal captured in the BLM’s existing RMPs does not meet a consistent data standard, however, the amount of information that is readily available varies greatly. This variance in available data makes responding in a timely manner to the current request challenging.

Following is a review of potential options for next steps in responding to the congressional request.



(b) (5)

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Recommendation

(b) (5)

(b) (5)

From: Bail, Kristin
To: [Katharine Macgregor](#); [Moody, Aaron](#)
Cc: [Shannon Stewart](#)
Subject: Fwd: Briefing materials - SUWA Settlement
Date: Wednesday, March 22, 2017 12:14:27 PM
Attachments: [image001.png](#)
[BLM Briefing memo SUWA v. Schneider Settlement.docx](#)

Hi, Kate -- here is what I have that provides an overview of the settlement agreement. --Kristin

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

From: Douglas, Lara <ledouglas@blm.gov>
Date: Mon, Feb 13, 2017 at 4:20 PM
Subject: Briefing materials - SUWA Settlement
To: "Cardinale, Richard" <richard_cardinale@ios.doi.gov>, Jill Moran <jcmoran@blm.gov>, Satrina Lord <slord@blm.gov>, Kathleen Lacko <ktlacko@blm.gov>
Cc: Kristin Bail <kbail@blm.gov>, Jerome Perez <jperez@blm.gov>, Kathleen Benedetto <kathleen_benedetto@ios.doi.gov <mailto:kathleen_benedetto@ios.doi.gov> >, Beverly Winston <bwinston@blm.gov>

Rich and all,

Attached is a draft briefing paper for Wednesday's briefing on the SUWA settlement agreement. Please let me know if you have edits or questions - thanks!

Lara

Lara Douglas
Acting Chief of Staff

Bureau of Land Management
202-208-4586

NATIONAL SYSTEM OF PUBLIC LANDS

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



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

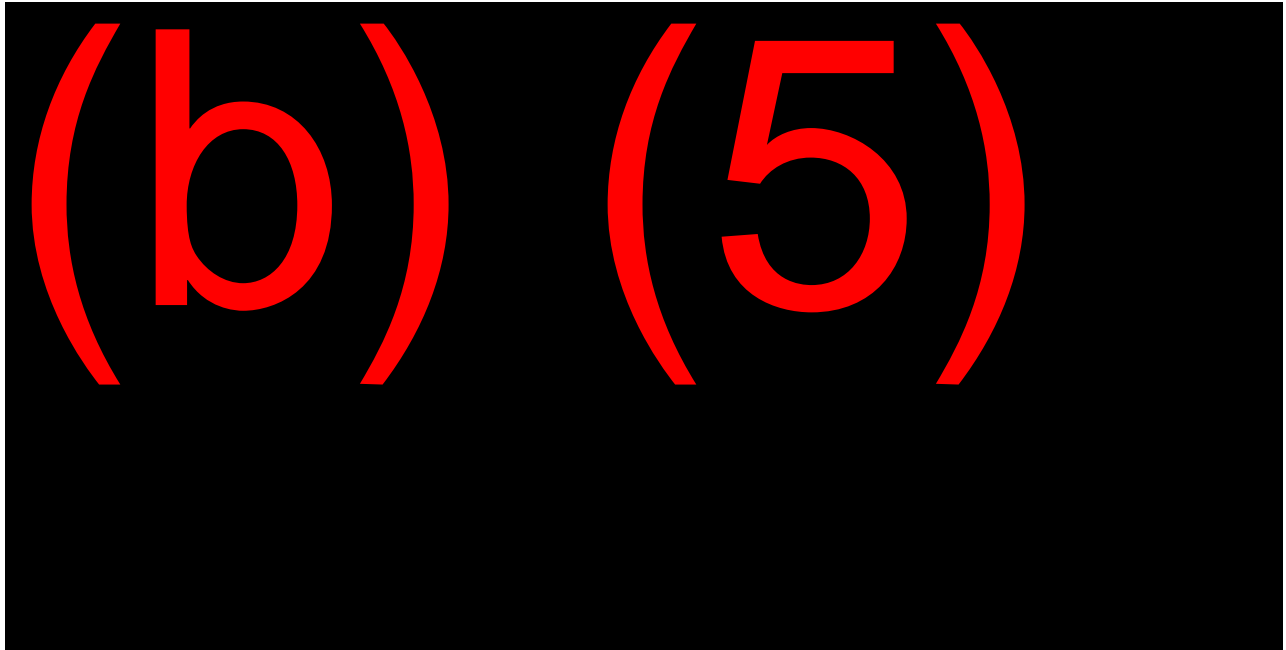
DATE: February 13, 2017

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

SUBJECT: SUWA v. Schneider Settlement Agreement involving Six Utah Resource Management Plans and Travel Management Plans

The purpose of this memo is to provide information regarding the settlement agreement that resolves a lawsuit against the BLM over Resource Management Plans (RMPs) and travel management plans (TMPs) in six Utah field offices as well as a 2014 oil and gas lease sale in Utah.

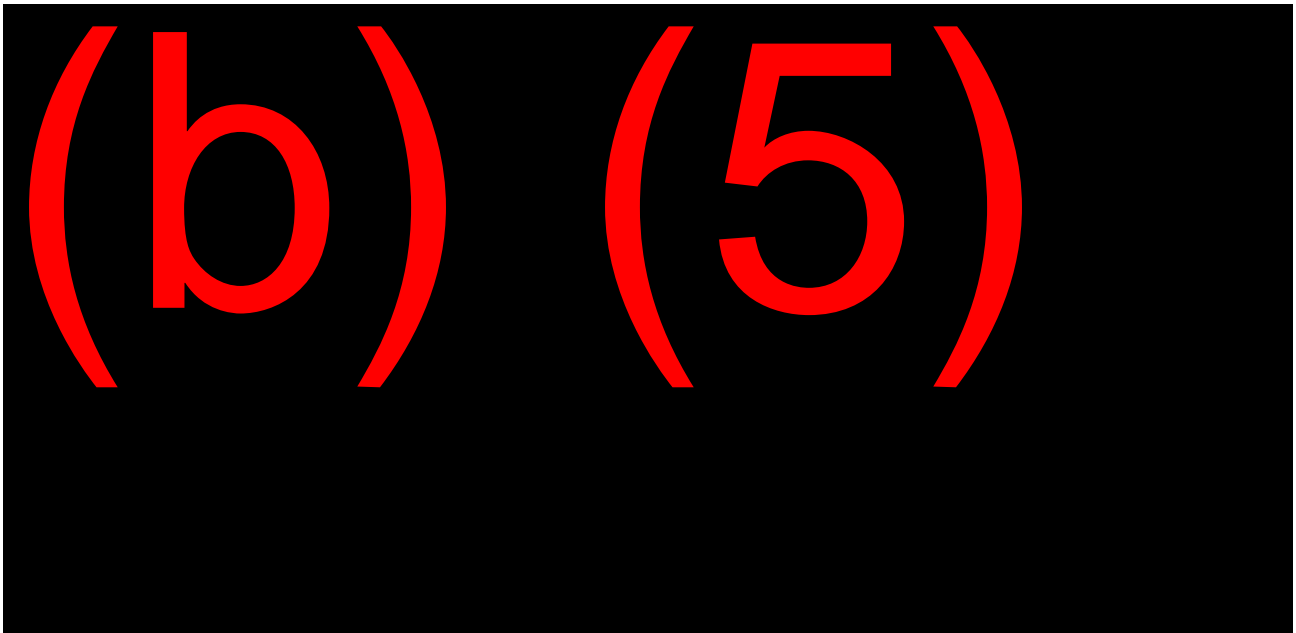
KEY POINTS



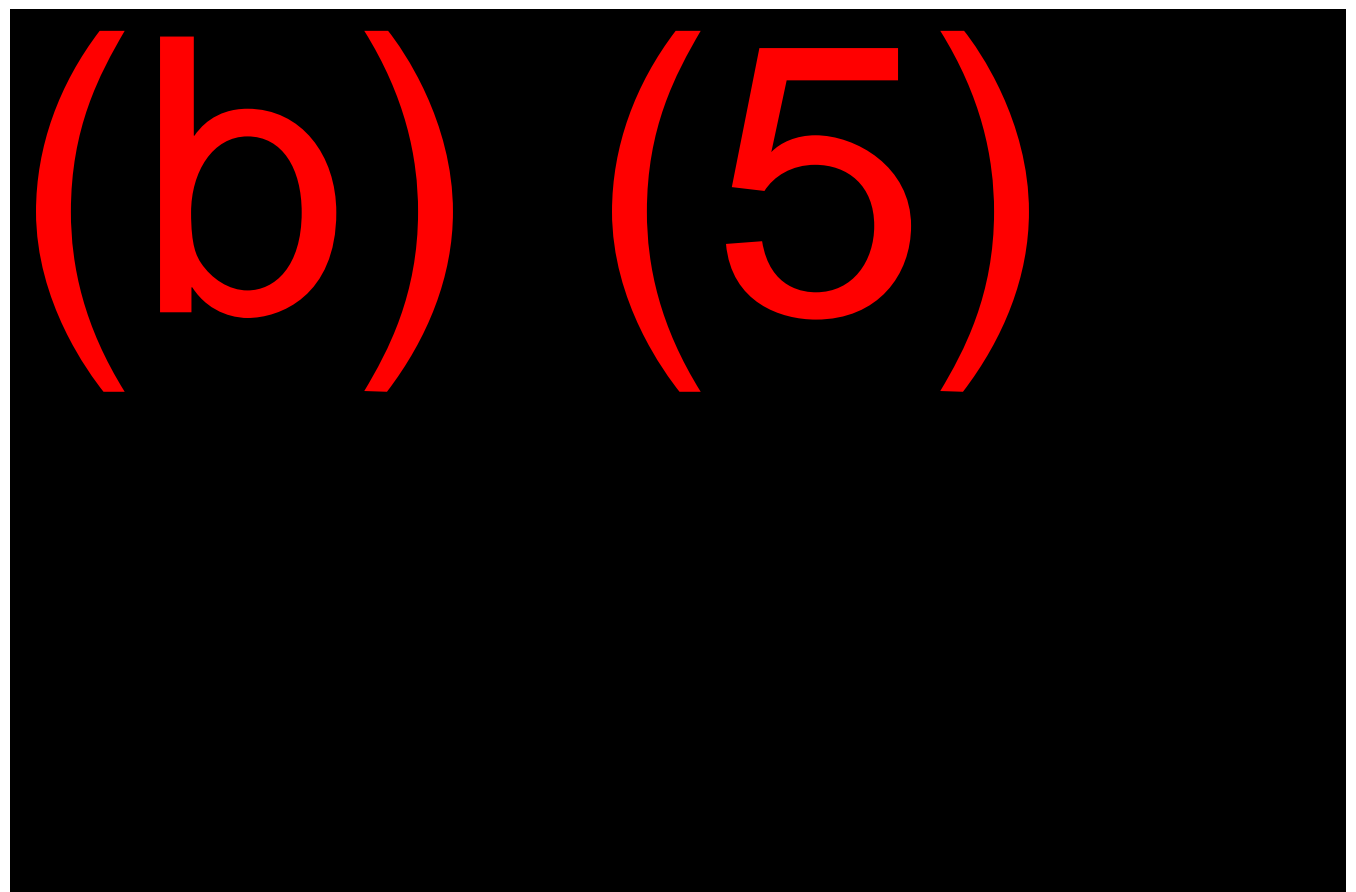
BACKGROUND

In December 2008, a consortium of 10 conservation groups filed a lawsuit regarding the resource management plans and associated travel management plans for the BLM's Richfield, Moab, Price, Monticello, Kanab, and Vernal Field Offices, as well as challenges to the November 2014 oil and gas lease sale. The lawsuit alleges, among other things, that the BLM violated (a) the Federal Land Policy and Management Act by failing to consider or ensure that the TMPs comply with off-road vehicle regulations and executive orders; (b) the National Historic Preservation Act by failing to take into account the TMPs' impacts on cultural resources; and (c) the National Environmental Policy Act by failing to take a hard look at the impacts of the RMPs, TMPs, and the 2014 oil and gas lease sale on air quality.

DISCUSSION



NEXT STEPS



From: Edwin Roberson
To: kathleen_benedetto@ios.doi.gov
Cc: [Kristin Bail](mailto:Kristin_Bail); mnedd@blm.gov; Jerome E Perez
Subject: Fwd: Input for consideration
Date: Thursday, March 30, 2017 7:41:20 AM
Attachments: [mime-attachment.txt](#)
[ATT00001.htm](#)
[\(b\) \(5\)](#)
[ATT00002.htm](#)

Kathy,

I apologize. I intended to include you in my email below [\(b\) \(5\)](#)
[\(b\) \(5\)](#). Let me know what you, Mike, Jerry and Kristin think needs to be adjusted, clarified or changed.

Sent from my iPhone

Begin forwarded message:

From: Edwin Roberson <eroberso@blm.gov>
Date: March 29, 2017 at 9:09:24 PM MDT
To: [Kristin Bail](mailto:kbail@blm.gov) <kbail@blm.gov>, mnedd@blm.gov, Jerome E Perez <jperez@blm.gov>
Cc: Abbie Jossie <ajossie@blm.gov>
Subject: Input for consideration

As I mentioned in my earlier note, here is some information pulled together in an attempt to respond to the issues raised today. We have a complicated schedule tomorrow but hopefully we can get your feedback. We will run it by our solicitors here tomorrow as well. Drop me a line to let us know when you might be available. Thank you. Ed

Sent from my iPhone

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***SUWA v. Cardinale* litigation vs. settlement options**



From: Stewart, Shannon
To: [Anderson, Michael](#); [Katharine Macgregor](#); [Richard Cardinale](#); [Lassiter, Tracie](#); [Jill Moran](#); [Seidlitz, Joseph \(Gene\)](#)
Cc: [Mariagrazia Caminiti](#); [Ryan Sklar](#); [Laura Brown](#); [mike nedd](#); [Jerome Perez](#); [Thurn, Linda](#)
Subject: Re: Briefing material for 130 meeting tomorrow--SUWA
Date: Monday, April 3, 2017 5:39:44 PM
Attachments: (b) (5)

Attached is the table provided by SOL for tomorrow's SUWA meeting.

Shannon

On Mon, Apr 3, 2017 at 5:22 PM, Anderson, Michael <michael_anderson@ios.doi.gov> wrote:

Hi, Shannon,

I'm here for 10 more minutes; regardless, please send the briefing materials (at a minimum), to Kate Macgregor, Rich Cardinale, Tracie Lassiter, Jill Moran, Gene Seidlitz, and myself; thank you.

On Mon, Apr 3, 2017 at 5:11 PM, Brown, Laura <laura.brown@sol.doi.gov> wrote:

Shannon--I just got off the phone with Kate who was pressing to get the briefing material for tomorrow's meeting. Can you please make sure it gets sent right away. This will also need to go to Jim Cason and other invitees. Is this something we can get done pronto?

--

Laura Brown, Associate Solicitor
Division of Land Resources
Office of the Solicitor
U.S. Department of the Interior
1849 C St., NW
Washington, DC 20240
Phone: 202 208-6545
Cell: 202 359-2712
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Laura.Brown@sol.doi.gov

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--

Michael D. Anderson, MPA
Executive Asst, Office of the Assistant Secretary for
Land and Minerals Management
Dept of the Interior
202-208-2197

--

Shannon Stewart
Acting Chief of Staff
Bureau of Land Management
202-570-0149 (cell)
202-208-4586 (office)
scstewar@blm.gov

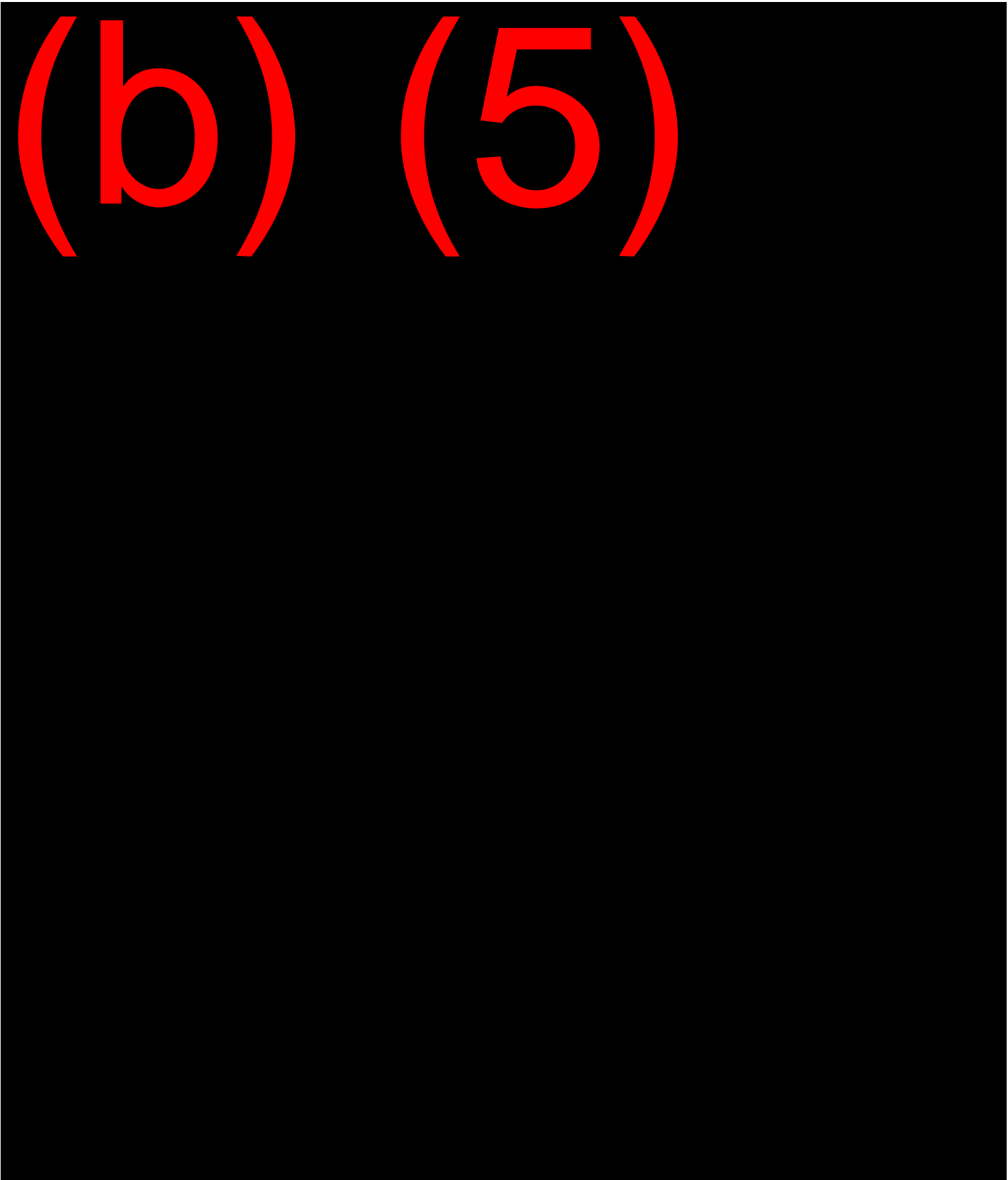
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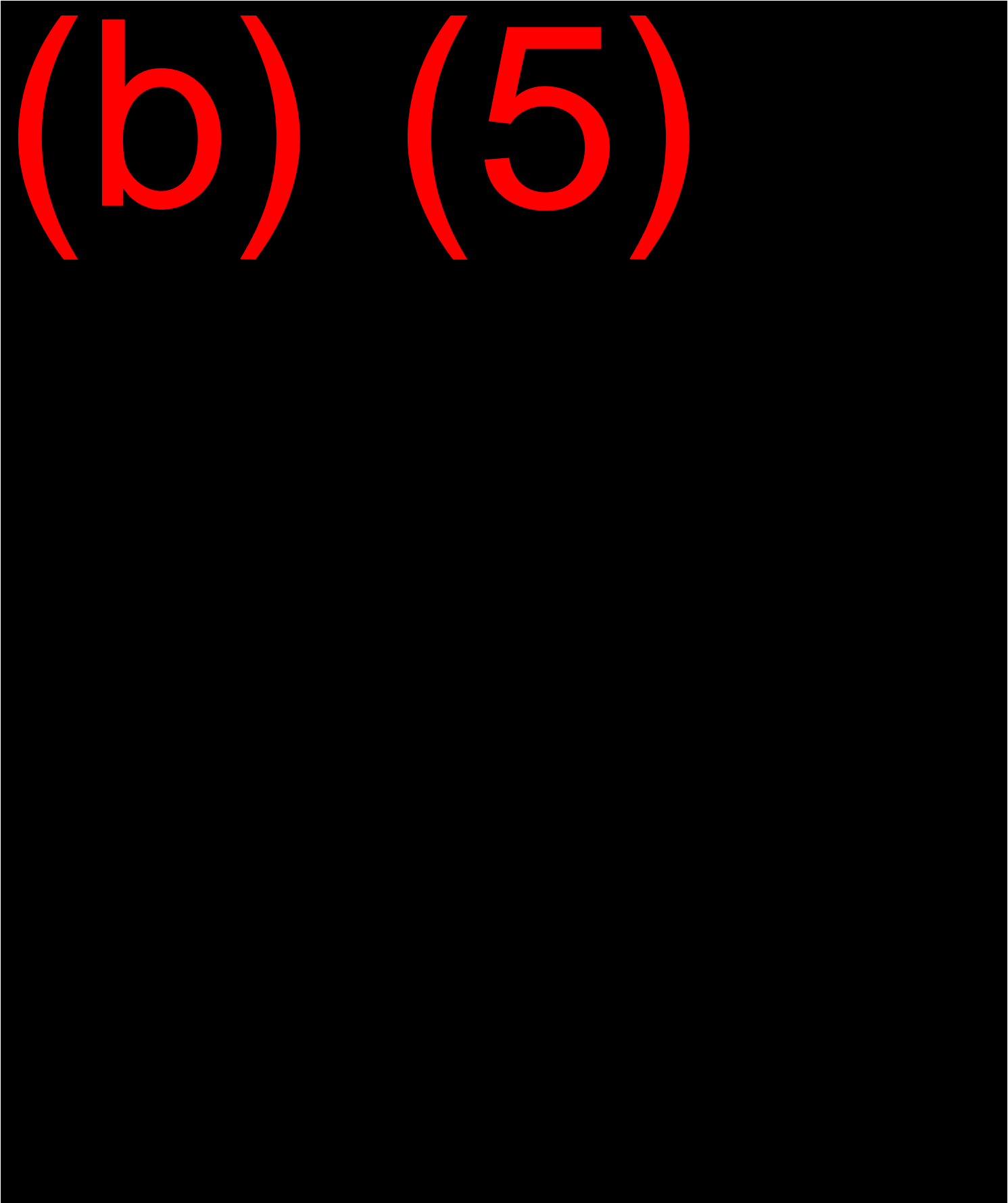
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From: Stewart, Shannon
To: [Anderson, Michael](#); [Katharine Macgregor](#); [Richard Cardinale](#); [Lassiter, Tracie](#); [Jill Moran](#); [Seidlitz, Joseph \(Gene\)](#)
Cc: [Mariagrazia Caminiti](#); [Ryan Sklar](#); [Laura Brown](#); [mike nedd](#); [Jerome Perez](#); [Thurn, Linda](#)
Subject: Re: Briefing material for 130 meeting tomorrow--SUWA - USE THESE ONES
Date: Monday, April 3, 2017 5:50:50 PM
Attachments: (b) (5)
[2008 RMP Chart 04.03.2017.docx](#)

Sorry there were two tables, both should be attached. The RMP table has a few very minor data gaps that are being supplied by BLM-Utah which should not impact your review. We will bring print outs of the final to the briefing tomorrow.

Shannon

On Mon, Apr 3, 2017 at 5:39 PM, Stewart, Shannon <scstewar@blm.gov> wrote:

Attached is the table provided by SOL for tomorrow's SUWA meeting.

Shannon

On Mon, Apr 3, 2017 at 5:22 PM, Anderson, Michael <michael_anderson@ios.doi.gov> wrote:

Hi, Shannon,

I'm here for 10 more minutes; regardless, please send the briefing materials (at a minimum), to Kate Macgregor, Rich Cardinale, Tracie Lassiter, Jill Moran, Gene Seidlitz, and myself; thank you.

On Mon, Apr 3, 2017 at 5:11 PM, Brown, Laura <laura.brown@sol.doi.gov> wrote:

Shannon--I just got off the phone with Kate who was pressing to get the briefing material for tomorrow's meeting. Can you please make sure it gets sent right away. This will also need to go to Jim Cason and other invitees. Is this something we can get done pronto?

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Laura Brown, Associate Solicitor
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Cell: 202 359-2712
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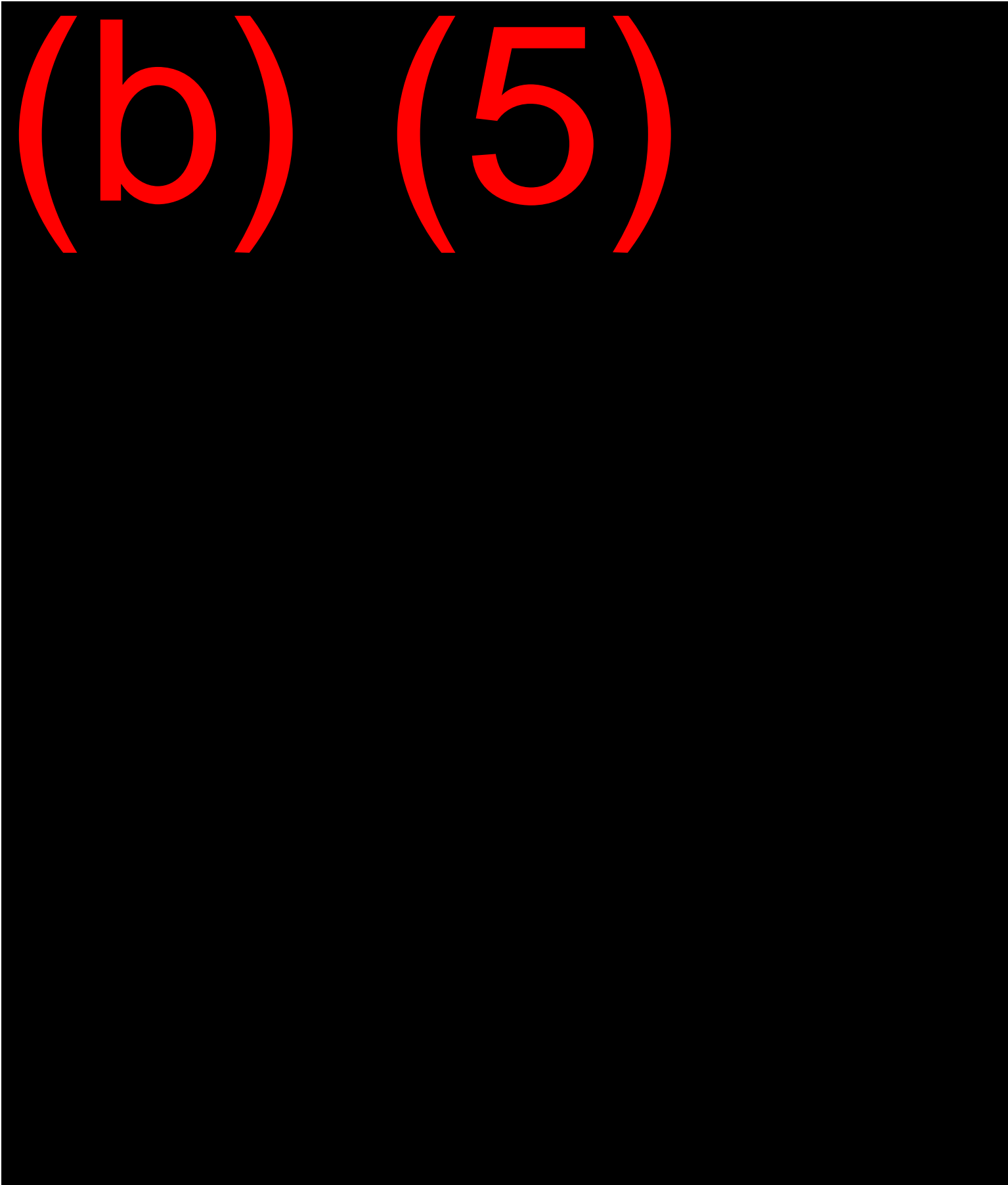
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From: Kelleher, Karen
To: [Michael Nedd](#); [Jerome Perez](#); [Kathleen Benedetto](#); [Shannon Stewart](#)
Cc: [Bail, Kristin](#); [Timothy Shannon](#); [Steve Tryon](#)
Subject: clean and track changes
Date: Monday, April 10, 2017 1:28:34 PM
Attachments: [Memo to ASLM on SO3349 clean final draft_041017_113.docx](#)
[Memo to ASLM on SO3349 track changes_041017_113.docx](#)

Hi,
track changes version to easily see updates & clean version.

significant updates are in Next Steps on last page.

minor editorial & formatting changes elsewhere.

Karen

--

Karen Kelleher

Deputy Assistant Director - Resources and Planning

Main Interior room 5644

kkelleh@blm.gov

202-208-4896

INFORMATION/BRIEFING MEMORANDUM FOR THE SECRETARY

DATE: April 12, 2017

THROUGH: Katharine MacGregor, Acting Assistant Secretary – Land and Minerals

FROM: Michael D. Nedd, Acting Director – Bureau of Land Management

SUBJECT: Implementation of Secretary's Order 3349, Section 5 (a) and (b)

This memorandum responds to questions posed in sections 5(a)(i) and 5(b)(i) of Secretary's Order (SO) 3349, "American Energy Independence," which requests summary information about "actions" the Bureau of Land Management (BLM) has adopted or is in the processes of developing with respect to certain memoranda and orders related to mitigation and climate change. The BLM has interpreted "actions," as described in SO 3349 to include: (1) new regulations or amendments to existing regulations, (2) new or revised BLM Manual Sections, (3) new or revised handbooks, (4) Instruction Memoranda (IM), (5) Information Bulletins (IB), and (6) other policy and guidance documents that include direction on mitigation and climate change.

MITIGATION

BLM has been using mitigation to reduce the severity or seriousness of impacts to resources and land uses across the landscape for decades. As required under the National Environmental Policy Act (NEPA), the BLM routinely evaluates mitigation measures in its Environmental Impact Statements and Environment Assessments for land use plans and project authorizations. When BLM implements mitigation, it seeks to avoid impacts, minimize impacts, and compensate for residual impacts to sensitive, scarce, or important resources consistent with the definition of mitigation in the Council on Environmental Quality (CEQ) regulations (40 C.F.R. § 1508.20). Avoidance and minimization have been and continue to be the most commonly used mitigation when BLM is authorizing an action. Compensatory mitigation has also been used, although with less consistency prior to 2005 when the first policy was issued, particularly to reduce residual impacts to threatened and endangered species, cultural resources, air, and water.

Mitigation measures are often incorporated into lease stipulations, permit conditions of approval, best management practices, or reclamation measures; avoidance and minimization measures are also commonly built into the proposed action as design features to avoid known sensitive resources. Mitigation, including compensation, can help to facilitate compliance with a variety of applicable laws.¹ The Permian Basin Agreement is an example of a voluntary program in which

¹ Mitigation can play an important role under the Clean Water Act, for example when restoration can help achieve the no net loss of wetlands standard; under the Clean Air Act to comply with Implementation Plans for non-attainment areas or to prevent/reduce air quality degradation; under the Endangered Species Act, as incorporated in reasonable and prudent alternatives to avoid jeopardizing the continued existence of a listed species under section 7 or as a component of a Habitat Conservation Plan under section 10; under the National Historic Preservation Act, since BLM must consult with states, tribes, and other parties to seek to resolve an undertaking's adverse impacts on historic properties, and seek to minimize harm on National Historic Landmarks; and under the Federal Land Policy

a company may choose to contribute the cost of the required archaeological survey (required under Section 106 of the NHPA), into a mitigation pool. The pooled fund allows for effective management of the area's archaeological resources and provides industry more predictability and control over schedules and budgets needed to operate efficiently.

In addition to aiding compliance with various laws and regulations, use of mitigation in appropriate circumstances may also increase the defensibility of BLM's decisions. For example, in 2008, when BLM authorized natural gas development in the Pinedale Anticline in western Wyoming, that record of decision was challenged on the grounds that it violated FLPMA's direction to prevent unnecessary or undue degradation of the public lands. The D.C. Circuit, however, found that BLM's authorization complied with FLPMA, citing BLM's reliance on mitigation measures to reduce project impacts (*Theodore Roosevelt Conservation Partnership v. Salazar*, 661 F.3d 66, 76–77 (D.C. Cir. 2011)).

BLM began working on formal mitigation policy in the early 2000s to provide clarity and guidance for the field and increase consistency in the implementation of mitigation, in particular, identifying, considering, and, as appropriate, requiring, mitigation to address impacts to sensitive, important, or rare resources from public land uses. BLM has also focused on proactive and regional approaches that consider mitigation in the planning process, as well as to encourage the use of mitigation banks, exchanges and similar mechanisms. This has provided more certainty to applicants on the types of mitigation likely to be considered for a project and has helped to streamline the permitting process.

BLM MITIGATION ACTIONS

The BLM has adopted or is in the process of developing the following actions relating to (1) Secretary's Order 3330, dated October 31, 2013, "Improving Mitigation Policies and Practices of the Department of the Interior;" and the associated report dated April 2014, "A Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior;" and (2) the Presidential Memorandum dated November 3, 2015, "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment."

1. **BLM IB No. 2017-015, Availability of Model Compensatory Mitigation MOU** (December 2016). The IB announces the availability of a model memorandum of understanding (MOU) for use by the BLM State Offices when collaborating with state governments regarding state-based compensatory mitigation programs for the Greater Sage-Grouse and its habitat. This model provides language that makes the strongest commitment the BLM can make within our legal constraints to coordinate our project review processes with the states' compensatory mitigation programs. The model MOU can be adapted for other resources and circumstances where state compensatory mitigation programs may assist the BLM in achieving its mission.
2. **BLM Mitigation Manual, MS-1794** (December 2016). This manual section and the Mitigation Handbook, H-1794-1 (listed below), were issued under **BLM IM No. 2017-**

and Management Act (FLPMA), to prevent unnecessary or undue degradation of public lands.

021. This policy includes principles for mitigation that, “effective mitigation is durable, defined by outcomes, implemented and monitored for effectiveness, considered within an adaptive management framework, reported upon, managed by a responsible party, guided by the best available science, and developed through effective, early, and frequent communication with public land users, cooperating agencies, and other stakeholders, including the public.”

3. **BLM Mitigation Handbook, H-1794-1** (December 2016). Description included above under MS-1794.
4. **BLM New Mexico IM No. NM-F010-2016-004, Bureau of Land Management (BLM) Sensitive Species – Brack’s Cactus Management** (September 7, 2016). This IM is specific to the Farmington District and provides guidance to conserve habitat and protect Brack’s cactus, a BLM Sensitive Species and a species included on the State of New Mexico list of endangered plant species, from ground-disturbing projects by (1) requiring surveys to identify Brack’s cactus locations; and (2) implementing management guidance to mitigate impacts to Brack’s cactus by avoiding and minimizing impacts, and then compensating for impacts that cannot be avoided.
5. **BLM California IM No. CA-2015-009, Renewal of IM Implementing Provisions within the Consolidated Appropriations Act, 2012 (Public Law 112-74) Related to Livestock Grazing Authorizations in the California Desert Conservation Area** (December 17, 2014). This IM reiterates and provides direction on implementing the livestock grazing provisions in P.L. 112-74, which states that BLM shall accept the donation of valid existing grazing allotments and make the land available for mitigation by allocating the forage to wildlife use consistent with any applicable Habitat Conservation Plan, Endangered Species Act section 10 permit, or biological opinion.
6. **Multi-Scale Guidance for Identifying Shared Visual Resources and Mitigation Adverse Impacts through a Collective and Collaborative Process** (in progress). The National Park Service and the BLM are co-leading an interagency group to advance a coordinated effort to encourage thoughtful management of shared scenic resources, which encompass both natural and cultural settings. As part of its effort, the team developed the visual resources guidance called for under #15 of the “Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior.” The guidance underwent solicitor review but has not been finalized. The NPS and BLM agreed to wait for the new Administration to finalize the guidance. The draft guidance does not place requirements on agencies instead it encourages them to work cooperatively with states, industry, private property owners and stakeholders to identify important scenic views and visual resources and to forge a collective management strategy for their stewardship into the future, while resolving potential conflicts early in the decision making processes.

In addition to these specific policies, BLM has developed or is in the process of developing regional mitigation strategies in several areas to provide a clear path forward for potential mitigation actions; examples include the Solar Energy Zones, sagebrush-steppe and Greater Sage-Grouse habitat, and the National Petroleum Reserve – Alaska. BLM has also signed memoranda of understanding with Nevada, Wyoming, and Colorado to consider use of the state

mitigation tool (bank, exchange or other mechanism) when evaluating compensatory mitigation for projects with similar discussions underway in other states. In addition, the Greater Sage Grouse Task Force requested a team of state and federal agencies, including BLM, discuss the implementation of mitigation requirements contained in the sage-grouse plans. The team produced the “Report to the Sage-Grouse Task Force: Greater Sage-Grouse Compensatory Mitigation (December 2016)” which identifies key principles and approaches to mitigation commonly agreed to by the state and federal agencies and provides an overview of each state’s approach to compensatory mitigation.

Prior to issuance of Secretarial Order 3330 and the 2015 Presidential Memorandum, the BLM took the following actions of note related to mitigation.

1. **BLM IM No. 2013-142, Interim Policy, Draft Regional Mitigation Manual Section (MS-1794)** (June 2013). This interim policy directed resource programs to move from case-by-case application of mitigation to a regional approach that involves anticipating future mitigation needs and strategically identifies mitigation sites and measures that can help the BLM achieve its resource objectives while improving permitting efficiencies and providing greater certainty to permit applicants, partners, stakeholders, and the public. The 2013 interim policy covered all resource programs and was the precursor to the current Mitigation Policy.
2. **BLM Arizona IM No. AZ-2012-031, Desert Tortoise Conservation Agreement Implementation** (June 2012). This IM articulates mitigation policy, including off-site compensation for the desert tortoise and its habitat on public lands managed by the BLM in Arizona, in a consistent manner between the District and Field Offices.
3. **BLM Special Status Species Manual (M 6840)** (December 2008). This Manual identifies and interprets BLM’s responsibilities under the Endangered Species Act and mentions off-site compensatory mitigation as a means to further the conservation of federally listed species.
4. **BLM IM No. 2009-011, Assessment and Mitigation of Potential Impacts to Paleontological Resources** (October 10, 2008). The IM provides guidelines for assessing potential impacts to paleontological resources in order to determine mitigation steps for federal actions on public lands under the Federal Land Policy and Management Act and the National Environmental Policy Act. These guidelines also apply where a federal action impacts split-estate lands. It also provides field survey and monitoring procedures to help minimize impacts to paleontological resources determined to be significant that are expected to be adversely affected by a federal action.
5. **BLM IM No. 2008-204, Offsite Mitigation** (September 30, 2008). This instruction memorandum outlines policy for the use of offsite mitigation for authorizations issued by the BLM and replaced IM WO-2005-069 Interim Offsite Compensatory Mitigation for Oil, Gas, Geothermal and Energy Rights-of-way Authorizations (February 1, 2005).
6. **BLM National Environmental Policy Act Handbook, H-1790-1** (January 2008). Consistent with the CEQ regulations at 40 CFR 1508.20, this Handbook defines mitigation to include avoidance, minimization, and compensation. It also describes how mitigation can be used to reduce the effects of an action below the threshold of

significance thereby avoiding the need to prepare an EIS (i.e., to arrive at a “mitigated Finding of No Significant Impact (FONSI)”). It also provides guidance relating to BLM’s description of any effects that remain after mitigation measures have been applied, incorporation of mitigation measures into decision documents, and discussions of monitoring to ensure implementation of adopted measures.

7. **BLM IM No. 2008-050, Migratory Bird Treaty Act – Interim Management Guidance** (December 2007). This Memorandum provides direction to avoid, reduce, or mitigate adverse impacts to the habitats of migratory bird species of conservation concern to the extent feasible, and in a manner consistent with regional or statewide bird conservation priorities.
8. **BLM land use planning regulations, 43 CFR 1610 and Land Use Planning Handbook H-1601-1** (2005). BLM’s land use planning regulations and handbook provide broad guidance on the development of land use plans. The handbook guidance includes the consideration of mitigation measures as appropriate to address resource, social, and economic impacts.
9. **BLM Protecting Cultural Resources Manual (MS-8140)** (December 2004). This Manual provides general guidance for protecting cultural resources from inadvertent adverse effects associated with BLM land use decisions, pursuant to the National Historic Preservation Act, the National Environmental Policy Act, Executive Order 11593, and the National Programmatic Agreement regarding the manner in which the BLM will meet its responsibilities under the National Historic Preservation Act.
10. **BLM hardrock mining regulations, 43 CFR 3809**. Among the general performance standards for surface management within a mining plan of operations is the requirement to “take mitigation measures specified by BLM to protect public lands” (43 CFR 3809.420(a)(4)).
11. **BLM FLPMA right of way regulations, 43 CFR 2800**. These regulations require holders to “restore, revegetate, and curtail erosion or conduct any other rehabilitation measures BLM determines necessary” including conditioning agreements on compensatory mitigation, 43 CFR 2805.12(i).
12. **BLM easement regulations, 43 CFR 2920**. These regulations “direct BLM to include terms and conditions that . . . “minimize damage” and “require the use to be located in an area which shall cause least damage to the environment” (43 CFR 2920.7(b)).

CLIMATE CHANGE

For many years, the BLM has considered climate change, its effects on public lands and public land users, and how BLM decisions contribute to climate change, primarily through NEPA analyses for land use planning and project authorizations. BLM began working on formal climate change policy in 2008 through issuance of an Instruction Memorandum (IM), transmitting draft guidance for state and field office comments on incorporating climate change into land use planning and NEPA documents. In 2010, the CEQ released a document entitled “Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emission” for review by the public and agencies. The CEQ issued revised draft guidance in December of 2014 for review and comment. Final CEQ guidance was issued in August of 2016.

BLM CLIMATE CHANGE ACTIONS

The BLM has adopted or is in the process of developing the following list of actions relating to the guidance identified in Secretarial Order 3349 and the 2016 CEQ's "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews."

1. **BLM Permanent IM No. 2017-003, The Council on Environmental Quality Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews** (December 2016). The IM transmits CEQ guidance on considering climate change in NEPA analysis. It also provides specific step-down guidance for how to calculate the "downstream" or indirect greenhouse gas emissions associated with fossil fuel actions (coal, oil, and gas), when production estimates are reasonably foreseeable.
2. **BLM IM, Considering Climate Change in NEPA Documents** (never issued). This draft policy was intended to provide BLM-specific step-down guidance based on CEQ guidance and Department of the Interior Office of Environmental Policy and Compliance (OEPC) guidance on considering climate change in NEPA analysis. Topics included land use and carbon sequestration, biogenic emissions associated with prescribed- and wild-fire, and the social cost of carbon.

Prior to issuance of the documents listed in SO 3349, the BLM took the following actions of note related to climate change.

1. **BLM New Mexico IM No. NM-2013-022, Availability of Updated Air Resources Technical Report (ARTR); Use of Environmental Assessment (EA) Template Air Quality and Climate Change Language for Applications for Permit to Drill (APDs) and Lease Sales** (June 2013). The IM instructed District and Field Offices to use the latest version of the BLM New Mexico Air Resources Technical Report, and provided template language for use in NEPA environmental analysis documents, to address air quality and climate change impacts.
2. **BLM Oregon/Washington IM No. OR-2010-012, Analysis of Greenhouse Gas Emissions and Consideration of Climate Change in National Environmental Policy Act Documents** (January 2010). The IM provided guidance on analyzing greenhouse gas emissions and addressing changing climate conditions in NEPA documents. The IM expired in October 2011.
3. **BLM IM No. 2008-171, Guidance on Incorporating Climate Change into Planning and NEPA Documents** (August 2008). The IM transmitted draft guidance on incorporating climate change considerations into the Land Use Planning/NEPA analysis process, and requested feedback from the BLM states on their experience with incorporating climate change into NEPA documents.

BLM has also developed tools to assist in assessing emissions, including the following:

1. **Tool: BLM Emissions Inventory Toolkit.** The BLM Washington Office is developing an Emissions Inventory Toolkit, scheduled for completion in September 2017, which

would consolidate and enhance existing emissions inventory tools. The Emissions Inventory Toolkit would be a web-based application for calculating emissions from criteria pollutants, hazardous air pollutants and greenhouse gases. It would store emissions inventories from various projects to assess cumulative emissions, and would include a modeling component for near-field impacts analysis. The toolkit would include a library to store documents and reports. The toolkit would be useful in streamlining air analyses for NEPA and General Conformity requirements and showing whether air quality standards or management goals would be met.

2. **Tool: BLM Colorado Emissions Inventory Calculator.** The BLM Colorado emissions calculator estimates air resources emissions, including greenhouse gases, with the goal of providing technical consistency and efficiency in gathering data on emissions-generating activities for use in NEPA analyses. The ability of the tool to gather information from external sources to be compiled for analysis has led to faster processing times for projects requiring air analysis. This tool would be consolidated into the BLM Emissions Inventory Toolkit mentioned above.
3. **Tool: BLM Oregon/Washington carbon calculators.** Four of the BLM western Oregon Districts have developed carbon storage and greenhouse gas calculators to support environmental analyses, primarily timber sales. Key features of these tools would be consolidated into the BLM Emissions Inventory Toolkit mentioned above.
4. **Tool: BLM New Mexico emissions calculators.** In BLM New Mexico, three calculators are available to estimate air resources emissions, including greenhouse gases, for use in NEPA environmental analysis documents associated with applications for permit to drill and oil and gas lease sales. Key features of these tools would be consolidated into the BLM Emissions Inventory Toolkit mentioned above.
5. **Report: Greenhouse Gas & Climate Change Report.** The Greenhouse Gas and Climate Change Report provides a database and air emissions tool to calculate greenhouse gas emissions for the base year database and the out-year projections for 10 western states. The report includes emissions associated with production and consumption activities, separated by Federal and non-Federal lands for coal, oil, natural gas, and natural gas liquids, for incorporation by reference into NEPA analyses. The reports would be housed in the library section of the BLM Emissions Inventory Toolkit mentioned above.

In addition to the policies and tools listed above, the BLM has taken a wide variety of actions over the years to assess and address the risks associated with wildland fire, invasive plants and animals, drought and other environmental changes that may be caused, in part, by climate change. Examples of such adaptation actions include, helping develop and implement the National Cohesive Wildland Fire Management Strategy, participating in the work of the National Invasive Species Council, working with the State of Montana and the National Drought Resilience Partnership to build drought resilience in the Upper Missouri River Basin, synthesizing and considering ecoregional information related to impacts of climate change on resources BLM manages in land use planning, and partnering with individual livestock permittees to adapt their operations to be more resilient to wildland fire and drought.

NEXT STEPS

In responding to SO 3349, the BLM has focused primarily on policies that have been adopted since the date of the documents specified in the Order. The BLM has applied mitigation and considered climate change in its decision-making and use authorizations for years, encompassing thousands of individual actions and decisions. As noted previously, several laws, such as the National Historic Preservation Act and the National Environmental Policy Act, require the BLM to consider mitigation in its decision-making processes. Courts have also weighed in on the need for the BLM to consider both mitigation and climate change, including greenhouse gas emissions. Due to these legal requirements, the BLM recommends modification of these policies, rather than complete rescission.

When the Deputy Secretary informs the Assistant Secretary for Land and Minerals, in accordance with Section 5(a)(ii) of the SO 3349, about how to proceed in modifying the BLM's mitigation policy, the BLM requests that clarification be provided on what elements of the "mitigation hierarchy" (which variously encompasses avoid, minimize, rectify (repair, rehabilitate, restore), reduce, eliminate, compensate) should be reconsidered. The BLM also requests clarification on whether specific past decisions should be reconsidered. In general, BLM believes the primary mitigation-related issues of concern relate to compensation. Therefore, the BLM recommends that reconsideration of its mitigation policies focus on its approach to compensation in ongoing or future land use plans and projects, such as which resources should be compensated for and what standard(s) should be applied when compensatory mitigation is appropriate (e.g., no net loss, net conservation gain).

When the Deputy Secretary informs the Assistant Secretary for Land and Minerals, in accordance with Section 5(b)(ii) of the SO 3349, about how to proceed in modifying the BLM's climate change policy, the BLM requests that clarification be provided on whether reconsideration should focus on analyzing the impacts of BLM's land use authorizations on climate change (e.g., greenhouse gases) or should also include reconsideration of BLM's adaptation actions (e.g., drought, invasive species, fire and other changes that may be related to climate change). In general, BLM believes there is broad public support for BLM's adaptation related actions and recommends that reconsideration focus on policy related to greenhouse gases, such as evaluation of downstream effects.

Based on feedback from the Deputy Secretary to the Assistant Secretary, the BLM will, in accordance with Section 5(a)(iii) and 5(b)(iii), determine which mitigation or climate policies cause an unnecessary burden to domestic energy development and provide a draft revised or substitute action for review.

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

DATE: April 12, 2017

THROUGH: [Katharine MacGregor, Acting Assistant Secretary – Land and Minerals](#)

FROM: Michael [D.](#) Nedd, Acting Director – Bureau of Land Management

SUBJECT: Implementation of Secretary’s Order 3349, Section 5 (a) and (b)

This memorandum responds to questions posed in sections 5(a)(i) and 5(b)(i) of Secretary’s Order (SO) 3349, “American Energy Independence,” which requests summary information about “actions” the Bureau of Land Management (BLM) has adopted or is in the processes of developing with respect to certain memoranda and orders related to mitigation and climate change. The BLM has interpreted “actions,” as described in SO 3349 to include: (1) new regulations or amendments to existing regulations, (2) new or revised BLM Manual Sections, (3) new or revised handbooks, (4) Instruction Memoranda (IM), (5) Information Bulletins (IB), and (6) other policy and guidance documents that include direction on mitigation and climate change.

MITIGATION

BLM has been using mitigation to reduce the severity or seriousness of impacts to resources and land uses across the landscape for decades. As required under the National Environmental Policy Act (NEPA), the BLM routinely evaluates mitigation measures in its Environmental Impact Statements and Environment Assessments ~~for~~ land use plans and project authorizations. When BLM implements mitigation, it seeks to avoid impacts, minimize impacts, and compensate for residual impacts to sensitive, scarce, or important resources consistent with the definition of mitigation in the Council on Environmental Quality (CEQ) regulations (40 C.F.R. § 1508.20). Avoidance and minimization have been and continue to be the most commonly used mitigation when BLM is authorizing an action. Compensatory mitigation has also been used, although with less consistency prior to 2005 when the first policy was issued, particularly to reduce residual impacts to threatened and endangered species, cultural resources, air, and water.

Mitigation measures are often incorporated into lease stipulations, permit conditions of approval, best management practices, or reclamation measures; avoidance and minimization measures are also commonly built into the proposed action as design features to avoid known sensitive resources. Mitigation, including compensation, can help to facilitate compliance with a variety of applicable laws.¹ The Permian Basin Agreement is an example of a voluntary program in which

¹ Mitigation can play an important role under the Clean Water Act, for example when restoration can help achieve the no net loss of wetlands standard; under the Clean Air Act to comply with Implementation Plans for non-attainment areas or to prevent/reduce air quality degradation; under the Endangered Species Act, as incorporated in reasonable and prudent alternatives to avoid jeopardizing the continued existence of a listed species under section 7 or as a component of a Habitat Conservation Plan under section 10; under the National Historic Preservation Act,

a company may choose to contribute the cost of the required archaeological survey (required under Section 106 of the NHPA), into a mitigation pool. The pooled fund allows for effective management of the area's archaeological resources and provides industry more predictability and control over schedules and budgets needed to operate efficiently.

In addition to aiding compliance with various laws and regulations, use of mitigation in appropriate circumstances may also increase the defensibility of BLM's decisions. For example, in 2008, when BLM authorized natural gas development in the Pinedale Anticline in western Wyoming, that record of decision was challenged on the grounds that it violated FLPMA's direction to prevent unnecessary or undue degradation of the public lands. The D.C. Circuit, however, found that BLM's authorization complied with FLPMA, citing BLM's reliance on mitigation measures to reduce project impacts (*Theodore Roosevelt Conservation Partnership v. Salazar*, 661 F.3d 66, 76–77 (D.C. Cir. 2011)).

BLM began working on formal mitigation policy in the early 2000s to provide clarity and guidance for the field and increase consistency in the implementation of mitigation, in particular, identifying, considering, and, as appropriate, requiring, mitigation to address impacts to sensitive, important, or rare resources from public land uses. BLM has also focused on proactive and regional approaches that consider mitigation in the planning process, as well as to encourage the use of mitigation banks, exchanges and similar mechanisms. This has provided more certainty to applicants on the types of mitigation likely to be considered for a project and has helped to streamline the permitting process.

BLM MITIGATION ACTIONS

The BLM has adopted or is in the process of developing the following actions relating to (1) Secretary's Order 3330, dated October 31, 2013, "Improving Mitigation Policies and Practices of the Department of the Interior;" and the associated report dated April 2014, "A Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior;" and (2) the Presidential Memorandum dated November 3, 2015, "Mitigating Impacts on Natural Resources from Development and Encouraging Related Private Investment."

1. **BLM IB No. 2017-015, Availability of Model Compensatory Mitigation MOU** (December 2016). The IB announces the availability of a model memorandum of understanding (MOU) for use by the BLM State Offices when collaborating with state governments regarding state-based compensatory mitigation programs for the Greater Sage-Grouse and its habitat. This model provides language that makes the strongest commitment the BLM can make within our legal constraints to coordinate our project review processes with the states' compensatory mitigation programs. The model MOU can be adapted for other resources and circumstances where state compensatory mitigation programs may assist the BLM in achieving its mission.

since BLM must consult with states, tribes, and other parties to seek to resolve an undertaking's adverse impacts on historic properties, and seek to minimize harm on National Historic Landmarks; and under the Federal Land Policy and Management Act (FLPMA), to prevent unnecessary or undue degradation of public lands.

2. **BLM Mitigation Manual, MS-1794** (December 2016). This manual section and the Mitigation Handbook, H-1794-1 (listed below), were issued under **BLM IM No. 2017-021**. This policy includes principles for mitigation that, “effective mitigation is durable, defined by outcomes, implemented and monitored for effectiveness, considered within an adaptive management framework, reported upon, managed by a responsible party, guided by the best available science, and developed through effective, early, and frequent communication with public land users, cooperating agencies, and other stakeholders, including the public.”
3. **BLM Mitigation Handbook, H-1794-1** (December 2016). Description included above under MS-1794.
4. **BLM New Mexico IM No. NM-F010-2016-004, Bureau of Land Management (BLM) Sensitive Species – Brack’s Cactus Management** (September 7, 2016). This IM is specific to the Farmington District and provides guidance to conserve habitat and protect Brack’s cactus, a BLM Sensitive Species and a species included on the State of New Mexico list of endangered plant species, from ground-disturbing projects by (1) requiring surveys to identify Brack’s cactus locations; and (2) implementing management guidance to mitigate impacts to Brack’s cactus by avoiding and minimizing impacts, and then compensating for impacts that cannot be avoided.
5. **BLM California IM No. CA-2015-009, Renewal of IM Implementing Provisions within the Consolidated Appropriations Act, 2012 (Public Law 112-74) Related to Livestock Grazing Authorizations in the California Desert Conservation Area** (December 17, 2014). This IM reiterates and provides direction on implementing the livestock grazing provisions in P.L. 112-74, which states that BLM shall accept the donation of valid existing grazing allotments and make the land available for mitigation by allocating the forage to wildlife use consistent with any applicable Habitat Conservation Plan, Endangered Species Act section 10 permit, or biological opinion.
6. **Multi-Scale Guidance for Identifying Shared Visual Resources and Mitigation Adverse Impacts through a Collective and Collaborative Process** (in progress). The National Park Service and the BLM are co-leading an interagency group to advance a coordinated effort to encourage thoughtful management of shared scenic resources, which encompass both natural and cultural settings. As part of its effort, the team developed the visual resources guidance called for under #15 of the “Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior.” The guidance underwent solicitor review but has not been finalized. The NPS and BLM agreed to wait for the new Administration to finalize the guidance. The draft guidance does not place requirements on agencies instead it encourages them to work cooperatively with states, industry, private property owners and stakeholders to identify important scenic views and visual resources and to forge a collective management strategy for their stewardship into the future, while resolving potential conflicts early in the decision making processes.

In addition to these specific policies, BLM has developed or is in the process of developing regional mitigation strategies in several areas to provide a clear path forward for potential mitigation actions; examples include the Solar Energy Zones, sagebrush-steppe and Greater

Sage-Grouse habitat, and the National Petroleum Reserve – Alaska. BLM has also signed memoranda of understanding with Nevada, Wyoming, and Colorado to consider use of the state mitigation tool (bank, exchange or other mechanism) when evaluating compensatory mitigation for projects with similar discussions underway in other states. In addition, the Greater Sage Grouse Task Force requested a team of state and federal agencies, including BLM, discuss the implementation of mitigation requirements contained in the sage-grouse plans. The team produced the “Report to the Sage-Grouse Task Force: Greater Sage-Grouse Compensatory Mitigation (December 2016)” which identifies key principles and approaches to mitigation commonly agreed to by the state and federal agencies and provides an overview of each state’s approach to compensatory mitigation.

Prior to issuance of Secretarial Order 3330 and the 2015 Presidential Memorandum, the BLM took the following actions of note related to mitigation.

1. **BLM IM No. 2013-142, Interim Policy, Draft Regional Mitigation Manual Section (MS-1794)** (June 2013). This interim policy directed resource programs to move from case-by-case application of mitigation to a regional approach that involves anticipating future mitigation needs and strategically identifies mitigation sites and measures that can help the BLM achieve its resource objectives while improving permitting efficiencies and providing greater certainty to permit applicants, partners, stakeholders, and the public. The 2013 interim policy covered all resource programs and was the precursor to the current Mitigation Policy.
2. **BLM Arizona IM No. AZ-2012-031, Desert Tortoise Conservation Agreement Implementation** (June 2012). This IM articulates mitigation policy, including off-site compensation for the desert tortoise and its habitat on public lands managed by the BLM in Arizona, in a consistent manner between the District and Field Offices.
3. **BLM Special Status Species Manual (M 6840)** (December 2008). This Manual identifies and interprets BLM’s responsibilities under the Endangered Species Act and mentions off-site compensatory mitigation as a means to further the conservation of federally listed species.
4. **BLM IM No. 2009-011, Assessment and Mitigation of Potential Impacts to Paleontological Resources** (October 10, 2008). The IM provides guidelines for assessing potential impacts to paleontological resources in order to determine mitigation steps for federal actions on public lands under the Federal Land Policy and Management Act and the National Environmental Policy Act. These guidelines also apply where a federal action impacts split-estate lands. It also provides field survey and monitoring procedures to help minimize impacts to paleontological resources determined to be significant that are expected to be adversely affected by a federal action.
5. **BLM IM No. 2008-204, Offsite Mitigation** (September 30, 2008). This instruction memorandum outlines policy for the use of offsite mitigation for authorizations issued by the BLM and replaced IM WO-2005-069 Interim Offsite Compensatory Mitigation for Oil, Gas, Geothermal and Energy Rights-of-way Authorizations (February 1, 2005).
6. **BLM National Environmental Policy Act Handbook, H-1790-1** (January 2008). Consistent with the CEQ regulations at 40 CFR 1508.20, this Handbook defines

mitigation to include avoidance, minimization, and compensation. It also describes how mitigation can be used to reduce the effects of an action below the threshold of significance thereby avoiding the need to prepare an EIS (i.e., to arrive at a “mitigated Finding of No Significant Impact (FONSI)”). It also provides guidance relating to BLM’s description of any effects that remain after mitigation measures have been applied, incorporation of mitigation measures into decision documents, and discussions of monitoring to ensure implementation of adopted measures.

7. **BLM IM No. 2008-050, Migratory Bird Treaty Act – Interim Management Guidance** (December 2007). This Memorandum provides direction to avoid, reduce, or mitigate adverse impacts to the habitats of migratory bird species of conservation concern to the extent feasible, and in a manner consistent with regional or statewide bird conservation priorities.
8. **BLM land use planning regulations, 43 CFR 1610 and Land Use Planning Handbook H-1601-1** (2005). BLM’s land use planning regulations and handbook provide broad guidance on the development of land use plans. The handbook guidance includes the consideration of mitigation measures as appropriate to address resource, social, and economic impacts.
9. **BLM Protecting Cultural Resources Manual (MS-8140)** (December 2004). This Manual provides general guidance for protecting cultural resources from inadvertent adverse effects associated with BLM land use decisions, pursuant to the National Historic Preservation Act, the National Environmental Policy Act, Executive Order 11593, and the National Programmatic Agreement regarding the manner in which the BLM will meet its responsibilities under the National Historic Preservation Act.
10. **BLM hardrock mining regulations, 43 CFR 3809**. Among the general performance standards for surface management within a mining plan of operations is the requirement to “take mitigation measures specified by BLM to protect public lands” (43 CFR 3809.420(a)(4)).
11. **BLM FLPMA right of way regulations, 43 CFR 2800**. These regulations require holders to “restore, revegetate, and curtail erosion or conduct any other rehabilitation measures BLM determines necessary” including conditioning agreements on compensatory mitigation, 43 CFR 2805.12(i).
12. **BLM easement regulations, 43 CFR 2920**. These regulations “direct BLM to include terms and conditions that . . . “minimize damage” and “require the use to be located in an area which shall cause least damage to the environment” (43 CFR 2920.7(b)).

CLIMATE CHANGE

For many years, the BLM has considered climate change, its effects on public lands and public land users, and how BLM decisions contribute to climate change, primarily through NEPA analyses for land use planning and project authorizations. BLM began working on formal climate change policy in 2008 through issuance of an Instruction Memorandum (IM), transmitting draft guidance [for state and field office comments](#) on incorporating climate change into land use planning and NEPA documents. In 2010, the CEQ released a document entitled “Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emission” for review by the public and agencies. The CEQ issued revised draft guidance in December of 2014

for review and comment. Final CEQ guidance was issued in August of 2016.

BLM CLIMATE CHANGE ACTIONS

The BLM has adopted or is in the process of developing the following list of actions relating to the guidance identified in Secretarial Order 3349 and the 2016 CEQ's "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews."

1. **BLM Permanent IM No. 2017-003, The Council on Environmental Quality Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews** (December 2016). The IM transmits CEQ guidance on considering climate change in NEPA analysis. It also provides specific step-down guidance for how to calculate the "downstream" or indirect greenhouse gas emissions associated with fossil fuel actions (coal, oil, and gas), when production estimates are reasonably foreseeable.
2. **BLM IM, Considering Climate Change in NEPA Documents** (never issued). This draft policy was intended to provide BLM-specific step-down guidance based on CEQ guidance and Department of the Interior Office of Environmental Policy and Compliance (OEPC) guidance on considering climate change in NEPA analysis. Topics included land use and carbon sequestration, biogenic emissions associated with prescribed- and wild-fire, and the social cost of carbon.

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1. **Tool: BLM Emissions Inventory Toolkit.** The BLM Washington Office is developing an Emissions Inventory Toolkit, scheduled for completion in September 2017, which would consolidate and enhance existing emissions inventory tools. The Emissions Inventory Toolkit would be a web-based application for calculating emissions from criteria pollutants, hazardous air pollutants and greenhouse gases. It would store emissions inventories from various projects to assess cumulative emissions, and would include a modeling component for near-field impacts analysis. The toolkit would include a library to store documents and reports. The toolkit would be useful in streamlining air analyses for NEPA and General Conformity requirements and showing whether air quality standards or management goals would be met.
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permittees to adapt their operations to be more resilient to wildland fire and drought.

NEXT STEPS

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When the Deputy Secretary informs the Assistant Secretary for Land and Minerals, in accordance with Section 5(a)(ii) of the SO 3349, about how to proceed in modifying the BLM's mitigation policy~~If the BLM is asked to reconsider or modify its mitigation policy,~~ the BLM requests that clarification be provided on what elements of the “mitigation hierarchy” (which variously encompasses avoid, minimize, rectify (repair, rehabilitate, restore), reduce, eliminate, compensate) should be reconsidered. The BLM also requests clarification on-and- whether specific past decisions should be reconsidered. In general, BLM believes the primary mitigation-related issues of concern relate to compensation. Therefore, the BLM-and recommends that reconsideration of its mitigation policies focus on its approach to compensation in ongoing or future land use plans and ~~ongoing or future~~ projects, such as which resources should be compensated for and what standard(s) should be applied when compensatory mitigation is appropriate (e.g., no net loss, net conservation gain).

When the Deputy Secretary informs the Assistant Secretary for Land and Minerals, in accordance with Section 5(b)(ii) of the SO 3349, about how to proceed in modifying the BLM's climate change policy~~If the BLM is asked to reconsider or modify its climate change policy,~~ the BLM requests that clarification be provided on whether reconsideration should focus on analyzing the impacts of BLM's land use authorizations on climate change (e.g., greenhouse gases) or should also include reconsideration of BLM's adaptation actions (e.g., drought, invasive species, fire and other changes that may be related to climate change). In general, BLM believes there is broad public support for BLM's adaptation related actions and recommends that reconsideration focus on policy related to ~~consideration of~~ greenhouse gases, such as evaluation of downstream effects.

Based on feedback from the Deputy Secretary to the Assistant Secretary, the BLM will, in accordance with Section 5(a)(iii) and 5(b)(iii), determine which mitigation or climate policies cause an unnecessary burden to domestic energy development and provide a draft revised or substitute action for review.

From: Stewart, Shannon
To: [mike nedd](#); [Kathleen Benedetto](#); [Jerome Perez](#)
Cc: [Timothy Spisak](#); [Shelley McGinnis](#); [Lonny Bagley](#)
Subject: Report on SO 3349, Sections 5(c)(i), (ii), and (v)
Date: Tuesday, April 11, 2017 4:11:06 PM
Attachments: [Briefing Memo_2017_0411_revised.docx](#)

Attached is the second report on SO 3349 prepared by WO-300 which is due to ASLM on Wednesday 4/12. The SOLs are reviewing concurrent with WO-100.

Shannon

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

DATE: April 11, 2017

FROM: Michael D. Nedd, Acting Director – Bureau of Land Management

SUBJECT: Implementation of Secretarial Order 3349, Sections 5(c)(i), (ii), and (v)

BACKGROUND

Secretarial Order (S.O.) 3349, which was signed on March 29, 2017, implements the review of agency actions directed by an Executive Order signed by the President on March 28, 2017, entitled “Promoting Energy Independence and Economic Growth” (March 28, 2017 E.O.). It also directs a reexamination of the mitigation policies and practices across the Department of the Interior (DOI) in order to better balance conservation strategies and policies with the need for creating jobs.

DISCUSSION

This memorandum responds to sections 5(c)(i), 5(c)(ii), and 5(c)(v) of S.O. 3349. Section 5(c)(i) states that the Bureau of Land Management (BLM) shall proceed expeditiously with proposing to rescind the final rule entitled, “Oil and Gas; Hydraulic Fracturing on Federal and Indian Lands,” 80 *Fed. Reg.* 16128 (Mar. 26, 2015). The BLM is proceeding with proposing to rescind the final rule in coordination with the DOI Solicitor’s Office.

Section 5(c)(ii) states that within 21 days, the BLM shall review the final rule entitled, “Waste Prevention, Production Subject to Royalties, and Resource Conservation,” 81 *Fed. Reg.* 83008 (January 17, 2017), and report to the Assistant Secretary – Land and Minerals Management on whether the rule is fully consistent with the policy set forth in Section 1 of the March 28, 2017 E.O. The BLM has reviewed the final rule and determined that it is not fully consistent with the policy in Section 1 March 28, 2017 E.O. Specifically, some provisions of the rule add regulatory burdens that unnecessarily encumber energy production, constrain economic growth, and prevent job creation. Therefore, the BLM plans to modify the rule accordingly under the Administrative Procedures Act.

Section 5(c)(v) of S.O. 3349 states that within 21 days, each bureau and office head shall provide to the Deputy Secretary, through their Assistant Secretary, a report that identifies all existing Department Actions issued by their bureau or office that potentially burden the development or utilization of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear resources. The term burden as defined in the March 28, 2017 E.O. means to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources. In addition to the Hydraulic Fracturing and Waste Prevention Rules, following is a preliminary list of the Actions that have been identified by the BLM that have the highest potential to burden the development or utilization of BLM energy resources. These are in addition to the items that were identified by the BLM in a separate memorandum responding to sections 5(a)(i) and 5(b)(i) of S.O. 3349, regarding “actions” the BLM has adopted or is in the processes of developing with respect to certain memoranda and orders related to mitigation and climate change.

Fluid Minerals

Title: Instruction Memorandum (IM) 2010-117, Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews

Date: 5/17/2010

Purpose: Establishes a process for ensuring orderly, effective, timely, and environmentally responsible leasing of oil and gas resources on Federal lands. The leasing process established in this IM will create more certainty and predictability, protect multiple-use values when the BLM makes leasing decisions, and provide for consideration of natural and cultural resources as well as meaningful public involvement.

Title: IM 2013-101, Oil and Gas Leasing Reform – Master Leasing Plans

Date: 4/15/2013

Purpose: Supplements existing BLM policy and guidance for processing Applications for Permit to Drill and outlines the regulatory and statutory requirements of Onshore Oil and Gas Order Number 1 (Order 1) and the Energy Policy Act of 2005.

Title: IM 2013-177, National Environmental Policy Act (NEPA) Compliance for Oil and Gas Lease Reinstatement Petitions

Date: 8/13/2013

Purpose: Directs all oil and gas leasing offices to: 1) ensure Resource Management Plan conformance; 2) evaluate the adequacy of existing NEPA analysis and documentation; and 3) complete any necessary new or supplemental NEPA analysis and documentation before approving a Class I or Class II oil and gas lease reinstatement petition.

Title: IM 2016-140, Implementation of Greater Sage-Grouse Resource Management Plan Revisions or Amendments – Oil & Gas Leasing and Development Sequential Prioritization

Date: 9/1/2016

Purpose: Provides guidance on prioritizing implementation decisions for BLM oil and gas leasing and development, to be consistent with the Approved Resource Management Plan Amendments for the Rocky Mountain and Great Basin Greater Sage-Grouse Regions and nine Approved Resource Management Plans in the Rocky Mountain Greater Sage-Grouse Region (collectively referred to as the GRSG Plans). This IM applies to activities in the areas covered by both the Rocky Mountain and Great Basin Regions Records of Decision, issued by the BLM in September 2015. This IM also contains reporting requirements for communication between State Offices and the Washington Office.

Title: Onshore Orders Nos. 3, 4 and 5

Date: All three final rules were published in the *Federal Register* on 11/17/2016, and became effective on 1/17/2017

Purpose: “Onshore Orders” is shorthand for the three concurrent rulemakings that replaced the BLM’s site security, oil measurement, and gas measurement regulations contained in Onshore Oil and Gas Orders Nos. 3, 4 and 5, which had been in place since 1989. The recent rulemakings resulted in new site security, oil measurement, and gas measurement regulations for Onshore Federal and Indian oil and gas production and are codified in the Code of Federal Regulations at 43 C.F.R. part 3170. These rulemakings were prompted by external and internal oversight

reviews which found many of the BLM's production measurement and accountability policies to be outdated and inconsistently applied. The new rules also address some of the Government Accountability Office concerns for High Risk with regards to the Department's production accountability.

Solid Minerals

Title: IM 2014-156, Supplemental Guidance on Processing Royalty Rate Reduction Applications

Date: 9/26/2014

Purpose: Provides State Directors notice that they must provide the Washington Office (WO) a royalty rate reduction (RRR) justification with a copy of their draft decision when requesting WO concurrence. A checklist is attached to ensure that all required RRR application elements are included. Further, this IM augments and reiterates the existing policy for processing RRR applications.

Title: IM 2017-034, Information and Consent Considerations When a Qualified Exchange Proponent Selects Federal Coal in a Split Estate Tract for Exchange

Date: 1/19/2017

Purpose: Provides the BLM Authorized Officer (AO) with guidance for identifying Federal coal tracts in split estate lands that are suitable for consideration for disposition through exchange for privately owned coal deposits. Specifically, this IM provides the BLM AO with guidance about how best to take into consideration the information and consent from a private surface owner that the qualified exchange proponent [1] may provide to the BLM when the BLM is determining if the Federal coal estate in a split estate [2] tract is appropriate for exchange.

Title: IM 2017-035, Publicly Accessible Bureau of Land Management Websites for Information Regarding Federal Coal Program Leasing, Exploration Licensing, and Royalty Rate Reductions

Date: 1/19/2017

Purpose: Improves transparency in administering the Federal coal program. Responds to stakeholder suggestions for improved access to information on the Federal coal program, and replaces the policy and guidance previously provided in WO-IM-2014-159, *Publicly Accessible Bureau of Land Management Websites for Coal Leasing Information*. This IM directs the BLM offices to post and update specified Federal coal program information on BLM publicly accessible websites, including, as described more fully below: (1) information about Federal coal lease applications and leases, lease modification applications, and lease modifications; (2) information about exploration licensing applications and exploration licenses; (3) information about royalty rate reduction applications; and (4) summary information on the Federal coal program.

Title: IM 2017-037, Waste Mine Methane Policy

Date: 1/20/2017

Purpose: Establishes national policies and processes to foster voluntary activities by operators to capture waste mine methane from underground coal or other solid mineral mines. These policies will allow waste mine methane to be put to productive use, where economical, and reduce environmental impacts, while ensuring continued safe underground mining operations on Federal lands.

Other

Title: IM 2016-140, Process for Assessing, Coordinating, and Implementing Greater Sage-Grouse Land Use Plan Adaptive Management Hard and Soft Triggers

Date: 9/1/2016

Purpose: Directs the implementation of the land use plan adaptive management process to evaluate and apply hard and soft triggers and responses, as detailed in the Greater Sage-Grouse Approved Resource Management Plans and Amendments, Great Basin and Rocky Mountain Greater Sage-Grouse Regional Records of Decision (September 21, 2015).

Title: PIM 2017-003, The Council on Environmental Quality Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews

Date: 1/12/2017

Purpose: Transmits recent Council on Environmental Quality guidance, specifically guidance related to NEPA and climate change.

Title: BLM Land Use Planning Handbook, H-1601-1, Appendix C

Date: 3/11/2017

Purpose: The Handbook provides specific guidance for preparing, amending, revising, maintaining, implementing, monitoring, and evaluating BLM land use plans. Appendix C of the handbook identifies resource-specific guidance for BLM program areas that could restrict or impact energy development. The specific restrictions depend on the individual program's requirements, as identified in the laws, regulations, manuals, handbooks, and instruction memoranda governing each program.

NEXT STEPS

In some cases, the aforementioned Actions include only certain components that are unnecessarily burdensome. In other cases, such as the BLM Land Use Planning Handbook Appendix C, these Actions may include legal requirements. Therefore, the BLM recommends coordination with the DOI Solicitor's Office to discuss modification of these Actions where appropriate, rather than complete rescission.

Calendar tasha_l_robbins@ios doi gov
Who • tasha_l_robbins@ios doi gov - organizer
• virginia_johnson@ios doi gov

Invitation from Google Calendar <<https://www.google.com/calendar/>>
You are receiving this email at the account tasha_l_robbins@ios doi gov because you are subscribed for invitation replies on calendar tasha_l_robbins@ios doi gov
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Forwarding this invitation could allow any recipient to modify your RSVP response [Learn More <https://support.google.com/calendar/answer/37135#forwarding>](https://support.google.com/calendar/answer/37135#forwarding)

From: katharine_macgregor@ios.doi.gov
To: richard_cardinale@ios.doi.gov; ledonglas@blm.gov; kball@blm.gov; jmoran@blm.gov; slord@blm.gov; klacko@blm.gov
Cc: trace_sassier@ios.doi.gov; lthurn@blm.gov
Subject: Invitation: UTE Tribe Outreach Regarding Fracking Rule Litigat on @ Thu Mar 2, 2017 1pm - 2pm (klacko@blm.gov)
Attachments: [Invite.ics](#)

more details > <<https://www.google.com/calendar/event?action=VIEW&cid=bWpznWNwYw0MXBmMTE5ZjN0czRuYmNuNmMga2dhY2trQGJstS5ub3Y&tok=MzEja2F0aGFyaW5lX21hY2dyZWdvcBpb3MuZG9pLmdvdjk2MjY0Yjk1OTFhODI2NzBIN2JkMmY4ZjNINzVhNGQwNjVnNGMwMmQ&ctz=America/Denver&hl=en>>

UTE Tribe Outreach Regarding Fracking Rule Litigation

When Thu Mar 2, 2017 1pm - 2pm Mountain Time

Where Conference Room 6616 (map <<https://maps.google.com/maps?q=Conference+Room+6616+&hl=en>>)

Video call https://plus.google.com/hangouts/_/doi.gov/katharine-macgr?thead=2F0aGFyaW5lX21hY2dyZWdvcBpb3MuZG9pLmdvdg.mjs5cpakt1pf119f3ts4nbcf6

Calendar klacko@blm.gov

Who • katharine_macgregor@ios.doi.gov - organizer

• michael_anderson@ios.doi.gov - creator

• richard_cardinale@ios.doi.gov

• ledonglas@blm.gov

• kball@blm.gov

• jmoran@blm.gov

• slord@blm.gov

• klacko@blm.gov

• trace_sassier@ios.doi.gov - optional

• lthurn@blm.gov - optional

Going? Yes <<https://www.google.com/calendar/event?action=RESPOND&cid=bWpznWNwYw0MXBmMTE5ZjN0czRuYmNuNmMga2dhY2trQGJstS5ub3Y&rst=1&tok=MzEja2F0aGFyaW5lX21hY2dyZWdvcBpb3MuZG9pLmdvdjk2MjY0Yjk1OTFhODI2NzBIN2JkMmY4ZjNINzVhNGQwNjVnNGMwMmQ&ctz=America/Denver&hl=en>>

- Maybe <<https://www.google.com/calendar/event?action=RESPOND&cid=bWpznWNwYw0MXBmMTE5ZjN0czRuYmNuNmMga2dhY2trQGJstS5ub3Y&rst=3&tok=MzEja2F0aGFyaW5lX21hY2dyZWdvcBpb3MuZG9pLmdvdjk2MjY0Yjk1OTFhODI2NzBIN2JkMmY4ZjNINzVhNGQwNjVnNGMwMmQ&ctz=America/Denver&hl=en>>

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Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More <<https://support.google.com/calendar/answer/37135#forwarding>>.

From: katharine_macgregor@ios.doi.gov
To: marshall_cr_tchfield@ios.doi.gov; karen.hawbecker@sol.doi.gov; ryan.sklar@sol.doi.gov; ryan.underwood@bsee.gov; stord@blm.gov; ledouglas@blm.gov; downey_magalanes@ios.doi.gov; mnedd@blm.gov; kllacko@blm.gov; kath.een_benedetto@ios.doi.gov; kbal@blm.gov; richard.mcneer@sol.doi.gov; richard_cardina_s@ios.doi.gov; l.aypoo@blm.gov; jcmoran@blm.gov; james_schneider@ios.doi.gov
Cc: lturn@blm.gov; yackthompson@blm.gov; rjeferson@blm.gov; tracie_lassiter@ios.doi.gov
Subject: Updated Invitation: UTE Tribe Outreach Regarding Fracking Rule Litigation @ Thu Mar 2 2017 4pm - 5pm (Karen.hawbecker@sol.doi.gov)
Attachments: [info.js](#)

This event has been changed.
more details >> https://www.google.com/calendar/e/ent?action=VIEW&eid=8Wp2NWNsYW00XBlmMTESZjN0c2RuYmNuNmMga2FjZWUaGFjYmVja2VjQHNhc5kb2kuZ292&rst=1&tok=MeEja2F0aGFyaW5lX21hY2dyZWdckBpb3MuZG9pLmdmQ2NDAYMmRmZGY2YzhmMTNjMTg5MGE NDE NW12NzJOTYxYjF0YWF&ctz=America/New_York&hl=en

UTE Tribe Outreach Regarding Fracking Rule Litigation
Changed Unfortunately there is now a conflict on Kate's and Rich's calendars with this meeting it will have to be rescheduled.
When Thu Mar 2 2017 pm - 5pm Eastern Time
Where Conference Room 6616 (map <<https://maps.google.com/maps?q=Conference+Room+6616+&hl=en>>)
Video call https://plus.google.com/hangouts/_/doi.gov/katharine-macgr <https://plus.google.com/hangouts/_/doi.gov/katharine-macgr?hl=en&eid=8Wp2NWNsYW00XBlmMTESZjN0c2RuYmNuNmMga2FjZWUaGFjYmVja2VjQHNhc5kb2kuZ292&rst=2&tok=MeEja2F0aGFyaW5lX21hY2dyZWdckBpb3MuZG9pLmdmQ2NDAYMmRmZGY2YzhmMTNjMTg5MGE NDE NW12NzJOTYxYjF0YWF&ctz=America/New_York&hl=en>
Calendar karen.hawbecker@sol.doi.gov
Who > katharine_macgregor@ios.doi.gov - organizer
> michael_anderson@ios.doi.gov - creator
> marshall_cr_tchfield@ios.doi.gov
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> l.aypoo@blm.gov
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> james_schneider@ios.doi.gov
> lturn@blm.gov - optional
> yackthompson@blm.gov - optional
> rjeferson@blm.gov - optional
> tracie_lassiter@ios.doi.gov - optional

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Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More <<https://support.google.com/calendar/answer/37135#forwarding>>.

From: james_cason@ios.doi.gov
To: gareth_rees@ios.doi.gov
Cc: caroline_boulton@ios.doi.gov
Subject: Invitation: Mtg w/Secy Zinke re: Fracking Rule @ Wed Mar 15, 2017 3pm - 3:30pm (gareth_rees@ios.doi.gov)
Attachments: [invite.ics](#)

more details => <https://www.google.com/calendar/event?action=VIEW&eid=bHh2FmMW5sNGFiamtqG5uZGsyYjltb2MgZ2FyZXRoX3JlZXNAaW9zLmRvaS5ub3Y&tok=MjMjamFZlXNlY2Fh25AaW9zLmRvaS5ub3Y5OTA1YWI3N2ZlZjM5NTRkOGZlYjMyNjE5OWNhZDcyZDQyNjE2ZDlm&etz=America/New_York&hl=en>

Mtg w/Secy Zinke re: Fracking Rule
When Wed Mar 15, 2017 3pm - 3:30pm Eastern Time
Where Secy's Immediate Office (map) <<https://maps.google.com/maps?q=Secy%27s+Immediate+Office&hl=en>>
Video call https://plus.google.com/hangouts/_/doi.gov/james-cason <https://plus.google.com/hangouts/_/doi.gov/james-cason?thead=amFZlXNlY2Fh25AaW9zLmRvaS5ub3Y5OTA1YWI3N2ZlZjM5NTRkOGZlYjMyNjE5OWNhZDcyZDQyNjE2ZDlm&etz=America/New_York&hl=en>
Calendar gareth_rees@ios.doi.gov
Who * james_cason@ios.doi.gov - organizer
* caroline_boulton@ios.doi.gov - creator
* gareth_rees@ios.doi.gov
* caroline_boulton@ios.doi.gov - optional

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- Maybe <https://www.google.com/calendar/event?action=RESPOND&eid=bHh2FmMW5sNGFiamtqG5uZGsyYjltb2MgZ2FyZXRoX3JlZXNAaW9zLmRvaS5ub3Y&rst=3&tok=MjMjamFZlXNlY2Fh25AaW9zLmRvaS5ub3Y5OTA1YWI3N2ZlZjM5NTRkOGZlYjMyNjE5OWNhZDcyZDQyNjE2ZDlm&etz=America/New_York&hl=en>
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You are receiving this email at the account gareth_rees@ios.doi.gov because you are subscribed for invitations on calendar gareth_rees@ios.doi.gov.
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