

Department of the Interior Departmental Manual

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Series: Delegation

Part 235: Bureau of Land Management

Chapter 1: General Program Delegation, Director, Bureau of Land Management

Originating Office: Bureau of Land Management

235 DM 1

1.1 Delegation.

A. The Director, Bureau of Land Management, is authorized, except as provided in 200 DM 1, to exercise the program authority of the Assistant Secretary - Land and Minerals Management with respect to the management of the public domain and acquired lands, including all associated functions that relate thereto.

B. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management to execute conveyance of lands for airport purposes pursuant to Section 23(b) of the Airport and Airway Development Act of 1970 (84 Stat. 232; 49 U.S.C., 1723(b)), provided that such conveyances are also approved by the appropriate official of the Office of the Attorney General. In cases where a right of title was vested prior to June 30, 1970, conveyance may be executed pursuant to Section 16 of the Federal Airport Act of May 13, 1946 (60 Stat. 179; 49 U.S.C. 1115).

C. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management to carry out the purposes of the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271, et seq.), and the National Trails System Act, as amended (16 U.S.C. 1241, et seq.), relating to the selection and location of boundaries, property acquisition, development and administration of assigned components of the National Wild and Scenic Rivers System and National Trails System. The Director also is authorized to make studies regarding additions to and evaluations of components of the National Wild and Scenic Rivers System where the majority of the segment flows across Bureau of Land Management administered lands. This authority will be exercised in accordance with the provisions of 710 DM 1.

D. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management regarding the administration of the Lower Colorado River Land Use Plan as described in 613 DM 1.

E. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management for administering the Wild Free-Roaming

Horse and Burro Act (85 Stat. 649; 16 U.S.C. 1331-1340), including the enforcement authority specified in Section 8(b) of the Act.

F. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management under Executive Order 10950, relating to the approval of selections by the State of Alaska of public lands lying north and west of the National Defense Withdrawal Line.

G. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management under the Alaska Native Claims Settlement Act of December 18, 1971 (Public Law 92-203, 85 Stat. 688), as amended, including authority to sign and execute easement agreements between the Department and the Alaska Native Corporations. This authority also includes the authority to waive non-statutory requirements as provided at 43 C.F.R. § 2650.0-8, but may not be further delegated below the Alaska State Director. This authority does not include authority granted to the Assistant Secretary - Indian Affairs under 209 DM 8.

H. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management as provided in Public Law 95-465, 92 Stat. 1279, and as may be provided in future appropriations acts, to make payments, not to exceed the statutory limit, for information or evidence concerning violation of laws administered by the Bureau of Land Management and for miscellaneous and emergency expenses of enforcement activities of the Bureau of Land Management.

I. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management for administering Section 1 and Section 3 of the Payment in Lieu of Taxes Act of October 20, 1976, as amended (90 Stat. 2662, as amended; 31 U.S.C. 6901).

J. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management for Federal lands review on any land, including mineral interests, owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof. This Federal lands review is to determine if any areas are unsuitable for all or certain types of surface coal mining operations pursuant to Section 522(b) and to designate lands unsuitable for noncoal mining pursuant to Section 601 of the Surface Mining Control and Reclamation Act of 1977. The statement of policy published in 43 FR 57662, December 8, 1978, Divisions of Functions and Responsibilities Concerning Management of Federal Coal between the Office of Surface Mining, the U.S. Geological Survey and the Bureau of Land Management, further defines responsibilities in this matter. This delegation includes authority to redelegate the Federal lands review responsibility to other Federal surface management agencies.

K. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management for administering operations on oil and gas, geothermal, and other mineral leases on Federal and Indian lands under the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.); Section 402, Reorganization

Plan No. 3 of 1946 (60 Stat. 1099); the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C. 351-359); the Geothermal Steam Act of 1970 (30 U.S.C. 1001-1025); the Indian Allotted Lands Leasing Act (25 U.S.C. 396); the Tribal Lands Leasing Act (25 U.S.C. 396a); Right of Way Leasing Act of 1930 (30 U.S.C. 301-306); NPR-A leasing authority in the Appropriations Act of 1981 (94 Stat. 2964); Federal Oil and Gas Royalty Management Act of 1982 (96 Stat. 2447); and other authorities under which the Bureau of Land Management issues mineral leases.

L. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management under 43 U.S.C. 31 with respect to the mineral leasing laws for classification and evaluation of Federal lands for leasable minerals and the modification or revocation of such classifications or evaluations.

M. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management under Section 503 of the Natural Gas Policy Act of 1978 (NGPA), Public Law 95-621, to make determinations for natural gas produced on Federal lands and Indian allotted and tribal lands (except for the Osage Reservation, Osage County, Oklahoma). Determinations shall be made in accordance with Section 503(c) and related sections of the NGPA, including the following natural gas categories, subject to application by Federal lease operators: new onshore wells, new onshore reservoirs, new onshore production wells, high-cost natural gas and stripper well natural gas.

N. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management to recommend the classification of public domain lands as power sites valuable for power purposes and the modification or revocation of such classifications.

O. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management under Executive Order 10752 for the execution of all of the powers and functions vested in the President by the Act of February 22, 1935, 49 Stat. 30, entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes,@ as amended (15 U.S.C. 715 et seq.), except those vested in the President by Section 4 of the Act (15 U.S.C. 715c).

P. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada under the Southern Nevada Public Land Management Act of October 19, 1998 (Public Law 105-263), with the exception of the expenditure of amounts deposited in the special account for purposes described in section 4(e)(3)(A)(i-iv) before review and approval by the Secretary of the Interior.

Q. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management under the Helium Act as amended by the Helium Privatization Act of 1996 (50 U.S.C. 167 et seq.) to enter into agreements with private parties for the recovery and disposal of helium on Federal lands; to store, transport and sell crude

helium; and to otherwise manage the Federal Helium Program subject to the limitations in 50 U.S.C. 167.

R. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management to sign Mineral Entry Final Certificates and mineral patents under the Mining Law of 1872. The Director may not redelegate this authority.

S. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management to provide for the orderly disposal of certain Federal lands and to provide for the acquisition of environmentally sensitive land in the State of Nevada, under the Lincoln County Land Act of 2000 as of October 13, 2000 (Public Law 106-298), inclusive of expenditure amounts deposited in the special account for purposes described in section 5(3)(b)(1)(A), (B), (C) and (D) of this Act, without review and approval by the Secretary of the Interior.

T. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management to establish wilderness areas, promote conservation, improve public land, and provide for the high quality development in Lincoln County, Nevada, and for other purposes, under the Lincoln County Conservation, Recreation, and Development Act of 2004 as of November 30, 2004 (Public Law 108-424), inclusive of expenditure amounts deposited in the special account for purposes described in section 103(b)(3)(A), (B), (C), (D), (E) and (F) of this Act, without review and approval by the Secretary of the Interior.

U. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management under the Alaska Land Transfer Acceleration Act (Public Law 108-452, 118 Stat. 3575), including the authority to waive selection filing deadlines under Section 201 of that Act and to sign and execute agreements between the Department and the State of Alaska and the Department and Alaska Native Corporations under sections 106 and 209, respectively.

V. The Director, Bureau of Land Management, may exercise the authority of the Assistant Secretary - Land and Minerals Management to provide for the orderly disposal of certain Federal lands in White Pine County, Nevada, to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in White Pine County, Nevada, and for all other purposes authorized by *Title III, White Pine County Conservation, Recreation, and Development Act of 2006*, of the *Tax Relief and Health Care Act of 2006, Public Law 109-432*, including expenditure of amounts deposited in the special account for purposes described in section 312(3) of that Act, without further review and approval by the Secretary of the Interior.

1.2 **Limitation.** The following authorities are not delegated in the general authorities listed in 235 DM 1.1:

- A. Any act not in accordance with the general policies, procedures, or regulations of the Secretary of the Interior.
- B. Any action to be taken with the approval or concurrence of the President or the head of any department or independent agency of the Federal Government other than:
 - (1) A conveyance of land for airport purposes noted in 235 DM 1.1B above;
 - (2) The authority relating to the approval of selections by the State of Alaska noted in 235 DM 1.1F above; and
 - (3) Any action to terminate a withdrawal taken pursuant to Section 204(l) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713).
- C. The authority to issue, revoke, modify, or extend withdrawals or reservations of public domain lands.
- D. The approval of oil and gas leases on lands within wildlife refuges unless prior authorization is obtained from the Secretary of the Interior.
- E. The appointment of members to the Coos Bay Wagon Road Appraisal Committee.
- F. The issuance of orders pursuant to 43 CFR 2801.1-5(m), requiring discontinuance without liability or expense to the United States of the use of a right-of-way for the purpose granted.
- G. Any functional assignments or delegations of other bureaus or offices of the Department as provided in the regulations, directives, or orders of the Secretary of the Interior.
- H. The authority to enforce the conditions and provisions of the Act of December 19, 1913; 38 Stat. 242, Chapter 4 (Raker Act), for those parts of right-of-way grants within Yosemite National Park.
- I. The authority for royalty and mineral revenue management on oil and gas, geothermal, and other mineral leases (except helium) on Federal and Indian lands, including collection and distribution of receipts.
- J. The authority to approve regional coal leasing schedules and regional coal leasing levels.
- K. The authority in Public Law 105-263, the Southern Nevada Public Land Management Act of 1998, excludes the expenditure of amounts deposited in the special account for purposes described in section 4(e)(3)(A)(i-iv) before review and approval by the Secretary of the Interior.

L. The authority in Public Law 108-452, the Alaska Land Transfer Acceleration Act, to submit reports to Congress as described in section 207 and 601 and to establish the Office of Hearings and Appeals in Alaska as described in section 501.