

Reclamation Manual

Directives and Standards

Subject: Land Withdrawal, Withdrawal Management, and Withdrawal Revocation

Purpose: This Directive and Standard (D&S) provides direction for the management of various aspects of land withdrawals in conjunction with the needs of an authorized Bureau of Reclamation project. This D&S benefits Reclamation by setting basic standards and providing information on current applicable Federal laws, regulations, and policies for land withdrawals, withdrawal management including modifications and extensions, and withdrawal revocations.

Authority: Reclamation Act of June 17, 1902 (Reclamation Act) (32 Stat. 388; 43 USC 416); Act of April 23, 1932 (Pub. L. 72-104, 47 Stat. 136; 43 USC 154); Federal Land Policy and Management Act of 1976 (FLPMA) (Pub. L. 94-579; 90 Stat. 2744; 43 USC 1701); 43 CFR parts 2310 and 2370; Executive Order 10355 of May 26, 1952 (17 FR 4831); and Department of the Interior Departmental Manual (DM), Series 34, *Land Withdrawal Program*, Part 603, Chapter 1 (603 DM 1).

Approving Official: Director, Policy and Administration

Contact: Land Resources Division (84-53000)

1. **Introduction.** Public land managed by the Bureau of Land Management (BLM) has been legislatively and administratively withdrawn to Reclamation since its establishment by the Reclamation Act. These withdrawals were issued to accomplish authorized Reclamation project objectives such as development, construction, maintenance, operation, and protection of the authorized projects. Prior to the enactment of FLPMA, Reclamation withdrawals were made pursuant to the authority contained in the Reclamation Act. A withdrawal from the public land system provides protection for facilities and project uses against nondiscretionary land entries such as location under the general mining laws when mining related activities could jeopardize project facilities or use.
2. **Applicability.** This D&S applies to Reclamation staff responsible for the management of Federal lands withdrawn from the public land system as required for Reclamation project purposes. It addresses the processes Reclamation staff will use to request a withdrawal from BLM, manage existing withdrawals, including requests to modify or to extend an existing withdrawal, or revocation of withdrawals that are no longer required.
3. **Definitions.** For the purposes of this D&S, the following definitions apply.
 - A. **Public Land.** Public land includes only Federal land administered by the BLM. Once land is withdrawn for Reclamation project purposes, it is then referred to as Reclamation withdrawn land.

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- B. **Relinquishment.** A notification to BLM by Reclamation that certain land withdrawn or reserved for its use is no longer needed, or that withholding or segregation of that land is no longer required.
- C. **Revocation.** A revocation is the actual cancellation of a withdrawal by BLM. It is not until the revocation process is finalized by BLM that the accountability and responsibility for the land is accepted by BLM and no longer under Reclamation's jurisdiction.
- D. **Withdrawal.** As defined in FLPMA, withdrawal means withholding an area of Federal land from settlement, sale, location, or entry, under some or all of the general land laws, for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program; or transferring jurisdiction over an area of Federal land, other than "property" governed by the Federal Property and Administrative Services Act (40 USC 472), as amended from one department, bureau, or agency to another department, bureau, or agency.
4. **Responsibility – Regional Director.** It is the responsibility of each regional director to ensure that all land withdrawn for an authorized project purpose is being managed and utilized for that project purpose; and only that land necessary for that project purpose continues to be withdrawn. When land is no longer needed for a project purpose, it is the responsibility of the regional director to initiate the withdrawal revocation process through the appropriate BLM office. All notices of intention to relinquish a withdrawal will be submitted to BLM by the regional director.
5. **Land Withdrawal.**
- A. Reclamation will utilize withdrawal as a method for reserving public land for project purposes only in cases where it is necessary to assume complete management jurisdiction over an area of public land, or where a right-of-way under section 507 of FLPMA will not provide sufficient protection against non-discretionary activities such as locations under the general mining law.
- B. Withdrawal petitions and applications will be made by the regional director pursuant to the rules, regulations, and policies contained in 43 CFR part 2310 and 603 DM 1, and will be filed with the appropriate BLM office as listed at 43 CFR part 1821.
6. **Withdrawal Management.** Withdrawn land will at a minimum be reviewed every 5 years as part of Reclamation's land review process (see Reclamation Manual D&S, *Identification of Unneeded Project Lands*, LND 08-03). Reviews will be conducted for the purpose of determining which withdrawals will be relinquished, modified, or extended. Additionally, requirements to request an extension of a withdrawal with an expiration date are found at 43 CFR 2310.4.

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7. **Withdrawal Revocation.** A notice of intention to relinquishment will be filed by the appropriate regional office with BLM for any Reclamation withdrawn land that is determined to no longer be needed for current or future support of authorized project purposes. The notice of intention to relinquish will be made pursuant to the rules, regulations, and policies contained at 43 CFR part 2370 and 603 DM 1, and will be filed with the appropriate BLM office as listed at 43 CFR part 1821. Reclamation retains accountability and responsibility over the withdrawn land until such time as the withdrawal revocation process is finalized by BLM or the land is otherwise transferred out of Federal ownership (see also Appendix A, Section 5).

8. **Interagency Coordination.** All withdrawal actions require coordination with and processing through the BLM and must conform to the *Interagency Agreement Between the Bureau of Reclamation and the Bureau of Land Management* (Appendix A). Reclamation will consult with any Federal agencies that have management responsibilities on land subject to a Reclamation withdrawal action. Additionally, withdrawal actions within or adjacent to National Forest System boundaries require coordination with the United States Department of Agriculture Forest Service as outlined in the *Master Interagency Agreement Number 86-SIE-004 Between the Bureau of Reclamation, U.S. Department of the Interior, and the Forest Service, U.S. Department of Agriculture, Concerning Water Resource Related Projects of the Bureau of Reclamation Within or Adjacent to National Forest System Land* (Appendix B).