

Withdrawals under Section 204 of FLPMA– What They Do, What They Don't Do

What the proposed FLPMA withdrawal would do:

Through a withdrawal under section 204 of the Federal Land Policy and Management Act (FLPMA) the Secretary of the Interior may close public lands to location and entry under the mining laws, subject to valid existing rights. New mining claims cannot be located within withdrawn areas. The proposed withdrawal covers areas identified in the applicable BLM or US Forest Service land use plans as Sagebrush Focal Areas or “SFAs” in Idaho, Montana, Nevada, Oregon, Utah, and Wyoming. The SFAs have been determined to be the areas most vital to the Greater Sage-Grouse’s persistence as a species. The proposed withdrawal, if approved, would be in effect for a maximum of 20 years. The proposed withdrawal would affect disposal of locatable mineral deposits which include most metallic mineral deposits, industrial minerals and uncommon varieties of stone. The withdrawal would not affect mineral leasing (such as for oil or gas) or mineral material sales. The BLM brochure entitled “[Mining Claims and Sites on Federal Land](#)” offers more information on this topic.

The U.S. Fish and Wildlife Service (FWS) has identified habitat disturbance and fragmentation caused by certain hardrock mining operations as a threat to sage-grouse habitat. As a result, the BLM and US Forest Service land use plans recommend that the Secretary of the Interior exercise her authority under section 204 of FLPMA to safeguard these SFAs, the most important landscapes for Greater Sage-Grouse conservation identified by the FWS, by withdrawing them from location and entry under the mining laws, subject to valid existing rights.

Publication of the Notice of Proposed Withdrawal on September 24, 2015 served to segregate the SFAs for a period of up to two years or when the Secretary makes a decision on the proposed withdrawal, whichever comes first. Segregating the land in this way has the same effect as a withdrawal in that no new mining claims may be located within these areas while the segregation is in effect. The BLM, with the assistance of cooperating agencies, including the Forest Service, is currently conducting studies and environmental analyses to help the Secretary determine if the lands should be withdrawn from location and entry under the mining laws to protect sage-grouse habitat. This process provides the opportunity for the public, tribes, environmental groups, industry, state and local government, as well as other stakeholders to comment on and participate in the evaluation of the environmental consequences of the proposed withdrawal.

How the segregation and proposed withdrawal affects mining claims:

Mining claimants will not be affected by the segregation or proposed withdrawal, if approved, until operations are proposed. Before new operations can be authorized on withdrawn lands, the mining claimant must demonstrate the mining claim contains a discovery of a valuable mineral deposit and is otherwise valid under the mining laws. During the period the lands are segregated, the BLM has the discretion to require a demonstration of mining claim validity before authorizing new operations.

Neither the segregation nor the proposed withdrawal, if approved, would prohibit any other authorized uses on these lands, such as grazing, recreation, OHV use, or development of leasable solid minerals, mineral materials, oil and gas, or geothermal resources.

What the Greater-Sage Grouse land use plan amendments and revisions do:

The recently adopted Greater Sage-Grouse land use plan amendments and revisions (the “plans”) designate the authorized uses in the sage-brush habitat management areas used by the bird. The plans are subject to applicable law, including laws governing oil and gas development, renewable and geothermal energy, rights-of-way, and locatable minerals. While the plans recommended mineral withdrawal in the SFAs, the plans themselves cannot, and do not implement a mineral withdrawal. Land can only be withdrawn from location and entry under the mining laws through the process set forth in section 204 of FLPMA. The determination whether or not to implement a withdrawal is being made through the FLPMA section 204, a process that is underway now. Among other things, the plans also seek to minimize surface disturbance in the SFAs, consistent with applicable laws. Because of their importance to conservation efforts for the bird, SFAs received the highest level of protection offered by the plans. For more detailed information about the Greater Sage-Grouse land use plans, visit www.blm.gov/sagegrouse.