

DEPARTMENTAL MANUAL

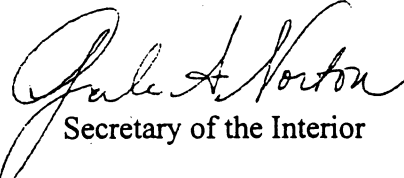


TRANSMITTAL SHEET

PART 209 DM 7 235 DM 1	SUBJECT DELEGATION Assistant Secretary - Land & Minerals Management General Program Delegation, Director, Bureau of Land Management	RELEASE NUMBER 3364 Through 3365 DATE JUN 28 2001
FOR FURTHER INFORMATION, CONTACT Bureau of Land Management		

EXPLANATION OF MATERIAL TRANSMITTED:

This Departmental Manual release revises 209 DM 7 and 235 DM 1 to incorporate the provisions of Secretary's Order No. 3228. The Order delegates to the Assistant Secretary - Land and Minerals Management the Secretary's authority to sign Mineral Entry Final Certificates and mineral patents under the Mining Law of 1872. The authority to sign Mineral Entry Final Certificates and mineral patents under the Mining Law of 1872 is further redelegated to the Director, Bureau of Land Management.


Secretary of the Interior

FILING INSTRUCTIONS:

Remove:

209 DM 7
(1 sheet)

235 DM 1
(3 sheets)

Insert:

209 DM 7
(1 sheet)

235 DM 1
(3 sheets)

Department of the Interior Departmental Manual

Effective Date: 6/28/01

Series: Delegation

Part 209: Secretarial Officers

Chapter 7: Assistant Secretary - Land and Minerals Management

Originating Office: Office of the Assistant Secretary - Land and Minerals Management

209 DM 7

7.1 Delegation. Subject to the limitations in 200 DM 1 and 209 DM 7.1E, the Assistant Secretary - Land and Minerals Management is authorized to exercise all of the authority of the Secretary including, but not limited to:

- A. the authority to issue amendments of and additions to the material in the Code of Federal Regulations.
- B. the authority delegated to the Secretary by Section 204(a) of Public Law 94-579 relating to the withdrawal or reservation of certain lands by the issuance of public land orders.
- C. the administration of the oath of office or any oath required by law in connection with employment.
- D. the authority to approve, approve with conditions, or disapprove initial State regulatory programs under Public Law 95-87.
- E. the authority to sign Mineral Entry Final Certificates and mineral patents under the Mining Law of 1872. The Assistant Secretary may redelegate this authority to the Director, Bureau of Land Management. No other redelegation of this authority by the Assistant Secretary is authorized.

7.2 Authority to Redelegate. Except where redelegation is prohibited by statute, Executive order, or limitations established by other competent authority, the Assistant Secretary - Land and Minerals Management may redelegate general administrative authority and those program authorities specifically related to the functions and responsibilities assigned to the Assistant Secretary - Land and Minerals Management in 109 DM 7. All redelegations of authority made by the Assistant Secretary - Land and Minerals Management will be in the form of a Departmental Manual release issued in strict compliance with the provisions of 200 DM 3. No other form of redelegation is authorized.

6/28/01 #3364

Replaces 12/16/96 #3109

7.3 Deputy Assistant Secretary.

A. In the absence of, and under conditions specified by the Assistant Secretary - Land and Minerals Management, a Deputy Assistant Secretary - Land and Minerals Management may exercise the authority delegated in 209 DM 7.1, excluding 209 DM 7.1B.

B. A Deputy Assistant Secretary may not redelegate the authority conferred by this paragraph 209 DM 7.3.

Department of the Interior Departmental Manual

Effective Date: 6/28/01

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.

6/28/01 #3365
Replaces 5/4/00 #3303

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 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 Act of October 20, 1976, as amended (90 Stat. 2662, as amended; 31 U.S.C. 1601).

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.

1.2 Limitation.

A. The following authorities are not delegated in the general authorities listed in 235 DM 1.1:

(1) Any act not in accordance with the general policies, procedures, or regulations of the Secretary of the Interior.

(2) 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:

(a) A conveyance of land for airport purposes noted in 235 DM 1.1B above;

(b) The authority relating to the approval of selections by the State of Alaska noted in 235 DM 1.1F above, and

(c) 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).

(3) The authority to issue, revoke, modify, or extend withdrawals or reservations of public domain lands.

(4) The approval of oil and gas leases on lands within wildlife refuges unless prior authorization is obtained from the Secretary of the Interior.

(5) The appointment of members to the Coos Bay Wagon Road Appraisal Committee.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) The authority to approve regional coal leasing schedules and regional coal leasing levels.

(11) 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.