

H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

AREAS FOR WHICH BLM HAS LEGAL JURISDICTION BY LAW OR SPECIAL EXPERTISE

CEQ has identified BLM as having either legal jurisdiction by law or special expertise for the following (excerpted from Federal Register, vol. 49, no. 247, 12/21/84):

I. POLLUTION CONTROL

A. AIR QUALITY

- o Effects of air pollution, including smoke from forest fires and prescribed burning on public lands, vegetation and visibility.

B. WATER QUALITY

- o Water quality on public lands:  
permits and leases for facilities to control/reduce water pollution. (43 USC 1732(b) and 1761(a)(1)) 43 CFR Part 2800.

C. WASTE DISPOSAL

- o Effects of solid wastes on public lands:  
sale or lease of land for solid waste disposal sites. 43 USC 859 et seq. (sale-43 CFR Part 2740; lease-43 CFR Part 2912).

D. NOISE

- o Noise effects on public lands; noise abatement; and noise control.

E. RADIATION

- o Effects of radiation on public lands:
  - withdrawal of public lands for deep-burial depositories for radioactive waste. 43 USC 1714 (43 CFR Part 2300, et.seq.)

F. HAZARDOUS SUBSTANCES

- (1) Toxic Explosive, and Flammable Materials
  - o Toxic materials on public lands.
- (2) Food Additives and Contamination of Food
  - o None
- (3) Pesticides
  - o Pesticide use on public lands.

II. ENERGY

A. ELECTRIC POWER (Development, Generation, Transmission, and Use)

- o Power development on public lands:  
Easements/permits for rights-of-way. 30 USC 185 and 43 USC 1701. et.seq. (43 CFR Parts 2800-2887.)  
Exchange of Federal lands to facilitate energy development.  
43 USC 1716 (43 CFR parts 2200-2270.)

H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

- B. OIL AND GAS (Development, Extraction, Refining, Transport and Use)
  - o Oil and gas development on public lands:
    - Leases for oil and gas deposits;
      - (a) Public domain lands. 30 USC 181 et.seq; 43 CFR Parts 3100, et seq., and 3160
      - (b) -Acquired lands. 30 USC 357-359; 43 CFR Parts 3100, et seq., and 3160
      - (c) In and under railroad and other rights-of-way acquired under laws of the United States. 30 USC 301-306; 43 CFR Part 3100
    - Leases and land exchanges for oil shale, native asphalt, soil and semisolid bitumen and bituminous rock. For leases - 30 USC 241; (43 CFR Part 3500; for exchanges - 43 USC 1716; 43 CFR Parts 2200-2270
    - Easements/permits for oil and gas pipeline rights-of-way. 30 USC 185 and 43 USC 1701, et.seq.; 43 CFR Parts 2800-2887
    - Easements/leases/permits for use, occupancy and development of public lands. 43 USC 1732; 43 CFR Subchapters 2000 and 3000
    - Disposal of government royalty oil (non-OCS oil). 30 USC 189, 192, and 359; 30 CFR Part 208
    - Exchange of non-OCS Federal lands with oil and gas deposits. 43 USC 1716; 43 CFR Parts 2200-2207
- C. COAL (Development, Mining, Conversion, Processing, Transport and Use)
  - o Coal development on public lands:
    - Exploration licenses for coal deposits on unleased lands. 30 USC 181 and 201(b); 43 CFR Part 3400
    - Leases/permits for recovery of coal deposits. 30 USC 181, et seq., 201b and 202a, 43 USC 1701, et seq.; 43 CFR Parts 3400 and 3480
    - Easements/lease/permits for use, occupancy and development of public lands. 43 USC 1732; 43 CFR Subchapters 2000 and 3000
    - Permits to mine coal for domestic needs. 30 USC 208; 43 CFR Part 3440.
    - Easements/permits for rights-of-way. 30 USC 185 and 43 USC 1701, et seq.; 43 CFR Parts 2800-2887
    - Exchange of Federal lands with coal or uranium deposits. 43 USC 1716; 43 CFR Parts 2200-2270

## H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

- D. URANIUM (Exploration, Mining, Transport and Use)
- o Uranium on public lands:
    - Exchange of Federal lands with coal or uranium deposits. 43 USC 1716; 43 CFR Parts 2200-2270
    - Leases for uranium exploration and mining. 30 USC 181, 351-359 and 1201, et seq.; 43 CFR Parts 3500-3800
    - Approval of plan of operations in connection with uranium leases. 30 USC 22, et seq., 30 USC 181, et seq., and 43 USC 1701, et seq.; 43 CFR Parts 3570 and 3802
    - Easements/leases/permits for use, occupancy and development of public lands. 43 USC 1732; 43 CFR Subchapters 2000 and 3000
      - Exploration licenses to explore for uranium and other leasable minerals on unleased lands. 30 USC 181, et seq., and 201(b); 43 CFR Parts 3400 and 3480
    - Leases, permits and licenses for mining in Wild and Scenic River System area. 16 USC 1280 (each area has special Federal Regulations)
      - Concurrence for mining use of public lands withdrawn or reserved for power development or for a power site. 30 USC 621; 43 CFR Part 3730
      - Easements/permits for rights-of-way. 30 USC 185 and re USC 1701, et seq.; 43 CFR Parts 2800-2900
- E. GEOTHERMAL RESOURCES (Development, Transmission and Use)
- o Geothermal development on public lands:
    - Permits for geothermal resources exploration. 30 USC 1023; 43 CFR Part 3260
    - Leases for geothermal resources recovery. 30 USC 1001-1025; 43 CFR Parts 3200-3250, 3260, and 3280
    - Licenses for geothermal powerplants. 30 USC 1001-1025; 43 CFR Part 3250
      - Easements/leases/permits for use, occupancy and development of public lands. 43 USC 1732; 43 CFR Subchapter 2000 and 3000
    - Easements/permits for rights-of-way. 30 USC 185 and 43 USC 1701, et seq.; 43 CFR Parts 2800-2900
- F. OTHER ENERGY SOURCES-SOLAR, WIND, BIOMASS, etc. (Development and Use)
- o Alternative energy development on public lands:
    - Licenses for synthetic liquid fuel facilities. 30 USC 323
    - Solar energy facility siting. 43 USC 1761
- G. ENERGY CONSERVATION
- o Energy conservation on public lands.

H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

III. LAND USE

A. LAND USE PLANNING, REGULATION, AND DEVELOPMENT

- o Effects of land uses on public lands:  
Jurisdiction responsibilities on Federal lands administered by the Bureau of Land Management. See Part III.B-Federal Land Management.

B. FEDERAL LAND MANAGEMENT

- o Management of Federal lands:
  - Easements/permits for rights-of-way. 43 USC 9 and 1701, et seq.; 43 CFR Parts 2800-2900  
Special land-use permits for habitation, occupation and other purposes. 43 USC 1732(b); 43 CFR Part 2920  
Conditions and standards for off-road vehicle use on BLM lands. 43 USC 1201, E.O. 11644; 43 CFR Part 8340  
Permits for off-road vehicular use special events, i.e., tours and competitions. 43 USC 1701, et seq., and 16 USC 460(1-6a); 43 CFR Part 8372  
Exchange of Federal lands for other property. 43 USC 1716; 43 CFR Parts 2200-2700
  - Leases/transfers of public lands for a public airport. 43 USC 1201 and 49 USC 1115; 43 CFR Part 2640  
Sales/leases of Federal land to State and local agencies and non-profit groups for recreational and public purposes. 43 USC 809, et seq., for sales - 43 CFR Part 2740; for leases - 43 CFR Part 2912)  
Permits for commercial recreational use of public lands. 43 USC 1701, et seq.; 43 CFR Part 8370

C. COASTAL AREAS

- o Public land management in coastal areas.

D. ENVIRONMENTALLY SENSITIVE AREAS (Wilderness Areas, Wild and Scenic Rivers, Floodplains [see Executive Order 119881, Wetlands [see Executive Order 119901, Barrier Islands, Beaches and Dunes, Unstable Soils, Steep Slopes, Aquifer Recharge Areas, Tundra, etc.]>

- o Environmentally sensitive areas on public lands; management of special areas:
  - Leases, permits and licenses for mining in Wild and Scenic Rivers System areas. 16 USC 1280 [each area has special Federal Regulations]
  - Approval of plan of operations for a mining lease in a wilderness study area. 43 USC 1701, et seq., and 1780, 12 USC 1201, et seq.; 43 CFR Part 3800

## H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

Permits for use of a designated "special area" as defined in 43 CFR Part 8372.0-5(g), 43 USC 1701, et seq., 16 USC 460 (1-6a) and 670 (g-n); 43 CFR Part 8370, et seq.

- Restrictions on use of "outstanding natural areas" and "primitive areas." 43 USC 1701, et seq.; 43 CFR Subpart 8352

## E. OUTDOOR RECREATION

o Outdoor recreation on public lands generally, including ORV use and river management:

Leases and sale of Federal land to State and local agencies and non-profit groups for recreational and public purposes. 43 USC 869, et seq.; [for sales - 43 CFR Part 2740; for leases - 43 CFR Part 2912]

Conditions and standards for off-road vehicle use on BLM lands. 43 USC 1201; E.O. 11644; 43 CFR Part 8340

Permits for off-road vehicular use special events, i.e., tours and competitions. 43 USC 1701, et seq., and 16 USC 460 (1-6a); 43 CFR Part 88372

Permits for use of a national trail developed facility and a designated "special area" as defined in 43 CFR Part 8372.0-5(g); 43 USC 1701, et seq., 16 USC 460 (1-6a) and 670 (g-n); 43 CFR Part 8370

Permits for commercial recreation use of public lands. 43 USC 1701, et seq.; 43 CFR Part 8370

## F. COMMUNITY DEVELOPMENT

o Community developments on public lands:

- Leases and sale of Federal land to State and local agencies and non-profit groups for recreational and public purposes. 43 USC 889, et seq., [for sales - 43 CFR Part 2740, for leases - 43 CFR Part 2912]
- Leases/transfers of public lands for a public airport. 49 USC 1115; 43 CFR Part 2640

Exchange of Federal lands for other property. 43 USC 1716; 43 CFR Part 2200-2270

## G. HISTORIC, ARCHITECTURAL, AND ARCHEOLOGICAL RESOURCES

o Cultural resource management on public lands:

Concurrence for issuance and supervision of antiquity permits. 16 USC 432; 43 CFR Part 3; also see 16 USC aa-11; 43 CFR Part 7

H-1790-1 -NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

IV. NATURAL RESOURCE MANAGEMENT

- A. WEATHER MODIFICATION
  - o Effects of weather modification on public lands.
- B. MARINE RESOURCES (None)
- C. WATER RESOURCES DEVELOPMENT AND REGULATION
  - o Effects of water resource developments on public lands:  
Permits, leases, and easements for water control projects.  
43 USC 1732(b) and 1761(a)(1); 43 CFR Part 2800
- D. WATERSHED PROTECTION AND SOIL CONSERVATION
  - o Watershed protection and soil conservation on public lands.
- E. FOREST, RANGE, AND VEGETATIVE RESOURCES (includes Development, Production, Harvest and Transport of these Renewable Resources)
  - o Forest, range and vegetative resources on public lands:  
Permits for use of rangelands. 43 USC 315; 43 CFR Group 4100  
Sale by contract of timber and other forest products. 30 USC 601, et seq., 43 USC 315, 423, and 118(a); 43 CFR Group 5400  
Permits for free use of timber. 16 USC 604, et seq., 30 USC 189, 48 USC 423; 43 CFR Part 5510
    - Management and control of wild free-roaming horse and burros and agreements for their adoption. 16 USC 1331-1340; 43 CFR Group 4700
- F. FISH AND WILDLIFE
  - o Fish and wildlife management on public lands, wild horses and burros, endangered species and raptors, effects on fish and wildlife of power lines and other major projects crossing public lands:
    - Management and disposal of wild free-roaming horse and burros. 16 USC 133-1340; 43 CFR Part 4700
- G. NON-ENERGY MINERAL RESOURCES
  - o Mineral development on public lands
    - Easements/leases/permits for use, occupancy and development of public lands. 43 USC 1732; 43 CFR Subchapters 2000 and 3000
    - ,Exploration licenses for leaseable minerals on unleased land. 30 USC 181, et seq, and 201(b); 43 CFR Parts 3400 and 3480
    - Leases for phosphate, sodium, potassium, etc., exploration and mining. 30 USC 181, et seq.; 43 CFR Group 3500 and Part 3570

H-1790-1 - NATIONAL ENVIRONMENTAL POLICY ACT HANDBOOK

Permits for sand, stone and gravel. 30 USC 601 and 602  
Leases, permits and licenses for mining in Wild and Scenic  
River System areas. 18 USC 1280 (each area has special  
Federal Regulations)

Concurrence for placer mining use of the surface of public  
lands withdrawn or reserved for power development or for a  
power site. 30 USC 621; 43 CFR Part 3780

- Leases and permits for sulfur in Louisiana and New Mexico.  
30 USC 271, et seq.; 43 CFR Group 3500
- Easements/permits for rights-of-way. 30 USC 185 and 43 USC  
1701, et seq.; 43 CFR Parts 2800-2887

H. NATURAL RESOURCE CONSERVATION  
o Conservation on public lands.