



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3373

Subject: Evaluating Public Access in Bureau of Land Management Public Land Disposals and Exchanges

Sec. 1 Purpose. This Order is an enhancement of the Department of the Interior's (Department) efforts to support conservation stewardship; increase outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and encourage the enjoyment of land and waters managed by the Department. This Order emphasizes the core principles of being a good neighbor to all of the Department's neighbors—whether they are Federal, State, county, or local landowners. This Order ensures that recreational public access is an important value now and into the future as the Bureau of Land Management (BLM) makes decisions involving the disposal or exchange of lands. Public access for purposes of this Order should be construed broadly as publicly available access to Federal or State lands. This Order will ensure that by early assessment of proposed BLM disposals, access for hunting, fishing, and other outdoor recreation will be an important consideration and that the accessibility of Federal land and waters managed by the Department is a consideration of any disposal or exchange of land and interests in lands, consistent with applicable law.

Sec. 2 Authorities. This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended; Executive Order 13443, Facilitation of Hunting Heritage and Wildlife Conservation; and the Department's land and resource management authorities, including the following:

- a. Federal Land Policy and Management Act of 1976 (FLPMA), as amended, 43 U.S.C. 1701, et seq;
- b. Land and Water Conservation Fund Act, 16 U.S.C. 4601, et seq; and
- c. Federal Land Transaction Facilitation Act of 2018, (FLTFA) as amended 2018, 43 U.S.C. 2301, et seq.

Sec. 3 Background. The FLPMA directs BLM to identify lands for potential disposal through sale or exchange using a public process with State and county involvement. The BLM has been preparing and revising land use plans and identifying lands suitable for disposal through sale or exchange in its land use plans since FLPMA was enacted in 1976. However, when BLM identifies lands for potential disposal, BLM's criteria do not require it to weigh public-access considerations for outdoor recreation against considerations about a tract's location or other characteristics that otherwise qualify it for disposal under FLPMA's sale or exchange criteria.

Congress passed FLTFA in 2000 and reauthorized it permanently in March 2018. The FLTFA authorizes a program that allows qualifying BLM public land sales to provide funding for high-priority land conservation within or adjacent to Federal lands managed by certain Federal Agencies in the 11 contiguous western States and Alaska. The land sales generate revenue for Federal land acquisitions by BLM, U.S. Forest Service, National Park Service, and U.S. Fish and Wildlife Service, and provide opportunities to increase public access for outdoor recreation, hunting, and fishing; conserving wildlife habitat; protecting water quality; preserving historic and cultural resources; and providing other benefits. The FLTFA promotes consolidation of parcels of public land and advances local community, conservation, and recreation needs. The 2018 reauthorization of FLTFA requires BLM to develop, within 180 days, a database of all lands it has identified for future disposal in an approved land management plan. The tracts of BLM-managed public lands identified in the FLTFA database will only include lands identified for disposal after FLPMA land and resource planning.

Sec. 4 Policy. The BLM will amend its Land Use Planning Handbook and other guidance it deems appropriate and develop new guidance, if necessary, within 45 days of this Order to ensure that when identifying BLM-managed public lands available for disposal or exchange the increase or decrease of public access for outdoor recreation – including hunting and fishing – will be one of the factors considered in determining the appropriateness of the disposal or exchange. Public access opportunities provided by the tract of BLM-managed public land will be evaluated along with the tract’s location or other characteristics, such as providing rangeland for grazing, that may otherwise make the tract suitable for disposal or exchange through any method.

a. The BLM will appoint a lead to identify priority recreational access opportunities in all ongoing resource management plan (RMP) revisions to ensure that recreational access is evaluated as follows:

(1) If a tract of BLM-managed public land is contiguous to public lands managed by another Federal or State department or agency, during BLM’s land use planning process, BLM will consult with the other land management agency to coordinate how best to ensure continued or improved public access to the tract. Recommendations resulting from this consultation will be evaluated for incorporation into BLM’s land tenure decisions for that tract of BLM-managed public land in the RMP.

(2) The BLM will evaluate the benefits of recreational access when considering future disposals or exchanges and will work to identify alternatives to the public access that would be lost through the disposal or exchange, by appropriately considering an associated acquisition with a recreational access component, as authorized by section 205 of the FLPMA (43 U.S.C. 1715), section 206(c)(3)(B) of FLTFA (as reauthorized, 43 U.S.C. 2305(c)(3)(B)), or any other acquisition authority that may be available.

(3) When a tract of BLM-managed public land being considered for disposal or exchange has public access, whether by road, trail, water, easement, or right-of-way, the public access will be characterized for evaluation purposes as one of the public value criteria that makes the tract suitable for retention.

(4) The BLM will ensure recreational public access to existing public lands is a factor when evaluating parcels for potential land acquisition resulting from an exchange.

b. When BLM is preparing documentation supporting the disposal or exchange of a tract of land, it will include a discussion of the following in any decision document:

(1) Existing recreational access that is utilized by the public or provided by road, trail, water, easement, or right-of-way, on the tract of BLM-managed public land being considered for disposal or exchange;

(2) The anticipated impacts from the BLM-managed public land disposal or exchange decisions on recreational access to adjacent tracts of publicly accessible lands, including lands managed by other Federal, State, and county agencies; and

(3) Potential increased public recreational access to existing public lands resulting from the proposed land acquired through an exchange.

Sec. 5 Implementation. The Director of BLM will designate an individual to coordinate all activities related to implementation of this Order. The BLM is directed to immediately begin implementing section 4 of this Order by identifying land management plans that are under revision and by ensuring that all future land tenure actions address the items identified in section 4(a).

Sec. 6 Effect of the Order. This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to and do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 Expiration Date. This Order is effective immediately. It will remain in effect until its provisions are amended, superseded, or revoked, whichever occurs first.



Acting Secretary of the Interior

Date: **MAR 21 2019**