

BUREAU OF LAND MANAGEMENT

As shown by the following list of authorities, the Bureau of Land Management (BLM) has opportunities to implement a variety of partnerships. Also the list of [Department-level authorities](#) may be consulted. The Solicitor's Office can help BLM determine the most appropriate way to use this list of statutory authorities to accomplish BLM's partnership goals. Consultation with the Solicitor's Office early in the initial partnership planning and discussion stages will help facilitate effective, and legally supportable, achievement of those goals.

A. AUTHORITY TO COOPERATE WITH PARTNERS

1. **Law Enforcement on Public Lands ((43 U.S.C. § 1733(c)(2)):** Section 303 of the Federal Land Policy and Management Act (FLPMA) gives the Secretary authority to authorize Federal personnel or appropriate local officials to carry out her law enforcement responsibilities with respect to public lands and their resources.
2. **State Regulatory and Law Enforcement Officials (43 U.S.C. § 1733(d)):** Section 303(d) of the FLPMA authorizes the Secretary to cooperate with the regulatory and law enforcement officials of any State or political subdivision of a State in connection with administration and regulation of the use and occupancy of public lands.
3. **Investigations, Studies and Experiments (43 U.S.C. § 1737(a)):** Section 307(a) of FLPMA authorizes the Secretary to cooperate "with others" in conducting investigations, studies, and experiments involving the protection, development, acquisition, and the conveying of public lands.
4. **Experimental Stewardship Program (ESP) for Grazing Permittees and Lessees (43 U.S.C. § 1908):** The Public Rangelands Improvement Act directs the Secretaries of the Interior and Agriculture to develop an ESP that provides incentives to, or rewards for, the holders of grazing permits and leases whose stewardship results in an improvement of the range condition of lands under permit or lease. Each Secretary may offer "incentives as he may deem appropriate" for permittee / lessee participation in the ESP. § 1908(3). Such incentives include, but are not limited to, a grazing fee credit of up to 50 percent in return for labor or equipment that the permittee or lessee may provide in furtherance of range improvement work. § 1908(2).
5. **Fire Protection (42 U.S.C. § 1856):** Section 2 of the Reciprocal Fire Protection Agreements Act authorizes the head of any agency, which provides fire protection to property of the United States, to sign cooperative agreements with nearby fire protection agencies for mutual aid and support. Other authority that can be used for fire-protection purposes is described below under "Stewardship Contracting."

6. **Stewardship Contracting for Tree Thinning and Other Services (16 U.S.C.A. § 2104 note):** Legislation that was enacted in 2003 includes BLM in a stewardship contracting program that originated in 1999 with the Forest Service. The legislation authorizes individuals or public and private entities to enter into stewardship contracts with BLM to remove trees from federal lands, and sell them, in return for performing services that reduce fire hazards or achieve other land management goals. This authority is effective through September 30, 2013.

B. AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS

1. **Watershed Restoration and Enhancement (16 U.S.C. § 1011(a)):** The Wyden Amendment authorizes BLM to use appropriated funds to enter into and implement cooperative agreements with public and private entities to restore and enhance watersheds, including those outside public lands if appropriate criteria are met. 16 U.S.C. § 1011(a), as modified by the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999, Pub. L. No. 105-277, Div. A, Title I, § 136, 112 Stat. 2681-266 (Oct. 7, 1998).
2. **Management, Protection, Development, and Sale of Public Lands (43 U.S.C. § 1737(b)):** Subject to the provisions of applicable law, Section 307(b) of FLPMA authorizes the Secretary to enter into contracts and cooperative agreements involving the management, protection, development, and sale of public lands.
3. **Fire Protection (42 U.S.C. § 1856):** Section 2 of the Reciprocal Fire Protection Agreements Act authorizes the head of any agency, which provides fire protection to property of the United States, to sign cooperative agreements with nearby fire protection agencies for mutual aid and support.
4. **Range Improvements (43 U.S.C. § 315c):** Section 4 of the Taylor Grazing Act authorizes the Secretary to enter into cooperative agreements, or grant permits, for the construction of fences, wells, reservoirs, or other improvements necessary to the care and management of livestock that are permitted to graze on public lands managed by BLM.
5. **Challenge Cost-Share Authority (31 U.S.C. § 6305 note):** BLM implements a challenge cost-share program that enables BLM to provide payments to public and private agencies, organizations, institutions, and individuals who provide cash, materials, or in-kind work in furtherance of a public purpose. Activities of partners under this program include resource monitoring, habitat improvement, and enhancement of recreational experiences.
6. **Agreements Regarding Subsistence Management and Use of Public Lands in Alaska (31 U.S.C. § 3119):** The Alaska National Interest Lands Conservation Act authorizes the Secretary to enter into cooperative agreements and otherwise cooperate with other federal agencies, the State, native corporations, and other appropriate

persons and organizations to effectuate the purpose and policies of subsistence management and use of public lands in Alaska.

C. AUTHORITY TO ACCEPT GIFTS, DONATIONS AND VOLUNTEER SERVICES

- 1. Contributions 43 U.S.C. § 1737(c):** Section 307(c) of FLPMA authorizes the Secretary to accept contributions or donations of money, services, and property for the management, protection, development, acquisition, and conveying of public lands.
- 2. Tax Deductions for Conservation Easements (26 U.S.C. 170):** The U.S. Tax Code allows taxpayers to take a deduction for a “qualified property interest” contributed to a charitable organization (including the BLM), exclusively for conservation purposes protected in perpetuity. [26 U.S.C. 170 is not a DOI or bureau specific authority *per se*; rather it authorizes a tax deduction by the donor provided that DOI or a bureau agrees to accept a property donation.]
- 3. Volunteers (43 U.S.C. §1737(d)):** Section 307(d) of FLPMA,, authorizes the Secretary to recruit individual volunteers to assist BLM, “without regard to the civil service classification laws, rules, or regulations.” Volunteers shall not be permitted to perform hazardous duty, law enforcement or policymaking functions, and shall not be deemed employees of the United States except for purposes of the Federal Tort Claims Act and Workers’ Compensation. 43 U.S.C. §1737(e) and (f).

BLM REGIONAL AND SITE-SPECIFIC AUTHORITIES

- 1. King Range (Pub. L. No. 91-476, § 5(8)):** The King Range Act authorizes the Secretary to enter into cooperative arrangements with the State of California, local governmental agencies, and nonprofit organizations as the Secretary deems necessary or desirable concerning the King Range.
- 2. Santa Rosa and San Jacinto Mountains (Pub. L. No. 106-351, § 4(c)):** The Santa Rosa and San Jacinto Mountains National Monument Act of 2000 authorizes the Secretaries of the Interior and Agriculture to enter into cooperative agreements and shared management arrangements with any person to manage, interpret, research, and to provide education regarding the resources of the National Monument. In addition, section 7 authorizes the Secretaries to jointly establish an advisory committee to advise the Secretaries in the preparation and implementation of the management plan for the National Monument.
- 3. Authority to Recruit Volunteers for the Carrizo Plain National Monument:** Implementation of the BLM Management Plan for the Carrizo Plain National Monument, which was established by Presidential Proclamation January 17, 2001, is dependent upon the cooperative efforts of the managing partners, Native Americans, the U.S. Fish and Wildlife Service, docents, volunteers and the public.