

# United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, D.C. 20240

ORDER NO. 3222, Amendment No. 5 (*Amended material italicized*)

SIGNATURE DATE: September 30, 2003

**Subject:** Delegation of Authority for Implementing the Military Lands Withdrawal Act of 1999

Sec. 1 **Purpose.** This Order authorizes the Director, Bureau of Land Management, and the Director, U.S. Fish and Wildlife Service to implement specific sections of the Military Lands Withdrawal Act of 1999 pertaining to the Barry M. Goldwater Range, Arizona.

Sec. 2 **Background.** The Military Lands Withdrawal Act of 1999 withdrew over 1.6 million acres of land in Arizona from the Department of the Interior for use by the military. Although the military has primary jurisdiction over use and management of the withdrawn land, DOI must participate in the development of an Integrated Natural Resources Management Plan and a periodic land use public report. If the military fails to adequately manage the natural and cultural resources, DOI may assume management responsibility.

Sec. 3 **Authority.** The authority for this Order is the Military Lands Withdrawal Act of 1999 (Title XXX of P.L. 106-65) (the Act).

Sec. 4 **Delegations.**

a. The Act=s authority delegated to the Secretary by Section 3031(b)(3) pertaining to the Integrated Natural Resources Management Plan; Section 3031(b)(5) pertaining to the public report; and Section 3031(b)(6) pertaining to the intergovernmental executive committee, is delegated through the Assistant Secretary for Fish and Wildlife and Parks to the Director, U.S. Fish and Wildlife Service. Except as provided in Section 5, below, this authority may be further redelegated.

b. The Act=s authority delegated to the Secretary by Section 3031(a)(4) pertaining to termination of the 1986 withdrawal; Section 3031(a)(5) pertaining to changes in use; Section 3031(a)(7) pertaining to a study of lands relinquished; Section 3031(b)(2) pertaining to access restrictions; Section 3031(b)(3)(C) pertaining to the integrated natural resources management plan; and Section 3031(c) through (f) pertaining to management and administration of the withdrawal itself, is delegated through the Assistant Secretary for Land and Minerals Management to the Director, Bureau of Land Management. Except as provided in Section 5, below, this authority may be further redelegated.

c. The Act=s authority delegated to the Secretary by Section 3031(b)(1)(C) pertaining to the transfer of responsibility for the

natural and cultural resources; and Section 3031(b)(7) pertaining to the transfer of management responsibility, is delegated through the Assistant Secretary for Fish and Wildlife and Parks to the Director, U.S. Fish and Wildlife Service and through the Assistant Secretary for Land and Minerals Management to the Director, Bureau of Land Management. Except as provided in Section 5, below, this authority may be further redelegated.

d. Following transfer of management responsibility to DOI under Section 3031(g) of the Act, the Bureau of Land Management manages the natural and cultural resources in accordance with the Integrated Natural Resources Management Plan and under the subsequent management plan developed in accordance with the Federal Land Policy and Management Act.

**Sec. 5 Limitations.** Pursuant to Section 3031(g) of the Act, the following authorities must not be delegated to the Director, Fish and Wildlife Service nor redelegated below the level of the Director, Bureau of Land Management.

a. Decisions to accept transfer, relinquishment, or jurisdiction of lands under this section and to open such lands to operation of the public land laws.

b. Decisions to transfer management responsibility from or to a military department pursuant to subsection (b)(7).

**Sec. 6 Effective Date.** This Order is effective immediately, and will remain in effect until **September 30, 2004**. This Order will become obsolete upon approval of the appropriate Departmental Manual provisions addressing the Act.

/s/ Gale A. Norton  
Secretary of the Interior

SO#3222A5 9/30/03  
Replaces SO#3222A4 1/31/03  
Replaces SO#3222A3 8/30/02  
Replaces SO#3222A2 6/1/02  
Replaces SO#3222A1 12/31/01  
Replaces SO#3222 1/10/01