

**Forest Service Manual
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**Forest Service Manual 1500 – External Relations
Chapter 1530 - Interdepartmental**

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Approved by: F. DALE ROBERTSON, Chief

Date approved:

Responsible Staff:

NEW POSTING NOTICE: This amendment is the first in a new numbering series corresponding to the year in which material was amended. Since this amendment replaces all text except Interim Directives (ID), do not check for the last transmittal received for this title. Replace the entire title text except ID's. Place this transmittal sheet at the front of the title and retain until the first transmittal of the next calendar year is received.

Explanation of changes:

1500 - Please read the new posting notice carefully. These directions apply to this transmittal only. Entire text, except ID's, is replaced. New text corresponds with text located in the National Information Center. The electronic document names are shown above for ease in accessing them from the National Information Center. Direction has not been changed. Some minor typographical and technical errors were corrected. Amendment numbers and dates noted above are listed for historical purposes only. All subsequent amendments will be issued by document.

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1531.1 - Bureau of Land Management

1531.11 - Protection

1531.11a - Memorandum of Understanding on Wild Free-Roaming Horses and Burros

86-SIE-005

INTERAGENCY AGREEMENT
BETWEEN
BUREAU OF LAND MANAGEMENT
AND
FOREST SERVICE
REGARDING WILD HORSES AND BURROS

This agreement is made and entered into by and between the Bureau of Land Management (BLM), U.S. Department of the Interior, and the Forest Service (FS), U.S. Department of Agriculture, under the provision of the Act of October 25, 1978 (43 U.S.C. 1901) and the Act of June 30, 1978 (16 U.S.C. 1600).

The Wild Free-Roaming Horse and Burro Act, Public Law 92-195, charges the Secretary of the Interior, through the BLM, and the Secretary of Agriculture, through the FS, with the protection, management, and control of all unbranded and unclaimed horses and burros on public lands administered by the two agencies.

NOW, THEREFORE, the Director, BLM and the Chief, FS hereby agree as follows:

- I. To assure coordination of the wild horse and burro programs on the public lands, one agency will be designated through mutual agreement to lead in development and execution of plans for management, protection and control of wild free-roaming horses and burros for each herd area or territory that includes public lands administered by both agencies.
- II. To assure coordination of the wild horse and burro adoption program, the BLM and FS agree:
 - A. The FS will use the Alpha Angle freeze marking system for identifying excess wild horses and burros using the numbers 975,001 through 999,999 for animals adopted by the FS;
 - B. The FS will accept BLM procedures and forms for all activities related to BLM's disposition of FS animals;

C. The BLM agrees to allow the FS use of the Wild Horse and Burro Information System; and

D. The agencies will coordinate and assist one another in adoption activities in the Eastern States, although the responsibility for the adoption program will rest with the BLM.

III. The Wild Horse and Burro Advisory Board, established to assist and advise the Secretary of the Interior and the Secretary of Agriculture on policy formulation and matters pertaining to the provisions of the Wild Free-Roaming Horse and Burro Act (Public Law 92-195), will:

A. Report to the Secretary of the Interior, through the Director, BLM, and

B. Receive administrative support for its activities from the BLM.

The Chief, Forest Service, will appoint a representative to attend each of the Advisory Board meetings.

IV. In the accomplishment of the wild horse and burro program, each party will render such assistance as may be requested by the other provided that such assistance is within its capabilities and such action will not jeopardize its ability to respond to demands within its own primary jurisdiction. Nothing herein shall be constructed as obligating either party to expend funds or as involving the United States in any obligation for future payment of money in excess of appropriations authorized by law and administratively allocated for this work.

V. State Directors and Regional Foresters may enter into agreements for coordination in furtherance of this interagency agreement.

VI. Either of the parties may terminate this agreement by providing 30 days written notice to the other.

In witness whereof, the parties hereto have executed this agreement as of the last dated signed below.

/s/ R. Max Peterson

Chief
Forest Service

July 25, 1986

Date

/s/ Robert F. Burford

Director
Bureau of Land Management

June 20, 1986

Date

1531.11b - Joint Operation of Smokejumper Resources

85-SIE-005

INTERAGENCY AGREEMENT
Between the
U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT
and
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE
for the
JOINT OPERATION OF SMOKEJUMPER RESOURCES

I. PURPOSE

To establish the interagency guidelines covering present and future operations of smokejumpers to assure efficient and effective use of these resources for the agencies.

II. AUTHORITY

A. Interagency Agreement between the United States Department of the Interior and the United States Department of Agriculture, dated October 1, 1982.

B. Economy Act of June 30, 1932, as amended (31 U.S.C. 1535).

C. Specific authorities of the Forest Service to engage in aviation and fire suppression activities or to cooperate with others in this regard include: 16 U.S.C. 572(c), 578, 579(a), 579(b), 580, 580(a).

D. Specific authorities for the Bureau of Land Management to engage in aviation and fire suppression activities with others include:

Protection Act of 1922, 42 Stat. 857, 16 U.S.C. 594.

Reciprocal Fire Protection Agreement Act of 1955. 69 Stat. 66, 42 U.S.C. 1856(a)(b).

Public Land Administration Act of 1960. 74 Stat. 506, 43 U.S.C. 1361.

Federal Land Policy and Management Act of 1976. 43 U.S.C. 1737-1738.

III. AGREEMENT

Whereas the Forest Service and the Bureau of Land Management have similar purpose and mission requirements, and the need to share smokejumper resources in fire suppression activities and other land management practices, they agree to the following:

A. An annual operating plan will be developed and approved by the agencies' designated representatives prior to December the first annually. This plan must contain exchange arrangements, equipment needed, administrative and operational requirements, and fiscal provisions. This plan becomes a part of this signed agreement.

B. Each agency will, upon request, furnish specific fire suppression cost information for billing to third parties. Billings will be initiated by performing units. Forest Service units will send billing to BLM Denver Service Center, D-515, Building 50, Denver, CO, 80225. BLM units will send billing to appropriate Forest Service Regional Office.

C. Nothing in this agreement shall be construed to limit either party in requesting additional smokejumpers from the other on an emergency basis at any time period. This type fire order is based upon availability at the time of the order. Release of these smokejumpers is based upon the end of the fire emergency and/or request by the supplying agency.

D. This agreement, which establishes interagency smokejumpers operations, becomes effective upon signature by the respective agencies. This agreement may be changed at any time by mutual agreement of the respective agencies except during the period April 1 through September 30 annually.

DEPARTMENT OF THE INTERIOR DEPARTMENT OF AGRICULTURE

/s/ _____
Bureau of Land Management

Date: 4/10/85

/s/ _____
Forest Service

Date: 4/12/85

Annual Operating Plan
Supplement to the
Interagency Smokejumper Agreement
between
Bureau of Land Management (Alaska)
and
U.S.D.A Forest Service
for
FY-1985

1. The Forest will train and furnish the Bureau of Land Management, Alaska Fire Service, 35 experienced smokejumpers from approximately June 9 to July 17. The crew will be composed of one foreman, four squadleaders, and 30 smokejumpers and will be assigned to the Core Base at Fairbanks, Alaska. All 35 must be qualified to use the FS-12 parachute. Additionally, it is desirable that at least one-half of the crew have previous Alaska fire suppression experience and be NIIMS qualified as strike team leader/crew boss or higher.

The dates of assignments may be revised by mutual agreement, based upon the fire situation. Requests for additional smokejumper support (booster crews) will be forwarded through BIFC for completion.

2. BLM will train and furnish the Forest Service 50 experienced smokejumpers from approximately July 15 to September 10, 1985. One foreman, two spotters, one squadleader and 16 smokejumpers will be permanently transferred to the California State Office, with their duty station at the Core Base Redding, California. Two foremen, 2 spotters, 2 squadleaders, and 24 smokejumpers will be placed on temporary duty at the Core Bases at Missoula, Montana and/or McCall, Idaho.

All personnel assigned at Redding must be qualified to use FS-12 and Ram Air parachutes. Of the remaining personnel, assigned at Missoula and McCall, approximately 20 will be Ram Air qualified, and all will be FS-12 qualified.

3. Supplying Forest Service units will furnish individual smokejumper gear, or any additional jumpgear deemed necessary, three main parachutes (FS-12 with container) and one reserve and harness for each person. This equipment is loaned subject to reimbursement for replacements due to loss in connection with assignments. The gear will accompany the arriving and departing crews as much as practical.

The BLM will furnish their personnel with individual jumpgear to include the following:

| <u>Redding CA</u> | <u>McCall, ID</u> | <u>Missoula, MT</u> |
|-----------------------------------|---------------------------------------|-----------------------------------|
| 40 Ram Air (Main's) parachutes | 10 H-4 Harnesses 10 sets jump gear | 40 Ram Air (Main's) parachutes |

20 Ram Air Reserves
20 Ram Air Harnesses
20 FS-12 parachute
20 FS-10R Reserves
20 H-4 Harnesses
20 Sets Jump Gear

40 Ram Air Reserves
40 Ram Air Harnesses
10 FS-12 Main
10 FS-10R Reserves
20 H-4 Harnesses
20 Sets Jump Gear

The Forest Service will provide additional FS-12 main parachutes, FS-10R reserves and personnel protective equipment as necessary to detailed personnel. Equipment loaned by the BLM subject to the same replacement provisions as outlined above.

4. The procedures of the manual of the employing agency will be followed even though the employee may be under the supervision and operational control of another agency. This applies to all administrative procedures including discipline, adverse actions or performance based actions, and grievances. For BLM, the appropriate State Office will administer these actions.

Administrative actions for Forest Service personnel assigned to temporary duty with BLM will be administered through the respective Aviation and Fire Management Directors for those employees participating in the Alaskan detail.

BLM regulations regarding pay administration will apply to all BLM smokejumpers while under operational control of the FS. FS regulations regarding pay administration will apply to FS smokejumpers while controlled by the BLM. Timekeepers will be ordered as needed. This plan establishes the authority for timekeepers to document time and attendance.

Crews will be on per diem status, or subsistence and lodging in lieu of per diem while on temporary duty away from their permanent duty station. Rates will be subject to the standards of the employing agency.

Tour of Duty will be determined by the receiving unit and will be explained to the crews on arrival. Transportation for crews and equipment support will be coordinated through BIFC.

5. Receiving units, USFS and BLM shall provide all travel and subsistence costs of detailed employees (35 USFS, 30 BLM) to and from Alaska and to and from assigned units in the lower 48 states. Operational travel to and from assigned agency bases in Alaska, and agency bases in the lower 48 shall be the responsibility of receiving units.

6. Newly arrived smokejumpers will report to the base manager at the assigned base. Crew indoctrination will be conducted promptly by the base manager.

7. All smokejumper operations will be conducted in accordance with BLM Manual, Alaska Supplement 9460; FS Smokejumper Handbook, 5709.14, and FS Manual 5700

Aviation Management. Any deviations or violations affecting safety are to be reported at once to the BLM State Office, Fire Management Officer, and the FS National Aviation Operations Officer/Regional Director Aviation and Fire Management. Technical smokejumper problems will be handled by direct contact between the crew foreman and the receiving unit base manager.

8. This plan may be amended at any time by mutual consent of both parties.

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

DEPARTMENT OF AGRICULTURE
Forest Service

By: /s/_____

By: /s/_____

Date: 4/10/85

Date: 4/12/85

1531.12 - Management and Utilization

1531.12a - Memorandum of Understanding on Work Procedures Governing Action on Applications or Claims for Lands

57-SIE-001

UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington 25, D.C.

MEMORANDUM OF UNDERSTANDING

Subject: Work Procedures Governing Action on Applications or Claims for Lands
Within National Forests

The Bureau of Land Management, Department of the Interior, and the Forest Service, Department of Agriculture, hereby agree that the procedures set forth below shall be followed with respect to proceedings, applications, entries, or claims which involve lands within national forests, and/or the mineral resources thereof. These procedures are adopted to insure cooperative and orderly action by the Bureau of Land Management and the Forest Service with respect to such proceedings, applications, entries, or claims, consistent with the assigned functional responsibilities of each agency.

A. APPLICATIONS FOR ENTRY OR PATENT

1. Notice to Forest Service of applications filed; action by land office manager.

Upon filing in the appropriate land office of an application for entry of or patent to mineral or nonmineral lands included within a national forest, the manager will immediately forward to the forest supervisor in charge of such forest a copy of the application and of any statement or document required to be filed therewith, together with information as to the date the application was filed, the date of filing of the township plat of survey covering the land, if the application is for mineral patent a copy of the plat of the mineral survey if one has been made.

2. Land office action suspended.

The manager will suspend action on each application referred to the Forest Service pursuant to section 1 for a period of 60 days, or upon the written request of the Forest Service, where climatic or other conditions require, for such time as will enable the Forest Service to make the necessary examination of the lands involved in the claim and prepare for a contest if such action is desirable. Land office action on the application will be resumed upon expiration of the period of suspension or upon the manager's receipt at an earlier date of the Forest Service

report and recommendation for a contest or notice that it does not recommend initiation of a Government contest.

3. Examination and report by Forest Service.

Upon receiving a copy of an application and of other documents and information relating thereto, as provided in section 1 hereof, it will be the responsibility of the Forest Service to make any necessary examination including mineral covering national forest lands included in the application. The regional forester will decide what action will be taken. If he concludes that he will not recommend initiation of a Government contest against the application he will so advise the land office manager. If the regional forester recommends that the application should be contested he will refer the matter to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture, who will prepare, for the regional forester's signature, a recommendation to the land office manager for initiation of a Government contest. Such request shall be filed in triplicate with the manager.

4. Recommendation for initiation of Government contest; form and contents.

Recommendations of regional foresters for initiation of Government contests may be made by letter or other appropriate written form. Such recommendations and the information in support thereof need not be under oath or corroborated. Each recommendation must include, or be accompanied by, the following:

(a) All information which will be required by the land office manager in the preparation and service of a complaint initiating a Government contest pursuant to the applicable provisions of the rules of practice 43 CFR Part 221.

(b) A copy of the report of field examination, upon which the recommendation is based.

(c) Information as follows which will be supplied to the Hearing Examiner, Bureau of Land Management, for his guidance in scheduling a hearing (see Bureau of Land Management Form 4-1333, copy attached):

(1) Logical place for hearing: _____
(City or town)

(2) Suggested alternate place: _____
(City or town)

(3) Suggestions as to available space for hearing room in cities or towns named and addresses of persons or offices to contact.

(4) Estimated time (in days) the hearing will require.

(5) Preference of the Department of Agriculture, if any, as to approximate date for scheduling a hearing and reasons therefor.

(6) A statement indicating whether the Department of Agriculture has reason to believe that it will file with the Hearing Examiner, following service of a complaint initiating a Government contest and answer thereto, a motion for pre-hearing conference as provided for in 43 CFR 221.69.

(7) Any other information which will be helpful to the Hearing Examiner in scheduling and arranging for a hearing, including the number of copies of the transcript of the hearing which the Department of Agriculture desires to receive.

5. Action by land office manager on recommendation for initiation of a Government contest.

Upon receipt from the regional forester of a recommendation for initiation of a Government contest, the manager, upon determining that the elements of a contest are present, will prepare, and proceed with service appropriate as to each interested party, of a complaint conforming with 43 CFR 221.68 and the regulations referred to therein. The manager will forward a copy of the complaint to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture.

6. Action by manager upon filing of an answer or expiration of period allowed for such filing.

If an answer to the complaint is not filed as required, the manager will proceed with a decision as provided in 43 CFR 221.65. If an answer is filed, the manager will prepare BLM Form 4-1333, transmitting the contest action to the appropriate Bureau of Land Management Hearing Examiner and requesting that a hearing be scheduled. The Manager will forward three copies of the request for scheduling of hearing (Form 4-1333) and one copy of the answer to the complaint to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture.

7. Scheduling of hearings.

The Examiner to whom a contest action has been referred for hearing, will schedule a hearing as soon as practicable and serve notice of the hearing upon all parties, including the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture, who will be furnished three copies of the notice of hearing.

Normally, hearings will be scheduled not less than sixty, nor more than ninety, days in advance. A hearing must be scheduled at least thirty days in advance unless all parties request or consent to an earlier hearing date (43 CFR 221.70). The scheduling of hearings sixty to ninety days in advance is intended to provide all parties, including the Government, ample time in which to prepare for hearing.

In scheduling a hearing, the Examiner will give due consideration to any recommendations as to the time for the hearing that have been made in Item 9 of Form 4-1333, transmitting the case to the Examiner.

8. Place for hearing.

Hearings in proceedings under Public Law 167 must be held in the county in which the lands involved are located, unless the mining claimant agrees otherwise. See 43 CFR, Section 185.131.

In all other types of actions involving hearings, it will be the policy to hold the hearing either in the county where the lands involved are located or at another point that will not unduly increase costs to the private parties or cause them undue difficulties in securing the attendance of witnesses or otherwise presenting their side of the case at the hearing.

9. Requests for postponements of hearings.

The provisions of 43 CFR 221.71 will be applicable to all requests for postponement of hearings, including any such request made by a regional forester. Each request for postponement must include specific reasons therefor. Requests for postponement will be filed direct with the Hearings Examiner before whom the related contest is pending.

10. Prehearing conferences.

Any motion by a regional forester for a prehearing conference (43 CFR 221.69) in any contest action involving lands within a national forest will be filed direct with the Hearing Examiner before whom the contest action is pending. The Hearing Examiner will forward to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture, three copies of each notice or order issued by him pertaining to a prehearing conference, or motion therefor, in a contest action that involves lands within a national forest.

11. Officer to represent Government at hearing.

In all hearings relating to applications for entry of or patent to lands within a national forest, the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture, will be entered of record as appearing in behalf of the Government, and will be responsible for conducting the Government's side of the case.

12. Reporter's service; hearing transcript.

The Hearing Examiner will arrange for stenographic reporting of the hearing and will obtain sufficient copies of the hearing transcript for Government use, and for use of private parties if they have so requested. Upon receipt of the transcript, the Examiner will forward to the

appropriate attorney in charge, Office of the General Counsel, Department of Agriculture, the number of transcript copies specified in the regional forester's recommendation for initiation of Government contests (see 4(c)(7) above).

13. Decision by Hearing Examiner.

As promptly as possible after the hearing and expiration of the period allowed by him for the parties to file proposed findings of fact and conclusions of law (43 CFR 221.76(a)), the Examiner will render his decision and serve it on all parties to the hearings. In cases involving lands within a national forest, the Examiner will supply the decision in 5 copies to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture.

In any case in which the Examiner may be instructed to render only a recommended decision (43 CFR 221.76(c)), he will forward his recommended decision to the Director, Bureau of Land Management, together with the case file. The Examiner will not serve the recommended decision on any party to the proceeding, or make distribution of any copies of the recommended decisions. The Director will make the initial decision in the case and will serve copies thereof on all parties in the same manner as when the Examiner has rendered the initial decision.

14. Appeals.

Any appeal to the Director, Bureau of Land Management, from the decision of a Hearing Examiner based on a Government contest and a hearing held thereon must be filed in the office of the Examiner who rendered the decision, in accordance with the regulations in 43 CFR 221.2. Any party, including the Government, adversely affected by a decision of a Hearing Examiner may appeal to the Director (43 CFR 221.77).

B. PROCEEDINGS UNDER ACT OF JULY 23, 1955, AFFECTING UNPATENTED MINING CLAIMS

1. Verified statement; referral to Forest Service.

If any verified statement, as prescribed in 43 CFR, sections 185.126 and 185.130, is filed in a land office pursuant to a proceeding under the Act of July 23, 1955 (69 Stat. 367, 30 U.S.C. 601) and applicable regulations (43 CFR 185.120-185.137), initiated at the request of the Forest Service, the manager will determine the acceptability of the verified statement and if acceptable, forward a copy of the verified statement to the forest supervisor of the national forest involved, together with information showing the date the statement was filed.

2. Examination and report by Forest Service.

Upon receiving a copy of a verified statement, the forest supervisor will make a report thereon to the regional forester. The regional forester will order an examination of the mining claim or claims covered by the verified statement and decide what action should be taken. The

regional forester will promptly consider the report and will proceed in the same manner as provided in Part A, section 3, above to notify the land office manager as to whether he recommends that a hearing to be held to determine whether the Government shall have the right to manage the vegetative surface resources of the lands within a mining claim or claims involved.

3. Recommendation that hearing be held; form and content.

Recommendations of regional foresters that a hearing be held to determine the rights of the Government to manage vegetative surface resources of lands within a mining claim or claims with respect to which a verified statement has been filed may be made by letter or other appropriate written form. Such recommendations and the information in support thereof need not be under oath or corroborated. Each such recommendation will be filed with the land office in triplicate and must include, or be accompanied by, the following:

- (a) Identification, by name and location, of the claim or claims involved.
- (b) A specific recommendation that a hearing be held.
- (c) The name and address, so far as it is known, of each person having an interest in the claim or claims.
- (d) A statement setting forth in clear and concise language the matters of fact and law constituting the issues upon which the Forest Service will present evidence at the hearing (see 43 CFR 185.131).
- (e) Three copies of any stipulations between the Forest Service and any party or parties having an interest in any of the claims respecting rights asserted under a verified statement (see 43 CFR 185.132).
- (f) A copy of the report of field examination upon which the recommendation is based.
- (g) All of the information required by Part A, section 4(c) above.

4. Referral to Hearing Examiner; action by Examiner.

Upon receipt of a recommendation that a hearing be held, conforming with the preceding section, the manager will transmit the original copy thereof to the appropriate Bureau of Land Management Hearing Examiner, using for this purpose BLM Form 4-1333 and distributing copies thereof as provided in Part A, section 6.

Upon receipt of the recommendation the Examiner will schedule a hearing. The Examiner's notice of hearing will contain a statement of the issues upon which the Government will

present evidence at the hearing. The provisions in Part A, section 7 to 14, inclusive, will be applicable to scheduling of the hearing, conduct thereof, and decision thereon.

5. Stipulation that eliminates necessity of a hearing.

Where following the filing of a verified statement the Forest Service and the mining claimant enter into stipulations that eliminate the necessity of holding a hearing, the Forest Service shall file the original of such stipulation with the land office manager.

6. Waiver of rights by mining claimants; recording, supplying copy to the land office.

If the Forest Service receives or obtains a waiver of rights by mining claimants, as provided in Section 6 of the Act of July 23, 1955, and the regulations in 43 CFR 185.136, that agency will record the waiver in the office where notice or certificate of location of the mining claim or claims involved is of record. The Forest Service will also forward to the land office concerned a copy of such waiver, together with information identifying the office in which it was recorded and the date of recording.

The waiver will not be filed with the land office manager unless a verified statement has previously been filed by the claimant.

C. PROCEEDINGS UNDER ACT OF AUGUST 11, 1955, AFFECTING PLACER MINING CLAIMS.

1. Location notices and statements of assessment work; referral to Forest Service.

Upon receipt in a land office of the copy of a notice of location of a placer mining claim involving lands within a national forest which has been filed pursuant to the Act of August 11, 1955 (69 Stat. 681, 30 U.S.C. 621), the manager promptly will forward a copy thereof to the Forest Supervisor of the national forest involved together with information showing the date the notice of location was filed in the land office. The manager will also forward to the Federal Power Commission a copy of all such location notices (both lode and placer) for a report upon which the manager will determine whether the lands involved are open to mining location in accordance with Section 2 of the Act and 43 CFR 185.103.

2. Action and report by Forest Service.

Upon receipt of a copy of notice of location of a placer claim, the forest supervisor will promptly submit a report thereon, based upon such field examination or other action as he deems necessary, to the regional forester. The regional forester will consider the report promptly and will advise the land office manager of his conclusions within 40 days from the date the notice of location was filed in the land office. The report to the manager will indicate either (1) that placer mining operations will not substantially interfere with other uses of the land included within the placer claim, or (2) that placer mining operations will substantially interfere with other uses of the lands included in the claim. If the latter, the report will also

include a concise explanation of why substantial interference with other uses of the land would occur and a recommendation that a hearing be held as provided by Section 2(b) of the Act of August 11, 1955. If a hearing is recommended, the report will also specify whether the Forest Service is at that time prepared to proceed with the hearing or whether it desires to make a further field examination in advance of the hearing. If the Forest Service is prepared, at the time of its report, to proceed with the hearing, its report and recommendation that a hearing be held will also include or be accompanied by (a) a copy of any report of field examination upon which the recommendations is based, and (b) all of the information required by Part A, 4(c) above.

3. Intention to hold hearing; notice by land office manager.

Where the report to the manager recommends that a hearing be held, the manager will review the recommendations and if he concurs will send to the locator by certified mail, a notice of intention to hold a hearing. The manager will forward three copies of the notice to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture. The manager may request such other information he deems necessary from the Forest Service or Field Examiners of the Bureau of Land Management prior to determination as to whether a hearing should be held.

4. Further report by Forest Service.

If the report made to the land office manager as provided in Section 2 above indicates that the Forest Service desires to make further field examination in advance of the hearing, it will proceed to do so as promptly as possible. Upon completion of the field examination the regional forester will make a further report to the land office manager, which report will include or be accompanied by the following: (a) a specific recommendation that (1) a hearing be held, or (2) that the notice of intention to hold a hearing previously served on the locator of the claim involved be withdrawn; (b) a copy of the report of field examination upon which the recommendation is based; (c) if a hearing is recommended, all of the information required by Part A, Section 4(c).

5. Referral to Hearing Examiner; action by Examiner.

If the land office manager determines from the report he receives from the Federal Power Commission that the lands involved are open to mining location he will, upon receipt of a recommendation for hearing conforming with Section 2 or 4 above, transmit the original copy of the recommendation to the appropriate Bureau of Land Management Hearing Examiner, using for this purpose BLM Form 4-1333, and distributing copies thereof as provided in Part A, section 6.

Upon receipt of the recommendation the Examiner will schedule a hearing. The Examiner's notice of hearing will include a statement of the reasons, as set forth in the Forest Service recommendation for hearing, why mining operations on placer claim involved will substantially

interfere with other uses of the land included in the claim. The Examiner's notice of hearing will also specify a 30-day period during which any other parties desiring to protest mining operations on the claim may file their protests in the land office. The Examiner will supply a copy of the notice of hearing to the manager who will post it in the land office for a period of 30 days prior to the date set for the hearing. The Examiner's decision following the hearing will embody an appropriate order as provided in Section 2(b) of the Act of August 11, 1955. In all other respects the provisions of Part A, sections 7 to 14 inclusive, will be applicable to scheduling the hearing, conduct thereof, and decision thereon. Any party to the hearing, including the Forest Service, if adversely affected by the Examiner's decision, will have a right of appeal to the Director.

6. Protests; distribution of copies.

If any protests against the placer claim involved are filed in the land office in response to posting of the notice of hearing in the land office or local publicity concerning the hearing, the land office manager will transmit the original of the protest to the Hearing Examiner, one copy to the forest supervisor, and one copy to the locator of the placer mining claim, with information showing date of filing.

7. Recording of final order.

Following decision by the examiner and disposition of any appeals therefrom, the land office manager will file a certified copy of the final decision embodying an appropriate order as provided in Section 2(b) of the Act of August 11, 1955, in the same State or county office in which the locator's notice of location is filed.

D. ADVERSE PROCEEDING UNDER BASIC MINING LAWS.

1. Applicable procedures.

When the Forest Service desires to recommend adverse proceedings against an unpatented mining claim on lands within a national forest under authority of the basic mining laws of 1872, it will do so by filing with the appropriate land office a recommendation for initiation of Government contest. The filing of such recommendation, form and content thereof, and all other matters relating to scheduling and conduct of a hearing and decision thereon will follow the procedures in Part A, section 4 to 14 inclusive, of this Memorandum of Understanding.

E. HEARINGS ARISING FROM APPEALS TO THE DIRECTOR

1. Hearings in cases involving lands within national forests.

Where the Director, Bureau of Land Management, pursuant to the Rules of Practice (43 CFR, Subpart A of Part 221), orders a hearing on issues of fact relative to a decision before him on appeal, which involve lands within a national forest, three copies of the order directing the

hearing and specifying the issues of fact upon which evidence will be received will be forwarded to the appropriate attorney in charge, Office of the General Counsel, Department of Agriculture, for advice to the Forest Service and such action by that agency as may be appropriate in the specific case involved.

2. Applicable procedures.

All reports, recommendations, or requests submitted by the Forest Service pursuant to the preceding section will be filed with the Director. Insofar as consistent for this purpose, the provisions of Part A, sections 3 and 4, relating to preparation, form, content, and filing of documents will be followed.

The scheduling of hearings and other matters relating thereto will be governed by the provisions of Part A, sections 7 to 12 inclusive.

In any hearing on issues of fact relating to decisions on appeal to the Director, the Hearing Examiner who conducted the hearing will submit to the Director proposed findings of fact on the issues presented at the hearing (43 CFR 221.20). The examiner's proposed findings of fact will not be served on the parties.

F. GENERAL

1. Costs.

Costs of publication pursuant to surface rights determination under the Act of 7/23/55 on Forest Service lands will be paid by the Forest Service. Costs incurred by the Bureau of Land Management in its actions on proceedings, applications, entries, or claims covered by this Memorandum of Understanding, including all costs incurred by Hearing Examiners, and costs for stenographic reporting services chargeable to the Government, will be paid from funds appropriated to the Bureau of Land Management.

2. Estimates of costs.

The Forest Service will supply, as may be requested by the Bureau of Land Management on an annual or quarterly basis, such estimates as may reasonably be required by the Bureau in programming, budgeting for, and administering its work relating to the proceedings, applications, entries, or claims covered by this Memorandum.

3. Instructions to field personnel.

The Bureau of Land Management and the Forest Service will issue to their respective field staffs such instructions as are necessary to implement the provisions of this Memorandum.

4. Effective date; previous procedures superseded.

The provisions of this memorandum will become effective as of date revised regulations under 43 CFR Part 205, are published in the Federal Register. Upon such effective date, the provisions of this Memorandum will supersede all prior procedures observed by the Bureau of Land Management and the Forest Service with respect to the matters covered by this Memorandum.

(Signed) /s/ V.L. HARPER
Acting Chief, Forest Service

April 1, 1957

(Signed) /s/ EARL J. THOMAS
Acting Director
Bureau of Land Management

May 18, 1957

1531.12b - Memorandum of Understanding Concerning Interagency Cooperation on Matters Related to Range Management

(FSM 2251.44).

MEMORANDUM OF UNDERSTANDING
Between
The Forest Service, Department of Agriculture, and
the Bureau of Land Management, Department of the Interior,
Concerning Inter-Agency Cooperation on Matters
Related to Range Management

Land under Forest Service management responsibility and public land under Bureau of Land Management responsibility are often located geographically within the same logical range management units or are used by the same permittees as part of a yearlong operation.

It is agreed that close inter-agency cooperation in the management of rangelands can do much toward improvement in accomplishment of public and associated private land management programs. This Memorandum of Understanding is, therefore, entered into for the purpose of encouraging cooperation between the agencies to improve management of the lands for which each agency is responsible and of the associated private and other public lands and to provide plans of management which correlate the grazing use on all land within natural management units and which conforms to the requirements of the land and of practical ranch operations.

To bring about the desired cooperation the parties hereto agree to authorize and direct the State Directors, Bureau of Land Management, and the Regional Foresters, Forest Service, when they believe these purposes can thereby be best served, to prepare jointly, and put into

operation, written agreements or other proper arrangements for local areas where coordinated management of rangelands is desirable. The development of the necessary local arrangements may be delegated to District Managers and Forest Supervisors. The agreements shall be consistent with the regulations and policies of both agencies.

Authorization to perform work for the other party at its expense is provided by the Act of June 30, 1932 (31 U.S.C. 686) as well as other authority. Local agreements shall describe the basis of financing and reimbursing expenses incurred by one party for work which is the responsibility of the other party. Arrangements for offsetting administrative expenses on an estimated basis for each area under the supervision of a State Director and Regional Forester in lieu of an actual expense basis may be provided for.

Guidelines to be followed under varying circumstances are as follows:

A. Range Allotment Planning and Supervision.

1. Isolated or disconnected tracts of Bureau of Land Management or Forest Service administered land located adjacent to or intermixed with lands administered by the other agency. In these situations local agreements may be developed as needed which provide for inclusion of such tracts into the range management plans of one agency. Where the Bureau of Land Management administered land is within a Bureau of Land Management grazing district (administered pursuant to Section 3 of the Taylor Grazing Act) an agreement may provide for permitting grazing use by the Forest Service as part of a National Forest or National Grassland range management plan.

If the Bureau of Land Management administered lands are outside of grazing districts (administered pursuant to Section 15 of the Taylor Grazing Act), authorization for grazing use must be by the Bureau of Land Management through a lease arrangement with the range user. However, lease stipulations may be imposed that have the effect of subjecting the use of the land to the management plan for the National Forest or National Grassland range allotment. Where an outstanding Bureau of Land Management lease exists, integration into the Forest Service allotment plan must be with the concurrence of the lessee; if the lessee does not concur, the proposal must be delayed until the existing lease expires.

Lands administered by the Forest Service may be included in agreements which provide for permitting grazing use by the Bureau of Land Management as part of a Bureau of Land Management range management plan.

Agreements that incorporated land under Forest Service management responsibility and land under Bureau of Land Management responsibility into a single range management plan to be administered by one agency will include applicable provisions for determining, collecting, and depositing grazing fees. The portion of the grazing fees collected for use of each agency's land will be credited to that agency.

2. Management of the non-isolated land administered by either agency in conjunction with joining rangelands administered by the other agency. Where lands under the jurisdiction of both agencies are located within a logical or natural management unit because of topographic features or other factors, representatives of the two agencies are authorized, when they believe their purposes will best be served, to enter into a management agreement providing for inclusion of all the land into a single management plan. The agreement may be provided dependent upon the circumstances involved. Varying conditions require the development of an agreement that adequately meets the peculiarities of each individual situation. Applicable provisions for determining, collecting, and depositing grazing fees will be included in the agreement.
- B. Coordination of the use of lands administered separately by each agency but used by the same permittees as part of the yearlong operations. In carrying out agreements locally entered into, local managers of both agencies are encouraged to coordinate the separate use of Forest Service and Bureau of Land Management administered lands with the objective of developing arrangements that will provide the best overall land management and most practical operation for both the agencies and the user. Coordination opportunities include:
 1. Season of Use. Opening and closing dates will be set so as to avoid the creation of gaps in the grazing operations or the placing of additional use on lands administered by the other agency. Each year local agency representatives should collaborate from the beginning of the growing season so as to pool their judgment in determining the best opening and closing dates to minimize the possibility that feed resources under one agency's jurisdiction are exhausted before those under the jurisdiction of the other agency can be used. The needs of permittees will be taken into account to the extent possible with the option available for removal of the livestock and their use of alternate feed sources when the allowable utilization of the range has been reached.
 2. Adjustments. Plans for making adjustments in grazing permits and preferences will be presented to the other agency early in the planning state. Where both agencies contemplate adjustments, coordination of the actions should be considered in order to ease the impact on the permittee, to correlate range rehabilitation and development programs, and to integrate the amended management plans.

Where extensive range rehabilitation projects develop forage in excess of the needs of existing privileges, consideration will be given to the adjustment problems confronting the other agency before new applicants are favorably considered.

3. Exchange of Grazing Privileges. When two or more permittees graze livestock under permit or license on both land administered by the Forest and land administered by the Bureau of Land Management, their grazing privileges may be exchanged in order to bring together split operations. Exchanges of this kind which consolidate all use by a permittee on land administered by one agency should be made only when there is mutual advantage to the agencies and the permittees. There should be a written agreement among all parties concerned. The processing of such exchanges will follow the governing procedures for each respective agency.

C. Arrangements for planning and financing joint range improvement programs affecting lands administered by both agencies should be described in the agreement.

D. Coordination of Other Land Uses, Including Wildlife. Local agreements for managing the range resource must recognize and accommodate plans for use of the other resources in accordance with the multiple use plans or other applicable plans for management of other resources as provided in the regular operations of each agency.

In areas where wildlife spend all or part of the year on lands administered by both agencies, cooperative wildlife management plans should be developed jointly along with the State wildlife agency.

E. Other Considerations. There will at all times be a free exchange of pertinent data and frank discussions between members of the two agencies. The jurisdiction responsibilities of each agency must be fully recognized. Coordination of use is a desirable objective. Where coordination is not possible, the representatives of both agencies will refrain from expressing in public a view contrary to the mutually accepted policy or plans of the other. Unresolved problems should be referred to the next higher echelon of each agency for further consideration.

The Bureau of Land Management and the Forest Service mutually agree that amendments to this Memorandum of Understanding may be proposed by either party and will become effective upon approval of both parties.

This Memorandum of Understanding supersedes the arrangement provided by the Report of Meeting of Bureau of Land Management and Forest Service Representatives in Denver, Colorado, February 23, 1951, and approved by the agency heads March 15, 1951.

/s/ Boyd L. Rasmussen
Director
Bureau of Land Management

/s/ Edward P. Cliff
Chief
Forest Service

November 8, 1966
Date

October 26, 1966
Date