



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3327

Subject: Delegation of Authority for Cost Reimbursable Authority

Sec. 1 Purpose. This Order delegates the authority granted to the Secretary by the Federal Land Policy and Management Act of 1976 (FLPMA) to all bureaus and offices within the Department of the Interior (DOI) to receive reimbursement for all reasonable costs incurred in relation to the processing of applications and other documents relating to public lands.

Sec. 2 Background. In recent years, the Bureau of Land Management (BLM) has received an increasing number of applications and other documents relating to the use of public lands. Many of these relate to projects that have the potential to affect species and other resource values for which other bureaus and offices have jurisdiction or expertise. For example, before the BLM may issue a decision pursuant to FLPMA, some projects may require extensive review by the Fish and Wildlife Service (FWS) to ensure compliance with the Endangered Species Act, Migratory Bird Treaty Act, and the Bald and Golden Eagle Protection Act. The additional workload necessary to conduct these reviews and to conduct appropriate inspection and monitoring has resulted in increased costs to DOI bureaus and offices that are responsible for carrying out these duties, and the United States.

Under Section 304(b) of FLPMA, the Secretary may charge for reasonable costs of the United States concerning “applications and other documents relating to [the public] lands.” Moreover, Section 504(g) of FLPMA provides that the Secretary may also charge for “all reasonable administrative and other costs incurred in processing” a right-of-way application. Until now, these provisions have been utilized solely for costs incurred by the BLM. However, these provisions authorize reimbursement of expenses incurred not just by the BLM, but by other bureaus and offices, as well. Therefore, to the extent permitted by law, this Order delegates to all DOI bureaus and offices the authority to receive reimbursement for such costs that they incur.

Sec. 3 Authority. This Order is issued under the authority of Section 2 of the Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, Sections 301(b), 304(b) and 504(g) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1731(b), 1734(b) and 1764(g) respectively.

Sec. 4 Delegation of Authority.

a. All DOI bureaus and offices that incur costs for which reimbursement is authorized by Sections 304(b) or 504(g) of FLPMA and the BLM’s implementing regulations, including those at 43 C.F.R. Parts 2800 and 2920 are hereby authorized to be reimbursed for such reasonable costs.

b. The BLM, in consultation with the Office of the Solicitor, as necessary, shall advise bureaus and offices whether a particular cost or category of costs is eligible for reimbursement under the statute and applicable regulations.

Sec. 5 Responsibilities.

a. The BLM shall be the lead agency to oversee the determination, management, and collection of fees charged under Sections 304(b) and 504(g) of FLPMA, and, in consultation with other bureaus and offices, shall establish interagency procedures for: determining reasonable costs, billing applicants, and disbursing to the respective bureaus and offices such reimbursements that are received on their behalf. Moneys received for the reimbursement of reasonable costs shall be deposited with the Treasury in a special account in accordance with applicable laws and procedures.

b. The BLM and other bureaus and offices that regularly incur costs associated with processing an application shall consider amending existing regulations and policies as necessary to improve the reimbursement process in accordance with this Order.

Sec. 6 Effect of the Order. This Order is intended only to improve the internal management of DOI. It does not create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by any party against DOI.

Sec. 7 Expiration Date. This Order is effective immediately and will remain in effect until its provisions are converted to the Departmental Manual or until it is amended, superseded, or revoked, whichever occurs first. The termination of this Order shall not affect the validity of the delegations made herein.


Secretary of the Interior

Date: APR 5 2013