



U.S. Department of the Interior
Bureau of Land Management

Permit for Archaeological Investigations Application Instructions Bureau of Land Management - Utah



PERMIT FOR ARCHAEOLOGICAL INVESTIGATIONS INSTRUCTIONS

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
UTAH STATE OFFICE

February 2025

Cover: Farm Equipment at John Jarvie Historic Site, Vernal Field Office

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I. THE ARCHAEOLOGICAL PERMIT SYSTEM

As a federal land managing agency, the Bureau of Land Management (BLM) is responsible for complying with legislation pertaining to cultural resources on lands managed by the BLM, hereinafter called “public lands.” The authority to issue archaeological permits under the Antiquities Act of 1906, Archaeological Resources Protection Act of 1979 (ARPA), and the Federal Land Policy and Management Act of 1976 (FLPMA) is held at the State Office level with issuance guided by 36 CFR 2920 and BLM Manual 8150. The BLM encourages appropriate scientific use of cultural resources on public land and authorizes such use, consistent with cultural resource laws and regulations.

The Bureau employs a two-level permit system consisting of a qualifications level review and operational level approval. The qualifications level is conducted at the State Office with support from Field Offices, when appropriate. It consists of reviewing and processing the permit application and issuance of the Permit for Archaeological Investigations.

The second level, the operational level, is conducted at the Field Offices. This level is represented by the Fieldwork Authorization. The Fieldwork Authorization provides a measure of protection to both the BLM and the permittee by documenting approval to conduct certain activities on lands administered by the BLM. These written authorizations must be obtained prior to beginning each fieldwork work episode under a permit. The BLM reviews the timeframe for proposed work and makes sure there are not any resource conflicts or potential safety issues. This review period is also a time for the agency to convey any important information to the permittee about the project area.

To ensure appropriate treatment of cultural and natural resources, permits are issued with binding terms and conditions. After a permit is issued, the BLM may conduct in-field monitoring of authorized fieldwork to ensure compliance with the permit terms and conditions. If terms and conditions are not adhered to, the BLM has the right to suspend or revoke a permit.

Permits for Archaeological Investigations are issued to qualified academic and scientific institutions, cultural resource consulting firms, State Agencies, and other qualified institutions and/or individuals to conduct professional cultural resource investigations on public lands. Permits for Archaeological Investigations issued are of three basic types: non-collection survey and recording recordation work, limited testing, and excavation and removal. Permit types are explained in detail in subsequent sections.

Survey and recording permits, sometimes referred to as “blanket permits” are issued for to provide users of public lands with timely access to professional services. The BLM in Utah issues these permits to cover all public lands within one of three permitting areas (Great Basin, Virgin, or San Juan) or statewide so that applicants need not obtain separate permits for each non-collection project. Permits are either issued for one or three years, dependent on past work and performance.

Limited testing requires a project specific permit, allowing the permittee to assess the nature and extent of a cultural resource for the purpose of determining its eligibility for the National Register of Historic Places.

Permits for work involving excavation or collection, including testing as part of a testing plan, are issued only for specific projects and for specific locations and time frames relating to these projects. Issuance of such permits is contingent upon BLM approval of a definitive research design that describes the work to be done.

The BLM reviews and evaluates all permit applications prior to issuance or denial of a Permit for Archaeological Investigations. Each application package is reviewed to ensure that the application form includes all required information, includes all required supporting documents, and that the curricula vita and experience tables for each individual include enough information to determine the amount of relevant and qualifying experience for each individual to be listed on the permit.

Applications lacking information or required documentation will be withheld from further review until the needed information or documentation is provided. Applicants with incomplete submissions will be contacted by email or telephone with a request for submission of the missing documents or information. If an applicant fails to respond within 10 days to the request for additional information, the application for a permit will be rejected.

If review of individual applicants to be listed on an organization's permit are found to be lacking the experience and qualifications for listing on a permit in the requested capacity, the request will be denied. Applicants may also be denied a permit based on a documented history of inadequate performance under a previous permit.

II. WHO MAY APPLY?

Any individual or any public non-federal, scientific, or educational institution proposing to locate, examine, collect, or excavate cultural resources on public lands must have an authorization in the form of a Permit for Archaeological Investigations. A permit is necessary whether or not cultural resources are to be collected. The only exception to this requirement is for individuals, such as volunteers, carrying out official BLM cultural resource management activities under the direction of a BLM Field Office Manager.

The BLM developed professional qualification standards in accordance with 43 CFR 3, 43 CFR 7, and 43 CFR 2920 to ensure that individuals permitted to conduct cultural resource work have sufficient training and expertise to properly evaluate and make recommendations for the management of cultural resources in accordance with existing legislation. These qualification standards are in effect for all cultural resource work conducted on lands administered by the BLM in Utah and will cover all projects, whether of a consulting or research nature.

Applicants must meet all standards for their respective duties.

III. PERMIT TYPES

A. Survey and Recording

Survey and recording permits authorize non-disturbing pedestrian survey and limited subsurface probing for defining the nature and extent of a site and are issued under the authority of the FLPMA. This permit type does not authorize the excavation of test units for site evaluation. No collection of any archaeological resources is authorized under this type of permit therefore, a curation agreement is not required. This permit is generally issued for consulting services for specific permitting areas or on a statewide basis.

Non-destructive research and requests for research access to archaeological data may also be authorized under a survey and recording permit.

B. Limited Testing and/or Collection

A limited testing and or collection permit is issued on a project-specific basis and for a definite location. It covers small scale testing and/or systematic collection and removal of material remains during field identification, evaluation, and recording activities, so that the significance or research potential of a cultural property may be better understood but not substantially diminished.

These types of permits are issued under the authority of the ARPA. All permits issued under ARPA are subject to the consultation requirements of 43 CFR 7.7 which requires 30 days advance notification to Indian Tribes of possible harm to, or destruction of sites on public lands having religious or cultural importance prior to the issuance of a permit.

ARPA permits are also subject to the Native American Graves Protection and Repatriation Act (NAGPRA) and its associated regulations at 43 CFR 10, which require the BLM to develop a Plan of Action with associated Indian Tribes prior to authorizing any excavation with the potential to encounter ancestors or cultural items. The BLM will consider the results of the consultation in deciding whether to approve a permit application.

If, through consultation, Indian Tribes express concerns there may be a delay from the time the application is received before a decision can be made. If the BLM decides that Native American cultural values or NAGPRA concerns take precedence over other values of the proposed work, the permit will not be issued or may be issued contingent upon modifications to the proposal. Applications should be submitted as early as possible to avoid delay or possible denial which could result from this process.

C. Excavation and Removal

An excavation and removal permit authorizes the excavation and/or removal of material remains at a greater scale than a limited testing permit, with the result that the significance and/or future research potential of a cultural property may be substantially altered. This category of permit includes testing programs designed to answer research questions and to guide future data recovery efforts.

In cases where proposed work would affect cultural resources listed on or eligible to the National Register of Historic Places, the BLM may need to consult with the State Historic Preservation Officer (SHPO) and/or Advisory Council on Historic Preservation (ACHP) before issuing the permit. Evaluation of potential effects to the environment under the National Environmental Policy Act may also be required.

Excavation and Removal permits are issued under the authority of ARPA. All permits issued under ARPA are subject to the consultation requirements of 43 CFR 7.7, which requires 30 days advance notification to Indian Tribes of possible harm to, or destruction of sites on public lands having religious or cultural importance prior to the issuance of a permit.

Additionally, ARPA permits are subject to NAGPRA and its associated regulations at 43 CFR 10, which require the BLM to develop a Plan of Action with associated Indian Tribes prior to authorizing any excavation that has the potential to encounter ancestors or cultural items. The BLM will also consider the results of the consultation related to the development of a Plan of Action in deciding whether to approve a permit application.

If Indian Tribes express concerns during consultation, there may be a delay from the time the application is received before a decision can be made. If the BLM decides that Native American cultural values or NAGPRA concerns take precedence over other values of the proposed work, the permit will not be issued or maybe issued contingent upon modifications to the proposal. Applications should be submitted as early as possible to avoid delay or possible denial which could result from this process.

IV. NEW PERMIT REQUESTS

The following steps outline the process for obtaining a new permit from the Utah Bureau of Land Management:

1. Obtain a permit application (DI 1926) available on the BLM Utah - Archaeology Website (<https://www.blm.gov/programs/cultural-heritage/archaeology/what-we-manage/utah>).
2. Complete all items on the application form according to the instructions.
3. Send one copy of the signed and completed application form, together with accompanying documentation consisting of applicant Curricula Vita, organizational qualifications, curation agreement (if applicable), and work experience tables for each individual to the BLM Utah Permitting Email address: BLM_UT_CR_Permits@blm.gov

The application will be reviewed by the BLM for completeness and to ensure all necessary project and personnel information meets BLM requirements and qualification standards.

Applicants should anticipate a 2-to-4-week processing time for survey permits and 6-to-8 weeks for limited testing or excavation permits. In some cases, testing and excavation permits may take longer, due to Tribal consultation, NAGPRA Plan of Action Development, and/or

National Environmental Policy Act (NEPA) document completion. In these cases, the applicant will be informed of the need for additional processing time.

The BLM will issue the permit subject to terms and conditions or will deny the permit and notify the applicant.

Applicants must return a signed copy of the permit to the BLM within 30 days, as required by the permit terms and conditions. Signature signifies the permit holder's acceptance of all permit terms and conditions. Failure to sign and return the permit within the 30 days will result in an invalid permit and may result in immediate suspension.

V. PERMIT MODIFICATION REQUESTS

The following steps outline the process for modifying an existing permit issued the Utah Bureau of Land Management:

1. Obtain a BLM Utah Permit Modification Form (BLM UT-8151-6) from the BLM Utah Archaeology Website.
2. Complete the form according to the instructions.
3. Send one copy of the signed and completed modification form along with any required supplemental documented related to the modification request to the BLM Utah Permitting Email address: BLM_UT_CR_Permits@blm.gov

The modification request will be reviewed by the BLM for completeness and to ensure all necessary project and personnel information meets BLM requirements and qualification standards. Applicants should anticipate a 2 to 4-week processing time for permit modification requests.

The BLM will issue the permit modification subject to the most recent terms and conditions or will deny the modification and notify the applicant. The modification will not go into effect until the BLM receives a signed and returned copy of the modified permit, within 30 days of issuance.

VI. RENEW AN EXISTING PERMIT

Existing permits which are due to expire may be renewed by following the steps for obtaining a new permit. Documentation of organizational qualifications need not be submitted to renew an existing permit. All requests for renewal of an existing permit must be submitted in writing no later than one month prior to the expiration of the current permit. Renewal requests received less than one month prior to the expiration of the permit may result in permit lapses or denial of renewal.

At the time of renewal, the status of the current permit and compliance with the permit terms and conditions will be reviewed. A request for renewal will not be granted if performance under the permit has violated permit terms and conditions, including failure to submit an annual report.

VII. ANNUAL REQUIREMENTS

Permit holders must fulfill certain annual obligations to maintain a permit in good standing.

No later than December 31 of each year the permit is in effect, the permit holder must submit an annual report to BLM Utah's Deputy Preservation Officer (DPO). The annual report must summarize all projects conducted under the permit during the calendar year. For survey and recordation projects, the report should include report titles, project numbers, number of acres inventoried, number of sites recorded on BLM-administered public lands, and whether or not collections were made. For testing and excavation projects, the report shall include a listing of all materials deposited in curatorial facilities, including the name of the facility, the site number and accession numbers of the materials deposited, and the date(s) of the deposit. If no work is conducted under a permit, the permit holder must report that fact.

As per the BLM-Utah Standard Cultural Resources Use Permit Terms and Conditions, if the permit is issued under the authority of ARPA for limited testing or excavation and removal, the permit holder must submit an updated, current, curation agreement no later than one month prior to the expiration of the current curation agreement.

Failure to submit an annual report or updated curation agreement (if required) is a violation of permit terms and conditions and is grounds for permit suspension.

VIII. REQUIRED STATE PERMIT

Applicants seeking to conduct work on BLM lands within the state of Utah must also apply for and receive a state issued permit, prior to commencing work.

A State of Utah Public Lands Policy Coordination Office (PLPCO) permit is required by the Utah Division of State History's State Historic Preservation Office (SHPO) in order to access archaeological records, to use the statewide online data viewer, and to obtain project numbers. A PLPCO permit is also required for survey and data recovery projects which involve state owned lands in addition to BLM administered lands.

PLPCO Permit applications are available online at: <http://publiclands.utah.gov/archaeology/>

IX. APPLICANT DUTIES AND QUALIFICATION STANDARDS

A. Permit Administrator

This individual must be listed in item No. 10 of the permit application and must sign the application.

1. Duties

- Signs application and assumes legal responsibility for the permit.
- Responsible for carrying out terms and conditions of the permit.
- Assures adequate technical and administrative support and organizational capability.
- Signs issued permit within 30 days of receipt.

2. Qualifications

The administrator must be legally empowered to obligate the organization for all permit-related matters. This individual will be allowed to request changes in any of the items on the permit (i.e., personnel, permit type, permit extensions, and termination).

There are no professional qualification standards for this position if the administrator will not be performing any cultural resource work. Under some circumstances, the administrator will also be a cultural resource specialist functioning as a project director and/or field supervisor. In such cases, the administrator must meet the qualifications for those duties.

B. Principal Investigator

Principal Investigators are responsible for the technical completeness and competency of all submissions and work performed. These tasks cannot be delegated to individuals not listed on a permit in this capacity. This individual must be listed in item No. 8 of the permit application.

1. Duties

- Oversees performance of Field Directors
- Reviews and approves reports
- Develops work plans, research designs, and mitigation proposals
- Ensures crew competence and adherence to professional standards
- Integrates field data into comparative regional perspectives for analytical (evaluative) purposes.

2. Qualifications

- Formal education consisting of a graduate degree in anthropology or related area (anthropology/archaeology, history, architecture). Equivalent training and experience equaling 24 months of pertinent, professionally supervised experience will be accepted in lieu of a graduate degree.
- Competence in theory and methods, and in recording, collecting, handling, analyzing, evaluating, and reporting cultural property data, relative to the type and scope of work proposed.
- Ability to plan, equip, staff, organize, and supervise activity of the type and scope of work proposed, as evidenced by previous experience or relevant training.
- The ability to carry research to completion, as evidenced by timely completion of theses, research reports, and/or similar documents which would be acceptable to the professional academic community.
- Completion of at least 16 months of professional cultural resource management experience and/or specialized training including similar duties as proposed in the application. This experience must include at least 4 months of experience in the geographic and/or culture area involved.
- At least 12 months of experience in research concerning cultural resources of the period (historic or prehistoric) which is the focus of the proposed work. This experience may be part of the experience required above.

C. Field Director

Field Directors are responsible for overseeing the work of field crews and the preparation of reports. These tasks cannot be delegated to individuals not listed on a permit. This individual must be listed in item No. 9 of the permit application.

1. Duties

- Directs on-site supervision of fieldwork.
- Makes initial evaluations and recommendations for site significance, effect, and treatment. This duty may not be delegated to, or conducted by, any individual not approved to serve as field supervisor.
- Writes descriptive technical reports.

2. Qualifications

- Formal education resulting in a baccalaureate degree in appropriate discipline OR at least 30 months of equivalent training and experience including increasing responsibilities leading up to responsibilities equivalent to those proposed in the application.
- Competence in recording, collecting, handling, analyzing, evaluating, and reporting cultural resource data relative to the type and scope of work proposed, as evidenced by previous experience or relevant training.
- Demonstrated ability to supervise activity of the type and scope proposed.
- Completion of at least 4 months of professional cultural resource management experience consisting of laboratory or field work in similar cultural contexts and environmental settings. This may be part of the experience required in #1.
- At least 12 months of experience in research concerning cultural resources of the period (historic or prehistoric) which is the focus of the proposed work. This experience may be part of the experience required above.

X. INDIVIDUALS NOT SPECIFICALLY LISTED ON PERMIT

A. Monitors

Project excavation or trenching monitors must meet the same minimum qualifications as field director(s)/field supervisor(s)/crew chief(s) with the exception of having demonstrated supervision ability. Monitors must also have experience in excavation methods, either through an approved field school or through at least thirty (30) days supervised experience in excavation.

1. Duties

- Monitors construction activities to detect presence of surface or subsurface archaeological resources.
- Makes recommendations or decisions to halt authorized activities.
- Recommends or Implements tasks related to identification, evaluation, and recovery of discovered resources.

2. Qualifications

- Must be listed on permit at the Field Director Level
- Sufficient excavation and experience in permit area
- Training for kinds of resources anticipated or possible.

B. Architectural Historian

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following: (1) At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or (2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history (Secretary Standards Professional Qualifications Standards).

XI. BLM UTAH PERMIT AREAS

In September 2018 BLM Utah implemented three cultural resource permitting areas. These areas consist of the Great Basin, San Juan, and Virgin areas. The permitting areas correspond to three archaeological cultures found in Utah. Archaeology found within each defined permit area is sufficiently different to require sufficient work experience within each area before listing an individual on a permit. An individual must have four months of relevant and applicable experience within each permit area, along with the standard requirements of the permit capacity applied for, to obtain a permit for work statewide.

A map of the permit areas and a table of the counties which comprise relevant and applicable experience can be found on BLM-Utah's Archaeology website.

XIV. DOCUMENTATION OF EXPERIENCE TABLE

Each individual seeking to be listed on a Permit for Archaeological Investigations must submit a table documenting their experience within one or more of the permit areas defined by the BLM Utah State Office. Applicants must document at least four months of qualifying experience within each permitting area. Tables should be divided into prehistoric and historic archaeological experience.

Applicants should review the "Qualifying Regional Experience for Utah BLM Permit Areas," when compiling experience tables. The county and state with the relevant experience for the permit subarea should be clearly listed in the experience table. Examples of experience tables are located below.

Table 1. Prehistoric Archaeological Resources Geographic Experience

Project Name	Subarea	County, State	Similar/Related Duties (e.g., field, lab, report)	Employer/ Sponsor	Total (in work months)
	Great Basin				
	Virgin				
	San Juan				
Total					

Table 2. Historic Period Archaeological Resources Geographic Experience

Project Name	Location	Similar/Related Duties (e.g., field, lab, report)	Employer/ Sponsor	Total (in work months)
Total				

XV. FIELDWORK AUTHORIZATION REQUEST

All permits require a Fieldwork Authorization for each instance of field work, approved by the Field Office administering the public lands within the project’s Area of Potential Effect. Fieldwork Authorization requests shall be submitted using a BLM UT-8151-3 form, following the form’s instructions, to the Field Archaeologist with jurisdiction of the lands involved. Copies of the form and instructions are available on the BLM Utah Archaeology website.

The appropriate Field Office will approve the Fieldwork Authorization Request and return a signed copy to the applicant or will deny the authorization and notify the applicant. Applicants should anticipate a ten (10) business day processing time for fieldwork authorization, and plan fieldwork dates accordingly. Requests for approval of fieldwork authorizations for fieldwork scheduled less than ten business days after submissions will not be honored. Field work may not be initiated without the issuance of a Fieldwork Authorization Request.

Should the applicant be dissatisfied with any decision regarding the application and/or permit, dispute procedures may be initiated.

XVI. CHECKLIST FOR PERMIT APPLICATIONS

The BLM Utah State Office examines each application upon receipt to determine if it meets the permitting requirements. Applications lacking necessary information or required documentation will be withheld from further review until the needed information or documentation is provided. When missing information has been requested but not received within 10 business days, the application will be rejected, and the applicant notified.

A. New Survey and Recording Permit Application Package Requirements

- Completed DI-1926 Permit Application
- Summary of applicant’s abilities to carry out the work requested.
- Curricula Vita
- Documentation of Experience Tables
- Copy of current Utah PLPCO permit if the cultural resource investigation is known or likely to affect non-federal public lands.

B. New Limited Testing or Excavation and Removal Permit Application Package Requirements

- Completed DI-1926 Permit Application
- Summary of applicant's abilities to carry out the work requested.
- Curricula Vita
- Documentation of Experience Tables
- Copy of current curation agreement
- Copy of current Utah PLPCO permit (if the cultural resource investigation is known or likely to affect non-federal public lands)
- Copy of cultural resource treatment plan or research design

C. Modification Request Package Requirements

- Completed Request for Modification of Permit Form
- Curricula Vita (if requested modification is to add new individuals to the permit)
- Documentation of Experience Tables(if adding new personnel)
- Copy of current curation agreement (if changing curation facility)

D. Renewal Request Package Requirements

- Completed DI-1926 Permit Application
- Curricula Vita (if changes to permit areas or personnel)
- Documentation of Experience Tables for all proposed Principal Investigators and Crew Chiefs (if changes to permit areas or personnel)
- Copy of current curation agreement (if applicable)
- Copy of current Utah PLPCO permit (if the cultural resource investigation is known or likely to affect non-federal public lands)

XVII. PERMIT TERMS AND CONDITIONS

Terms and Conditions are attached to all permits to assure minimal disturbance to other resources, set forth minimum information requirements for cultural resource reports, and provide instructions for dealing with special situations which may occur during cultural resource work. Special conditions for research projects usually address concerns centered around the compatibility of the project with other land uses, the professional or scientific benefits of the investigations, and keeping damage to cultural and natural resources in the project area within limits justified by the gain in scientific knowledge resulting from the project.

XVIII. VIOLATIONS

The BLM Manual 8150 outlines the measures the BLM may take for permit violations. Please refer to the manual for additional information in permit warnings, suspensions, and revocations and the associated effects.

XIX. DISPUTES AND APPEALS

Any applicant, permittee, or revoke (“the disputant”) may dispute and/or appeal the decision of the authorized officer with respect to denial of a permit application or Fieldwork Authorization Request, the including of specific terms and conditions in a permit or project authorization, or the modification, suspension, or revocation of a permit. Procedures for disputes and appeals are as follows:

A. Request for Review

The disputant may file a written request for the authorized officer to review the authorized officer’s decision, stating reasons for believing that the decision should be reconsidered. The authorized officer may modify the original decision considering information presented, or may sustain the original decision, in either case providing the disputant with a written explanation.

B. Request for Conference

Either the disputant or the authorized officer may request a conference to discuss the basis of the original decision. The authorized officer may modify the original decision considering information presented, or may sustain the original decision, in either case providing the disputant with a written explanation.

C. Request for Higher Level Review

Either the disputant, if unsatisfied with the outcome of a review or conference, may request that the decision be reviewed at the next higher organizational level. Decisions of a Field Office Manager or the DPO may be reviewed by the State Director or Deputy State Director, and those of the State Director may be reviewed by the Director. The Director may request that the Departmental Consulting Archaeologist participate in the Director’s review. The authorized officer’s decision shall stand during the course of any higher-level review.

D. Appeals

After exhausting the dispute opportunities described above, the disputant or any other affected person wishing to appeal a decision connected with a permit may file a formal appeal with the Interior Board of Land Appeals (IBLA) following the procedures in 43 CFR Part 4, Subpart E. The appeal must be filed within 30 days after the disputant has been notified of the decision.