**INFORMATION MEMORANDUM**

**FOR THE ASSISTANT SECRETARY – POLICY, MANAGEMENT AND BUDGET**

THROUGH: Marcilynn A. Burke, Action Assistant Secretary – Land and Minerals Management

FROM: Mike Pool, Acting Director, Bureau of Land Management

SUBJECT: Withdrawal Modification Petition/Application, Fort Howes Fire Facility, Montana

DATE: June 14, 2012

I. INTRODUCTION

The Bureau of Land Management (BLM) requests that the Assistant Secretary for Policy, Management and Budget approve a petition/application to modify Public Land Order (PLO) No. 1843 in order to transfer jurisdiction of approximately 5.16 acres of National Forest System (NFS) land in the Custer National Forest from the U.S. Forest Service (USFS) to the BLM for use as a fire management facility.

II. BACKGROUND

The BLM received appropriations to construct a new fire facility and needs to protect the Federal investment for the facility. The appropriations will be received in two phases with Phase 1 funding in the amount of $386,000 in Fiscal Year (FY) 2012 and Phase 2 funding in the amount of $2,554,000 in FY 2013. The fire station would be constructed on NFS land located within the Fort Howes Administrative Site withdrawal created by Public Land Order No. 1843. The BLM withdrawal would overlap, but not revoke, the existing withdrawal for USFS administrative use of the larger Fort Howes Administrative Site. The USFS would continue to use their existing withdrawal for the purpose originally intended. Consent for the BLM to administer the NFS land has been received from the USFS. The BLM would be the primary agency with responsibility and liability of the uses and activities on the land. The fire staff conducts fire suppression and fuels management on approximately 596,000 acres of BLM and USFS lands intermixed with State and private lands located in Rosebud and Powder River Counties.

The use of a right-of-way, interagency or cooperative agreement would not provide adequate protection.

III. POSITION OF INTERESTED PARTIES

The filing of the petition/application is the first step in processing a proposed Department of the Interior agency withdrawal modification. Upon approval of the petition/application by the Assistant Secretary, a Notice of Proposed Withdrawal Modification and Transfer of Jurisdiction would be published in a local newspaper and in the *Federal Register*. These notices request public review of the proposed withdrawal modification and transfer of jurisdiction and provide the public an opportunity to comment or to request a public meeting. Approval of the petition/application would allow the BLM to consult with government organizations, tribal governments, and stakeholders and complete an analysis relative to the need for the withdrawal modification. If the determination is made to proceed with the withdrawal modification and transfer of jurisdiction, a Public Land Order (PLO) would be prepared for the Assistant Secretary’s approval.

IV. LEGAL STATUS

There is no litigation associated with this proposed withdrawal modification and transfer of jurisdiction.