

Bureau of Land Management, Interior

§ 3420.3-1

(d) Prior to determining a final leasing level, the Secretary shall consult with the Governors of affected States to obtain final comments and recommendations. The Secretary shall then establish a final leasing level for the proposed coal lease sale.

(e) The levels shall be established for each coal production region where activity planning is conducted under the provisions of §3420.3 of this subpart. The levels shall be developed separately for each region, but levels for 2 or more regions may be developed at the same time as the Secretary deems appropriate. Leasing levels may be stated in terms of a range of values.

(f) The leasing levels established for any given region shall become the basis for the proposed action for study in the regional coal lease sale environmental impact statement prepared pursuant to §3420.3-4 of this subpart. The Secretary's final decision on which coal lease tracts, if any, within a region to offer for sale, and the schedule for the offering of such tracts shall be based on all information at the Secretary's disposal at the time of the decision.

[47 FR 33137, July 30, 1982, as amended at 48 FR 37655, Aug. 19, 1983; 50 FR 8626, Mar. 4, 1985; 64 FR 52242, Sept. 28, 1999]

EFFECTIVE DATE NOTE: At 64 FR 52242, Sept. 28, 1999, §3420.2 was amended by removing the last sentence of paragraph (a)(1) and adding in its place two sentences, revising the last sentence of paragraph (a)(4), removing "and" from the end of paragraph (c)(8), redesignating paragraph (c)(9) as paragraph (c)(10), and adding a new paragraph (c)(9), effective Oct. 28, 1999. For the convenience of the user, the superseded text is set forth as follows:

§ 3420.2 Regional leasing levels.

(a)(1) * * * This range of initial leasing levels shall be based on information available to the State Director, including land use planning data, the results of the call for coal resource information held under §3420.1-2 of this subpart, the results of the call for expressions of leasing interest held under §3420.3-2 of this subpart and other considerations, including input and advice from the Governors of the affected States regarding assumptions, data, and other factors pertinent to the region;

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(4) * * * All Governor's comments and recommendations shall also be transmitted to

the Secretary, without change, as a part of the team transmittal; and

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§ 3420.3 Activity planning: The leasing process.

§ 3420.3-1 Area identification process.

(a) This section describes the process for identifying, ranking, analyzing, selecting, and scheduling lease tracts after land use planning has been completed. This process constitutes the "activity planning" aspect of the coal management program. Activity planning may occur where areas acceptable for further consideration for leasing have been identified by land use planning completed consistent with the provisions of §3420.1-4 of this subpart.

(b) Split estate land otherwise acceptable for further consideration for leasing shall, upon verification of a refusal to consent received from a qualified surface owner under §3427.2 of this title, be deleted from further activity planning.

(c) Each regional coal team established under §3400.4 of this title shall:

- (1) Guide tract delineation and preparation of site specific analyses of delineated tracts;
- (2) Rank delineated tracts, select tracts that meet the leasing level established by the Secretary, and identify all alternative tract combinations to be analyzed in the regional lease sale environmental impact statement;
- (3) Guide the preparation of the regional lease sale environmental impact statement; and
- (4) Recommend a regional coal lease sale schedule to the Director.

(d) Public notice and opportunity for participation in activity planning must be appropriate to the area and the people involved. The Bureau of Land Management will make available a calendar listing of the points in the planning process at which the public may participate, including:

- (1) The regional coal team meeting to recommend initial leasing levels (see §3420.2(a)(4));
- (2) The regional coal team meeting for tract ranking (see §3420.3-4(a));
- (3) Publication of the regional coal lease sale environmental impact statement (see §3420.3-4(c)); and

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(4) The regional coal team meeting to recommend specific tracts for a lease sale and a lease sale schedule (see §3420.3-4(g)).

[44 FR 42615, July 19, 1979. Redesignated and amended at 47 FR 33138, July 30, 1982; 64 FR 52243, Sept. 28, 1999]

EFFECTIVE DATE NOTE: At 64 FR 52243, Sept. 28, 1999, §3420.3-1 was amended by adding paragraph (d), effective Oct. 28, 1999.

§ 3420.3-2 Expressions of leasing interest.

(a) A call for expressions of leasing interest may be made after areas acceptable for further consideration for leasing have been identified by land use planning completed consistent with the provisions of §3420.1-4 of this subpart.

(b) Each call for expressions of leasing interest shall be published as a notice in the FEDERAL REGISTER and in at least 1 newspaper of general circulation in each affected state.

(c) All information submitted under this subpart shall be available for public inspection and copying upon request. Data which are considered proprietary shall not be submitted as part of an expression of leasing interest.

[44 FR 42615, July 19, 1979. Redesignated and amended at 47 FR 33138, July 30, 1982]

§ 3420.3-3 Preliminary tract delineation.

(a) Tracts may be delineated in any areas acceptable for further consideration for leasing whether or not expressions of leasing interest have been received for those areas.

(b) When public bodies have submitted expressions of leasing interest, tracts shall be delineated when and where technically feasible for public body special leasing opportunities in accordance with §3420.1-3 of this subpart.

(c) In cooperation with the Small Business Administration, tracts may be delineated when and where technically feasible for small business special leasing opportunities in accordance with §3420.1-3 of this title.

(d) Other tracts to be used in a lease or fee exchange (43 CFR subparts 3435 and 3436) may be delineated.

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(e) A tract profile shall be formulated for each tract. The profile shall include:

(1) A summary of the information used in the delineation of the tract, and

(2) A site-specific environmental inventory and preliminary analysis.

[44 FR 42615, July 19, 1979. Redesignated and amended at 47 FR 33138, July 30, 1982]

§ 3420.3-4 Regional tract ranking, selection, environmental analysis and scheduling.

(a)(1) Upon completion of tract delineation and preparation of the tract profiles, the regional coal team shall rank the tracts in classes of high, medium or low desirability for coal leasing. Three major categories of consideration shall be used in tract ranking: coal economics; impacts on the natural environment; and socioeconomic impacts. The subfactors the regional coal team will consider under each category are those the regional coal team determines are appropriate for that region. The regional coal team will make its determination after publishing notice in the FEDERAL REGISTER that the public has 30 days to comment on the subfactors. The regional coal team will then consider any comments it receives in determining the subfactors. BLM will publish the subfactors in the regional lease sale environmental impact statement required by this section. Tracts may also be ranked for other coal management purposes, such as emergency leasing under subpart 3425 of this title or exchanges under subparts 3435 and 3436 of this title.

(2) The regional coal team may modify tract boundaries being ranked, if appropriate, to reflect additional information.

(3) In ranking tracts, the regional coal team shall solicit the recommendations of the Federal and State agencies having appropriate expertise, including the Geological Survey, the Fish and Wildlife Service and the Federal surface management agency, if other than the Bureau of Land Management.

(4) Where Federal leasing decisions are likely to have impacts on lands