



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

August 2021

Tribal Consultation - Bonding Rulemaking



Internal Use Only



Agenda:

- Welcome and Introductions
- Rulemaking Process Overview
- Purpose of Proposed Rule
- Need for Proposed Rule
- Timeline and Feedback



Government-to-Government Consultation:

- The BLM takes its consultation responsibilities seriously and we believe it is vital that Native American governments be afforded opportunities for ongoing, meaningful dialogue on the proposed rule changes as required by law.
- We recognize that rule changes may have potential impacts and opportunities to sovereign tribes, and as such, your input on this proposed rule is valuable.
- BLM welcomes Tribal input and comment on the proposed rule throughout the process.



Rulemaking Process

1. Initiate process
2. Stakeholder engagement
3. Draft a Proposed Rule
4. Office of Management and Budget (OMB) review
5. Publication of Proposed Rule
6. Receive, analyze, and respond to stakeholder comments
7. Draft Final Rule – *explains the provisions and reasoning, discuss and respond to public comments, update analyses, and set effective date*
8. OMB review
9. Final Rule Federal Register publication



Purpose of Proposed Rule:

- Update bonding requirements for all types of rights-of-way (ROWs)
- Update initial bonding process
- Develop standard bonding amounts
- Enhance bond review process, requirements and updates



Need for Proposed Rule

- The proposed rule will update the Bureau of Land Management's (BLM) regulations for bonding related to rights-of-way
- The BLM currently has a bonding policy through [Instruction Memorandum 2019-013](#)
- Bonding is necessary to ensure the long-term reclamation liabilities to restore the landscape to appropriate conditions



Timeline and Feedback:

- The BLM is targeting publication of the proposed rule in the Federal Register during the winter of 2022; however, the exact date is dependent upon final review and approval from the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA)
- Opportunities for Feedback:
 - Ongoing Government-to-Government consultation will be coordinated upon request



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