



U.S. GOVERNMENT ACCOUNTABILITY OFFICE

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Decision

Matter of: U.S. Department of the Interior, Bureau of Land Management—Applicability of the Congressional Review Act to the Grand Staircase-Escalante National Monument Record of Decision and Approved Resource Management Plan

File: B-337705

Date: January 15, 2026

DIGEST

The U.S. Department of the Interior, Bureau of Land Management (BLM) issued the *Grand Staircase-Escalante National Monument Record of Decision and Approved Resource Management Plan* (Grand Staircase RMP). The Grand Staircase RMP designates BLM-administered lands within the decision area as available or unavailable for certain uses.

The Congressional Review Act (CRA) requires that before a rule can take effect, an agency must submit the rule to both the House of Representatives and the Senate, as well as the Comptroller General. CRA adopts the definition of rule under the Administrative Procedure Act (APA) but excludes certain categories of rules from coverage. We conclude that the Grand Staircase RMP meets APA's definition of a rule, and that no CRA exception applies. Therefore, the Grand Staircase RMP is a rule subject to CRA's submission requirements.

DECISION

On January 13, 2025, the U.S. Department of the Interior (Interior), Bureau of Land Management (BLM) issued the *Grand Staircase-Escalante National Monument Record of Decision and Approved Resource Management Plan* (Grand Staircase RMP).¹ We received a request for a decision about whether the Grand Staircase

¹ 90 Fed. Reg. 2741 (Jan. 13, 2025).

RMP is a rule for purposes of the Congressional Review Act (CRA).² As discussed below, we conclude that the Grand Staircase RMP is a rule for purposes of CRA.

Our practice when issuing decisions is to obtain the legal views of the relevant agency on the subject of the request.³ Accordingly, we reached out to Interior to obtain the agency's views.⁴ We received Interior's response on September 18, 2025.⁵

BACKGROUND

BLM Public Land Management

Under the Federal Land Policy and Management Act of 1976, as amended (FLPMA), BLM is responsible for developing, maintaining, and, when appropriate, revising "land use plans which provide by tracts or areas for the use of the public lands."⁶ BLM land use plans, referred to as "resource management plans" (RMPs), establish goals and objectives to guide future land and resource management actions implemented by BLM.⁷ Pursuant to FLPMA, BLM established procedures for the development, revision, and amendment of RMPs.⁸

The objective of resource management planning is to maximize resource values for the public through a rational, consistently applied set of regulations and procedures which promote the concept of multiple use management.⁹ An RMP generally

² Letter from Representative Celeste Maloy to Comptroller General (July 22, 2025).

³ GAO, *GAO's Protocols for Legal Decisions and Opinions*, GAO-24-107329 (Washington, D.C.: Feb. 2024), available at <https://www.gao.gov/products/gao-24-107329>.

⁴ Letter from Assistant General Counsel for Appropriations Law, GAO, to Acting Solicitor, Interior (Aug. 4, 2025).

⁵ Letter from Acting Associate Solicitor, Division of General Law, Interior, to Assistant General Counsel for Appropriations Law, GAO (Sept. 18, 2025) (Response Letter).

⁶ Pub. L. No. 94-579, title II, § 202(a), 90 Stat. 2743, 2747 (Oct. 21, 1976), 43 U.S.C. § 1712(a).

⁷ *Resource Management Planning*, 81 Fed. Reg. 89580 (Dec. 12, 2016).

⁸ See 43 U.S.C. § 1712(f); 43 C.F.R. part 1600.

⁹ 43 C.F.R. § 1601.0-2. FLPMA defines "multiple use" as "the management of the public lands and their various resource values so that they are utilized in the (continued...)

establishes land use designations; allowable resource uses; resource conditions, goals, and objectives; program constraints and general management practices; areas to be covered by more specific plans; and other related information.¹⁰

BLM may amend an RMP to account for, among other things, new data, new or revised policy, or a change in circumstances.¹¹ Amendments are to be made through an environmental assessment of the proposed change or an environmental impact statement, if needed, and must involve public involvement and interagency coordination.¹²

The Antiquities Act of 1906

The Antiquities Act of 1906 grants the President authority to designate national monuments on federal lands that contain historic landmarks, structures, or other objects of historic or scientific interest.¹³ The President may also reserve parcels of land as part of the national monuments, but the statute mandates that such reservations be confined to the smallest area compatible with the proper care and management of the protected objects.¹⁴ Proclamations under the Act are self-executing and do not require further action by Congress.¹⁵ Both Congress and the President have designated monuments to be overseen by federal land agencies including, for example, the National Park Service and BLM.¹⁶

combination that will best meet the present and future needs of the American people" This objective aims to ensure "a combination of balanced and diverse resource uses that takes into account the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values . . ." 43 U.S.C. § 1702(c).

¹⁰ Response Letter, at 2; *see also* 43 C.F.R. § 1601.0-5(n).

¹¹ 43 C.F.R. § 1610.5-5(n).

¹² *Id.*

¹³ 54 U.S.C. § 320301.

¹⁴ *Id.* § 320301(b).

¹⁵ *See* 54 U.S.C. § 320301.

¹⁶ U.S. Const. art IV, § 3, cl. 2 (Congressional authority); 54 U.S.C. §§ 320301–320303 (President's authority); BLM. *Monuments, Conservation Areas and Similar Designations*, available at <https://www.blm.gov/programs/national-conservation-lands/monuments-ncas> (last visited Dec. 19, 2025).

Grand Staircase-Escalante Resource Management Plan

BLM issued the Grand Staircase RMP to establish a management plan consistent with Presidential Proclamation 10286¹⁷ (Proclamation 10286).¹⁸ Proclamation 10286 restored the boundaries of the Grand Staircase-Escalante National Monument (GSENM) to its pre-December 4, 2017, boundaries.¹⁹ Proclamation 10286 also directed BLM to manage the lands for the specific purpose of protecting and restoring objects identified in Proclamation 10286 and Proclamation No. 6920, 61 Fed. Reg. 50419 (Sept. 26, 1996) (Proclamation 6920).²⁰ Proclamation 10286 incorporated Proclamation 6920 by reference.²¹ Proclamations 6920 and 10286 (collectively, Proclamations) provide that BLM shall develop a management plan for the GSENM in accordance with the Proclamations, FLPMA, and other applicable laws.²²

BLM initiated development of the Grand Staircase RMP in July of 2022 and completed the process with the issuance of the Grand Staircase RMP on January 13, 2025.²³ The Grand Staircase RMP encompasses 1.87 million acres of public land managed by BLM.²⁴ It delineates goals, objectives, and management direction intended to ensure consistency with the protection of monument objects and the direction provided in the Proclamations.²⁵

¹⁷ Proclamation No. 10286, *Grand Staircase-Escalante National Monument*, 86 Fed. Reg. 57335 (Oct. 8, 2021).

¹⁸ Grand Staircase RMP, at 1-1.

¹⁹ Proclamation 10286, at 10; *see generally*, Proclamation No. 9682—*Modifying the Grand Staircase-Escalante National Monument*, 82 Fed. Reg. 58089 (Dec. 4, 2017) (adjusting the boundaries of the GSENM and opening the areas excluded from the GSENM to mining, grazing, and off-road vehicles).

²⁰ Grand Staircase RMP, at 1-1; Proclamation 6920 assigned management responsibilities of the GSENM to BLM.

²¹ Proclamation 10286, at 11.

²² Proclamation 10286, at 11; *see* Proclamation 6920, at 5.

²³ See Grand Staircase RMP, at 1-1 to 1-29; 90 Fed. Reg. 2741 (Jan. 13, 2025).

²⁴ Grand Staircase RMP, at 2-1.

²⁵ See *id.* In addition, FLPMA also requires BLM to manage the GSENM in accordance with the Proclamations. See 43 U.S.C. § 1732(a).

For example, the Grand Staircase RMP establishes a zonal system that assigns different levels of protection and access, including for example more than 1.2 million acres of “primitive area” closed to off-highway vehicle use.²⁶ The RMP also designates areas for particular uses, limits camping to a set number of days, identifies specific pastures as unavailable for grazing or open only for trailing, distinguishes recreational shooting from game hunting, adds explicit protections for old-growth trees, and institutes protection measures for migratory birds.²⁷ To protect sensitive resources, the Grand Staircase RMP creates new Areas of Critical Environmental Concern.²⁸

Some measures within the Grand Staircase RMP are directly mandated by Proclamation 10286. For instance, the RMP implements the withdrawal of all federal lands within the decision area from mineral and geothermal leasing, as directed by Proclamation 10286.²⁹ Additionally, the RMP reflects Proclamation 10286's instruction that lands covered by voluntarily relinquished grazing permits or leases will be retired from livestock grazing.³⁰ And it preserves tribal members access to sites and resources for customary usage.³¹ Finally, the Grand Staircase RMP affirms that management actions based on Proclamation 10286 are subject to valid existing rights and that all actions within the GSENM will be consistent with the protection of GSENM objects.³²

Congressional Review Act

CRA, enacted in 1996 to strengthen congressional oversight of agency rulemaking, requires federal agencies to submit a report on each new rule to both houses of Congress and to the Comptroller General for review before a rule can take effect.³³ The report must contain a copy of the rule, “a concise general statement relating to

²⁶ Grand Staircase RMP, at 2-70.

²⁷ Grand Staircase RMP, at 1-3 to 1-6.

²⁸ Grand Staircase RMP, at 2-5

²⁹ Grand Staircase RMP at 1-12, 2-12; Proclamation 10286, at 11.

³⁰ Grand Staircase RMP at 2-21; Proclamation 10286, at 12.

³¹ Grand Staircase RMP at 1-10, 1-11, 1-16; Proclamation 10286, at 12.

³² Grand Staircase RMP at 2-1; Proclamation 10286, at 11.

³³ 5 U.S.C. § 801(a)(1)(A).

the rule,” and the rule’s proposed effective date.³⁴ CRA allows Congress to review and disapprove rules issued by federal agencies for a period of 60 days using special procedures.³⁵ If a resolution of disapproval is enacted, then the new rule has no force or effect.³⁶

CRA adopts the definition of a rule under the Administrative Procedure Act (APA), which states that a rule is “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.”³⁷ However, CRA excludes three categories of rules from coverage: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.³⁸

Interior did not submit a CRA report to Congress or the Comptroller General on the Grand Staircase RMP.³⁹ In its response to us, Interior provided additional information about RMP procedures related to the release of the Grand Staircase RMP.⁴⁰ Interior noted that it followed the notice and public comment procedures for RMPs in accordance with FLPMA and its regulations.⁴¹ However, Interior did not state a position as to whether the Grand Staircase RMP is a rule under CRA.⁴²

DISCUSSION

At issue here is whether the Grand Staircase RMP meets CRA’s definition of a rule, which adopts APA’s definition of a rule, with three exceptions. As explained below, we conclude that it does and that no exceptions apply. Consequently, the Grand Staircase RMP is subject to review under CRA.

³⁴ *Id.*

³⁵ 5 U.S.C. § 802.

³⁶ 5 U.S.C. § 801(b)(1).

³⁷ 5 U.S.C. §§ 551(4), 804(3).

³⁸ 5 U.S.C. § 804(3).

³⁹ Response Letter, at 1.

⁴⁰ *Id.*, at 1–2.

⁴¹ Response Letter, at 1.

⁴² *Id.* at 1–2.

The Grand Staircase RMP is a Rule under APA

Applying APA's definition of a rule, the Grand Staircase RMP meets all of the required elements. First, the Grand Staircase RMP is an agency statement as it was issued by BLM, a federal agency.⁴³ However, because the RMP was issued in response to a presidential proclamation under the Antiquities Act of 1906, we must assess whether the RMP represents an agency statement or a presidential action. The President is not an agency for purposes of APA, accordingly presidential actions are not rules under APA.⁴⁴ Thus, we have distinguished between an agency acting under its own statutory authority, which would constitute an agency statement, and an agency acting under authority delegated by the President, which constitutes a presidential action.⁴⁵

For example, in B-333725, Mar. 17, 2022, we considered whether guidance issued by a presidential task force and approved by the Office of Management and Budget (OMB) constituted a rule under CRA.⁴⁶ Pertinent here, we examined whether OMB's approval of the guidance was taken under the President's sole authority or the authority vested in the agency.⁴⁷ There, the Federal Property and Administrative Services Act⁴⁸ (the Property Act) vested the President, not any agency, with the authority to prescribe the policies and directives the President considered necessary to carry out the statute's purposes.⁴⁹ The President subsequently delegated this authority to OMB.⁵⁰ OMB's involvement therefore existed solely by virtue of that

⁴³ See BLM, *BLM National NEPA Register*, available at <https://eplanning.blm.gov/eplanning-ui/project/2020343/510> (last visited Jan. 5, 2025); 89 Fed. Reg. 93650 (Nov. 27, 2024); B-337163, June 25, 2025 (finding a similar RMP amendment issued by BLM to be an agency statement).

⁴⁴ B-333725, Mar. 17, 2022 (*citing Franklin v. Massachusetts*, 505 U.S. 788, 800–01 (1992)).

⁴⁵ Compare B-333725, Mar. 17, 2022, with B-336512, Aug. 29, 2024, and B-335142, May 1, 2024.

⁴⁶ As a threshold matter, we concluded that the task force was not an agency because it did not exercise substantial authority independently from the President.

⁴⁷ B-333725, Mar. 17, 2022.

⁴⁸ 40 U.S.C. § 121.

⁴⁹ *Id.*

⁵⁰ *Id.*

presidential delegation.⁵¹ Because the President is not an “agency” under the APA, we concluded that when an agency acts solely pursuant to authority vested exclusively in the President—effectively standing in the President’s shoes—the resulting action is attributable to the President rather than to the agency.⁵²

By contrast, in B-336512, Aug. 29, 2024, we concluded that an OMB Controller Alert suggesting that agencies identify projects funded by statutes enacted pursuant to initiatives of the Biden Administration constituted an agency statement because it was issued pursuant to OMB’s statutory authority to issue such guidance, rather than under authority delegated by the President.

The crux of our analysis here lies in whether BLM was merely a conduit for the President’s Antiquities Act authority or whether it exercised its own independent authority under FLPMA. As explained further below, we conclude that the Grand Staircase RMP operates as a hybrid regulatory instrument, reflecting both the implementation of the Proclamations directives and BLM’s independent exercise of its discretion and authority under FLPMA.

The Antiquities Act vests the President with the authority to declare certain landmarks, structures, and objects as national monuments and to reserve parcels of land as part of the national monuments.⁵³ In certain respects, the Grand Staircase RMP affirms the Proclamations’ directives and implements measures to protect the GSENM. The Grand Staircase RMP provisions that acknowledge GSENM and specify its boundaries simply reflect the legal status of the land as established by the President under the Antiquities Act. Some directives of the Proclamations also include the administration’s policy for the protection of the GSENM and other policy interest. For example, the withdrawal of GSENM from disposition under mineral and geothermal leasing laws, recognition of valid existing rights, the provision of access to tribal members for customary uses, and adoption of a mandatory policy on grazing permit relinquishment.

However, BLM’s implementation of the Proclamations’ policy directives and other discretionary provisions were developed under BLM’s independent authority to manage public lands and resources under FLPMA. More specifically, BLM prepared the Grand Staircase RMP pursuant to Interior’s land-use planning regulations implementing FLPMA, codified at 43 C.F.R. part 1600.⁵⁴ In developing the Grand Staircase RMP, BLM proposed five alternatives, Alternatives A–E, for the protection

⁵¹ *Id.*

⁵² *Id.*

⁵³ 54 U.S. Code § 320301(a)–(b).

⁵⁴ Grand Staircase RMP, at 1-1.

of the GSENM and the management of federal land and resources within the decision area.⁵⁵ The development of management alternatives, and the selection of an alternative, is the hallmark of BLM's discretion under FLPMA.⁵⁶ BLM selected its Proposed RMP, Alternate E, which builds on Alternative C and incorporates its assessment of the best available scientific information, public comments, cooperating-agency input, government-to-government consultation, and elements of other alternatives.⁵⁷ Accordingly, BLM exercised its independent authority and discretion in choosing Alternative E, as the best alternative to manage land use and resources within the decision area.

As noted above, the Antiquities Act grants the President authority to identify objects of historic or scientific interest and to reserve the smallest area of land necessary for their protection.⁵⁸ By its plain terms this authority, while exclusive to the President, is narrow in scope. It does not encompass the development of land-use plans, or the allocation of resources on public land.⁵⁹ Congress assigned those responsibilities to the Secretary of the Interior and BLM under FLPMA.⁶⁰ The Grand Staircase RMP explains that Alternative E designates management areas primarily as a tool for managing visitation and allowable uses, while also ensuring protection of GSENM objects.⁶¹ Whereas the President through Proclamations was empowered to establish the GSENM and its boundaries under the Antiquities Act. Because the Grand Staircase RMP relies on a separate statutory grant of authority, FLPMA, rather than delegation of the President's statutory authority under the Antiquities Act, BLM was not "standing in the President's shoes" when it developed a land use plan for the GSENM. Although the proclamation directs the Secretary and BLM to provide for the care and management of the monument, such directives do not expand the President's statutory authority under the Antiquities Act or displace BLM's obligations under FLPMA. Unlike the case in B-333725, where OMB acted

⁵⁵ Grand Staircase RMP, at 1-7; *see also* 1-8.

⁵⁶ See 43 C.F.R. § 1610.4-5; 40 C.F.R. § 1502.14 (2025). While section 1502.14 is a National Environmental Policy Act (NEPA) regulation, BLM's planning process is fully integrated with NEPA requirements. Grand Staircase RMP, at 1-1; 1-1 n. 1-2. Section 1502.14 describes the alternatives section as "the heart of the environmental impact statement."

⁵⁷ Grand Staircase RMP, at 1-7 to 1-8.

⁵⁸ 54 U.S.C. § 320301.

⁵⁹ *See id.*

⁶⁰ See 43 U.S.C. § 1712(a), 1731.

⁶¹ Grand Staircase RMP, at 1-8.

solely under the authority delegated by the President under the Property Act, the legal authority to manage federal land and resources is vested in BLM.

The Grand Staircase RMP's affirmation of the GSENM's legal status, and its initiation pursuant to the Proclamations, does not render the RMP a presidential action. To conclude otherwise would create a loophole for "hybrid" actions by insulating significant regulatory actions from legislative oversight under CRA. The Grand Staircase RMP reflects the agency's determination of how it will exercise its independent authority and discretion under its statutory mandate to develop land use plans for public lands and the government's mineral estate. Because the GSENM's legal status exists independently of the Grand Staircase RMP, provisions that affirm the Proclamations do not change the RMP's fundamental character—an agency-level administrative action. Accordingly, the Grand Staircase RMP constitutes an agency statement for purposes of the APA.

Second, returning to the three elements of the definition, the Grand Staircase RMP is a rule of future effect because it is designed to apply prospectively to guide all subsequent management decisions and it implements and directs the long-term allocation of public land for certain uses, establishes permissible resource uses, and defines the conditions and constraints necessary to achieve the specific goals and objectives outlined within the RMP.⁶² The management decisions made in the Grand Staircase RMP became effective January 6, 2025, when the Record of Decision was signed.⁶³ As of that date, the Grand Staircase RMP establishes a framework upon which further decisions will be made.⁶⁴ Therefore, the Grand Staircase RMP has future effect.

Finally, the Grand Staircase RMP implements, interprets, or prescribes law or policy, because it implements a management plan as directed by and in accordance with the Proclamations.⁶⁵ We have recognized that "a statement by an agency that simply restates an established interpretation 'tread[s] no new ground' and 'le[aves] the world just as it found it, and thus cannot be fairly described as implementing,

⁶² See Grand Staircase RMP, at 1-2 to 1-3; Response Letter, at 2.

⁶³ Although the Grand Staircase RMP was published in the *Federal Register* on January 13, 2025, the document was signed on January 6, 2025, and states that it became effective upon signature. Grand Staircase RMP, at 1-2, 1-29; 90 Fed. Reg. 2741 (Jan. 13, 2025).

⁶⁴ Grand Staircase RMP, at 1-1, 1-2, 1-8, 2-1.

⁶⁵ Grand Staircase RMP, at 1-1.

interpreting, or prescribing law or policy.”⁶⁶ However, while the RMP restates certain provisions in Proclamation 10286, it also establishes management policies pursuant to BLM’s authority under FLPMA that were not included in the Proclamation. Additionally, the RMP establishes conditions on land use, allocates resources for specific purposes, and prohibits certain activities pursuant to BLM’s authority under FLPMA.⁶⁷

Our conclusion here is consistent with our previous decisions finding similar land use plans and RMPs implement, interpret, or prescribe law or policy.⁶⁸ Accordingly, the Grand Staircase RMP satisfies the third element of the APA definition of “rule.” Having met all required elements, the Grand Staircase RMP constitutes a rule under APA.

CRA Exceptions

We must next determine whether any of CRA’s three exceptions apply. CRA provides for three types of rules that are not subject to its requirements: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties.⁶⁹

(1) Rule of Particular Applicability

Consistent with our previous decisions, the Grand Staircase RMP is a rule of general applicability, rather than particular applicability. For example, in B-337163, June 25, 2025, BLM issued the Miles City Resource Management Plan Amendment (RMPA) that established land use designations to govern all coal mining activities by any person or entity within the planning area of its Miles City Field Office. Because the Miles City RMPA governed all coal mining activities by any person within its purview, we concluded that the Miles City RMPA was a rule of general applicability.⁷⁰ Similarly, the Grand Staircase RMP establishes land use designations, forecloses certain activities, allocates resources, and imposes conditions upon land use that

⁶⁶ B-336217, Aug. 6, 2024 (quoting *Golden & Zimmerman, LLC v. Domenech*, 599 F.3d 426, 432 (4th Cir. 2010) (alterations in original)).

⁶⁷ Grand Staircase RMP, at 1-2 to 1-3. See 43 C.F.R. § 3420.1-4.

⁶⁸ See, e.g., B-337163, June 25, 2025; B-337175, June 25, 2025; B-329065, Nov. 15, 2017; B-238859, Oct. 23, 2017; B-274505, Sept. 16, 1996.

⁶⁹ 5 U.S.C. § 804(3).

⁷⁰ B-337163, June 25, 2025.

are applicable to any person or entity within the GSENM, making it a rule of general applicability.⁷¹

(2) Rule of Agency Management or Personnel

The Grand Staircase RMP is not a rule of agency management or personnel. We have previously found that rules that fall into this category relate to purely internal agency matters.⁷² Because the Grand Staircase RMP primarily focuses on how the public may use resources and public land rather than BLM's internal management or its personnel, the RMP does not meet CRA's second exception.

(3) Rule of Agency Organization, Procedure, or Practice that Does Not Substantially Affect Non-Agency Parties

Lastly, the Grand Staircase RMP is not a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.⁷³

We have previously explained that this exception was modeled on the APA exception to notice-and-comment rulemaking requirements for "rules of agency organization, procedure, or practice."⁷⁴ The purpose of the APA exception is to ensure "that agencies retain latitude in organizing their internal operations," so long as such rules do not have a substantial impact on non-agency parties.⁷⁵

Following this principle in the CRA context, we have only applied CRA's third exception to rules that primarily focus on the internal operations of an agency. For instance, in B-329926, Sept. 10, 2018, we found that updates to a Social Security Administration (SSA) hearing manual governing SSA adjudicators' use of information from the internet qualified as a rule of agency organization, procedure, or practice. There, the manual outlined procedures for SSA employees to follow in processing and adjudicating benefits claims.⁷⁶ Because the manual was directed to

⁷¹ See Grand Staircase RMP, at 1-2 to 1-3.

⁷² See, e.g., B-335142, May 1, 2024; B-334411, June 5, 2023.

⁷³ See 5 U.S.C. § 804(3)(C).

⁷⁴ 5 U.S.C. § 553(b)(A); see B-329926, Sept. 10, 2018.

⁷⁵ *Batterton v. Marshall*, 648 F.2d 694, 707 (D.C. Cir. 1980).

⁷⁶ See, e.g., B-329926, Sept. 10, 2018.

and binding only on SSA officials without imposing new burdens on claimants, we concluded that the manual met CRA's third exception.⁷⁷

In contrast, rules that are directed at and primarily concerned with the behavior of non-agency parties do not fall within this category.⁷⁸ Thus, in B-337163, June 25, 2025, we declined to apply CRA's third exception to BLM's Miles City RMPA, because it was not limited to changes in BLM's internal operations. Instead, the Miles City RMPA was directed at non-agency parties as it foreclosed these parties from leasing coal within designated areas of the decision area.⁷⁹ Similarly, in B-337200, June 25, 2025, we declined to apply CRA's third exception to the Central Yukon RMP because the plan primarily regulated the conduct of non-agency parties by foreclosing certain actions through the establishment of land use designations and the delineation of the activities that may be undertaken in the decision area.

Here, the Grand Staircase RMP includes some procedural changes, such as the new requirement for personnel to utilize a revised drought index when determining whether to implement grazing reductions.⁸⁰ However, like the Miles City RMPA and the Central Yukon RMP, the Grand Staircase RMP is not primarily focused on making changes to internal agency operations. Instead, the Grand Staircase RMP is directed at, and concerns itself primarily with the preservation of the GSENM by delineating the use of public land and resources by non-agency parties within the decision area. Therefore, the Grand Staircase RMP does not qualify as a rule of agency organization, procedure, or practice.

We must also consider whether the Grand Staircase RMP substantially affects the rights or obligations of non-agency parties. When analyzing this aspect of CRA's third exception, "the critical question is whether the agency action alters the rights or interests of the regulated entities."⁸¹ Along similar lines, courts have determined that "[a]n agency rule that modifies substantive rights and interests can only be nominally procedural, and the exemption for such rules of agency procedure cannot apply."⁸²

⁷⁷ *Id.*

⁷⁸ *E.g.*, B-337163, June 25, 2025; B-337175, June 25, 2025; B-337059 May 28, 2025.

⁷⁹ B-337163, June 25, 2025, at 10.

⁸⁰ Grand Staircase RMP, at 1-5, 1-17, 1-24, 2-22.

⁸¹ B-329926, Sept. 10, 2018, at 6.

⁸² *United States Department of Labor v. Kast Metals Corp.*, 744 F.2d 1145, 1153 (5th Cir. 1984).

In previous decisions, we have concluded that where an RMP designates use by non-agency parties in the areas it governs, it has a substantial effect.⁸³ For instance, in B-337163, June 25, 2025, we explained that the Miles City RMPA altered substantive rights and obligations of non-agency parties by excluding 1,745,040 acres of BLM-administered land from coal leasing, effectively precluding these parties from pursuing coal leases within the Miles City planning area. Similarly, in B-337200, June 25, 2025, we concluded that the Central Yukon RMP substantially affected non-agency parties by imposing, among other things, land use restrictions, such as designating areas of critical environmental concern and closing certain tracts of land for mineral extraction and recreational use.⁸⁴

Consistent with our prior decisions concerning other RMPs, the Grand Staircase RMP has a substantial effect on non-agency parties. The Grand Staircase RMP substantially affects the rights and obligations of non-agency parties by, for example, designating specific grazing pastures, e.g., Circle Cliffs, Upper Paria, as "unavailable" or "trailing-only", and closing approximately 1.2 million acres (classified as a Primitive Zone) to off-highway vehicle use.⁸⁵ Furthermore, the RMP imposes time limitations for camping, restricts or closes areas to recreational shooting, and provides direction regarding access for mineral exploration and timber harvesting.⁸⁶ Accordingly, the Grand Staircase RMP fails to meet CRA's third exception.

CONCLUSION

The Grand Staircase RMP is a rule for purposes of CRA because it meets the definition of a rule under APA and no CRA exception applies. Therefore, the Grand Staircase RMP is subject to CRA's requirement that it be submitted to Congress and the Comptroller General before it can take effect.



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General Counsel

⁸³ See, e.g., B-337163, June 25, 2025; B-337175, June 25, 2025; B-329065, Nov. 15, 2017; B-238859, Oct. 23, 2017; B-274505, Sept. 16, 1996.

⁸⁴ B-337200, June 25, 2025.

⁸⁵ Grand Staircase RMP, at 1-15, 2-18.

⁸⁶ Grand Staircase RMP, at 1-3 to 1-6.