

2802 – LANDS AVAILABLE FOR FLPMA GRANTS

Table of Contents

- .1 Lands Available For ROW Grants
 - A. Lands
 - 1. General
 - 2. Mining Claims
 - 3. Common Use
 - B. Corridors
 - 1. Corridor Philosophy
 - 2. Preferred Location
 - 3. Designation of Corridors without Further Review
 - a. Uses
 - b. Notification
 - c. Documentation
 - 4. Designation of Corridors Using the Land Use Planning Process
 - a. Required Land Use Planning Decisions
 - b. Windows
 - c. Avoidance Area
 - d. Documentation
 - 5. Land Use Planning Considerations
 - 6. Other Considerations
 - 7. NEPA and Related Considerations
 - 8. Corridor Management
 - 9. Modification
 - 10. Land Disposal
 - 11. Recordation
 - a. Maps
 - b. MTP
 - 12. Other Corridors
 - C. Communication Sites and Land Use Plans
 - 1. Designation
 - 2. Multiple Use Terms and Conditions

2802 – LANDS AVAILABLE FOR FLPMA GRANTS

.1 Lands Available For ROW Grants

A. Lands. The BLM may grant ROWs on any Public Lands except where such lands are restricted by Statute, Executive or Secretarial Order, or Land Use Plan. For example, Wilderness areas are restricted by Statute; certain National Monuments are restricted by the terms of the establishing Executive Order.

1. General. The BLM will not exclude, otherwise available, land from ROW consideration unless such has been addressed in an approved Land Use Plan. Where an appropriate corridor has been designated, the BLM will encourage use of that corridor.

2. Mining Claims. Lands within mining claims located prior to July 23, 1955, and upon which the United States has not obtained surface management rights, do not qualify as public lands under FLPMA. ROWs may not be issued for land included in such mining claims.

3. Common Use. To the extent practical and with consideration of safety conditions, the BLM will require common use of ROWs and use of designated corridors for new ROWs.

B. Corridors.

1. Corridor Philosophy. Whenever possible the BLM will manage ROW use of public land through a system of designated corridors. Use of designated corridors for future ROW grants will be actively encouraged by the BLM.

2. Preferred Location. A designated corridor is a preferred location for the placement of rights-of-way. It is not a withdrawal of public lands for exclusive use in the future. The BLM, as the manager of public lands, has a responsibility to inform all users of the preferred location for rights-of-way before an applicant incurs any expense in formulating a proposal.

3. Designation of Corridors Without Further Review. A transportation and utility corridor existing on Oct 20, 1976, shall be assumed to be suitable for designation unless there is immediately available factual information to the contrary. Such corridors will be designated without further review as provided by Section 503 of FLPMA.

a. Uses. Existing transportation and utility corridors may be designated without further review only for existing and any potential additional compatible uses.

2802 – LANDS AVAILABLE FOR FLPMA GRANTS

For example, an existing corridor currently used for highway, railroad and electric transmission purposes may be designated for these uses as well as for oil and gas pipelines, canals, or communication purposes.

b. Notification. If high interest is anticipated, the public and holders shall be notified when designating existing transportation and utility corridors without further review.

c. Documentation. An existing transportation and utility corridor designated without further review requires a written statement signed by the AO.

4. Designation of Corridors Using the Land Use Planning Processes.

a. Required Land Use Planning Decisions. New corridors must be designated through Land Use Planning - Resource Management Plans (RMP) or amendments to Management Framework Plans (MFP). The need for corridors must be identified during the planning process. The proposed uses within the corridors must also be considered with other uses of the public lands covered by the plan or amendment.

b. Windows. Where planning considerations identify only scattered areas of transmission or utility routing constraints, the AO may specify such short critical segments within these constraint areas as designated corridors. These segments of corridors are also called “windows.”

c. Avoidance Areas. Where planning considerations identify negative routing factors the AO may designate ROW avoidance or special consideration areas.

d. Documentation. Approval or adoption of a land use plan which includes designated ROW corridors will serve as the written decision.

5. Land Use Planning Considerations. When conducting the land use planning process the AO shall consider all corridors identified in the 1992 Western Regional Corridor Study, as updated for priority consideration in 2003, for designation. This study provides the best available summary of existing and future ROW needs. Also consider any major existing utility or transportation facilities:

- a. Electric transmission facilities.
- b. Pipelines 10" in diameter and larger.
- c. Significant canals, ditches, and conduits.

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2802 – LANDS AVAILABLE FOR FLPMA GRANTS

- d. Railroads.
- e. Microwave communication sites and associated pathways.
- f. Communication lines for interstate use.
- g. Federal, State, and interstate highways.

6. Other Considerations. Some factors used to determine the location and boundaries of ROW corridors are:

- a. Federal, state and local land-use plans and applicable federal and state laws.
- b. Physical effects and constraints on placing corridors due to geology, hydrology, meteorology, soil, or land forms.
- c. Costs of construction, operation and maintenance and costs of modifying or relocating existing facilities in a proposed corridor, i.e., the economic efficiency of placing a ROW corridor.
- d. Risks to national security.
- e. Potential health and safety hazards imposed on the public by facilities or activities located within the ROW corridor.
- f. Social and economic impacts of the corridor on public land users, adjacent landowners, and other groups or individuals.
- g. Engineering and technological compatibility of proposed and existing facilities.

7. NEPA and Related Considerations.

- a. Anticipate that new grants when located within designated corridors will be as near as technically, economically, environmentally, and otherwise practical to existing grants. Common use shall be required whenever feasible.
- b. Avoid inference that the BLM's preferred location is binding upon intermixed nonpublic lands. Where the probable highest and best use of intermixed nonpublic land proves to be incompatible with ROW use, alternative locations should be considered for the designated corridors.

2802 – LANDS AVAILABLE FOR FLPMA GRANTS

- c. A designated corridor shall be as wide as necessary to be responsive to anticipated ROW needs and to all other factors influencing use of public land.
- d. Corridor alternatives should be analyzed in order that alternative routes do not have to be considered for a ROW proposal within the designated corridor.
- e. A proposal to locate a ROW within a designated ROW corridor, even though such a proposal may not qualify as a categorical exclusion, does not require that alternative routes be analyzed during the NEPA review provided the analysis of alternative routes has been adequately analyzed in the ROW corridor designation process.

8. Corridor Management

- a. The BLM shall encourage prospective applicants to locate their ROW proposals in designated corridors.
- b. The BLM shall not make substantial investments in resource management activities within designated corridors, when such resource management is not compatible with ROW use.

9. Modification. A designated corridor, regardless of the means by which it was originally established, shall be modified or terminated only as a result of a land use planning decision.

10. Land Disposal. Lands contained in a designated corridor may be considered for inclusion in proposals to sell, exchange, withdraw, or transfer jurisdiction of public land, only by a plan amendment or new planning effort. Such planning efforts shall insure an evaluation of the effect of the proposed action on future ROW activities on other public land.

11. Recordation.

- a. Maps. As designated ROW corridors are established, their locations shall be shown on maps which shall be made available by the AO for public review.
- b. MTP. The location of designated ROW corridors should not be shown on master title plats.

12. Other Corridors. Corridors established under other authorities, such as the Energy Policy Act of 2005, may affect the BLM's ROW processing.

2802 – LANDS AVAILABLE FOR FLPMA GRANTS

C. Communication Sites and Land Use Plans.

1. Designation. Unless an existing site is scheduled for de-activation, all existing communication sites should be identified in the RMP. Potential communication areas should also be identified and measured against the other uses and values identified in the planning process.

2. Multiple Use Terms and Conditions. Identify in the Communication Site Management Plan and in the RMP those multiple use terms and conditions, developed from the RMP, which would affect use within the communication site. Consider such factors as coloration or background blending, tower height, and utility access. Where applicable, also include limitations not developed through the planning process such as high power versus low power uses.