



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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May 16, 2012

**In Reply Refer To:**  
2812 (OR936.1) P

EMS TRANSMISSION 05/18/2012  
Instruction Memorandum No. OR-2012-049  
Expires: 9/30/2013 **Extended to 09/30/2014**

To: All Western Oregon District Managers and the Lakeview District Manager  
From: State Director, Oregon/Washington  
Subject: Reciprocal Right-of-Way Access Rights Over Bureau of Land Management Lands  
Encumbered by Reciprocal Right-of-Way Agreements

**Program Area:** O&C Reciprocal Right-of-Ways.

**Purpose:** 43 CFR 2812 establishes the regulations for the U.S. Government to enter into Reciprocal Right-of-Way (RROW) agreements with private timber land owners in order to provide access to both U.S. and private timberlands. Regulation 43 CFR 2812.06(c) states a policy of administrative coordination and access to both private and Federal timberland. The intent of the O&C Right-of-Way program is beneficial, mutual access to both private and Federal timberland (O&C Logging RROW Handbook H-2812-1).

The purpose of this information memorandum (IM) is to clarify the interpretation of access rights over Bureau of Land Management (BLM) lands encumbered by existing RROW agreements.

This policy will reaffirm the commitment from the BLM and RROW permittees to work together in the exchange of mutual access over lands managed by both parties and will facilitate the ability to process amendments and assignments within a timely manner.

**Policy/Action:** When land managed by the BLM is already encumbered by an RROW agreement, the BLM shall grant terms and conditions with equivalent discretion as found in the existing agreement to other RROW permittees requesting access over that BLM parcel.

This policy will be limited to BLM lands already encumbered by RROW agreements. Any BLM lands not encumbered with RROW agreements will be subject to full discretion and new terms and conditions.

Existing RROW agreements will be updated with applicable regulations in effect on the date of approval of the assignment or amendment as defined by Chapter XII, pages 7-8 of the O&C Logging Road Right-of-Way Handbook dated February 17, 2009.

The BLM and permittees will work together in the mutual exchange of reciprocal access needs by processing amendments and assignments in a timely manner.

Access needs will be added through amendment to existing agreements, where conditions do not trigger the assignment process. The transfer of legal access rights along with ancillary road ownership, control, and amortization will continue to be processed in accordance with 43 CFR 2812.7.

**Timeframe:** This policy is effective immediately.

**Budget Impact:** Implementation will create a significant decrease in paperwork, cost, and workload for both the BLM and permittees.

**Background:** Currently, RROW actions are complex. The cost and the backlog of assignments and amendments continues to increase while funding decreases. Both BLM and intermingled private landowners need clarification on the interpretation of access rights over BLM lands encumbered by existing RROW agreements so that the reciprocal partnership fostered by the mutual access intent of the 43 CFR 2812 regulations can be carried out as originally intended.

Through the purchase, sale, or transfer of land or timber within another permittee's RROW agreement, a permittee can secure the same access rights independently as a limited discretion action. BLM cannot narrow the rights of the permit being assigned and has limited grounds to object to the permit assignment. This policy statement recognizes this alternative procedure available for a permittee to obtain access outside the BLM's control and, therefore, expedites the process for obtaining access rights with the same discretion as that held by other RROW permittees. This IM does not negate or diminish any of the regulatory requirements of 43 CFR 2812.

**Manual/Handbook Sections Affected:** BLM OSO Handbook H-2812-1 Rel. 2-165 Chapter 11, Section K and Chapter 12, Section C.

**Coordination:** This policy has been coordinated with Sarah Bickford, RROW Program Lead, Branch of Lands, Minerals and Energy Resources; District RROW Program Leads; Westside District Managers; Deputy State Director, Resource Planning, Use, and Protection; and the State Director.

**Contact:** For questions about the RROW program, contact Sarah Bickford, RROW Program Lead, Branch of Lands, Minerals, and Energy Resources, at 541-683-6159.

**Districts with Unions** are reminded to notify their unions of this IM and satisfy any bargaining obligations before implementation. Your servicing Human Resources Office or Labor Relations Specialist can provide you with assistance in this matter.

Signed by  
Andrew M. Smith  
Acting Associate State Director

Authenticated by  
Paj Shua Cha  
Records Section

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