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.10 Pre-Application Activities. A successful pre-application meeting requires advance preparation. This saves time later on. The checklist (Illustration 1) provides some factors for consideration.

A. Pre-Application Objectives. The objective of the pre-application meeting is to expedite the ROW granting process by fostering a mutual understanding of the process and the BLM's and the applicant's needs. It may take a combination of meetings and telephone conversations to develop an understanding of the prospective applicant's needs and to provide information on BLM policies and procedures.

B. Meeting. The BLM will encourage all prospective applicants to set aside a period of time for a pre-application meeting.

C. Participants. The BLM may invite other interested Federal/State agencies to participate in any pre-application meeting. Where a multi-agency MLA proposal is involved, the BLM must invite the other land managing agency(s).

D. Plans of Development (PODs). The proponent shall be encouraged to submit a POD with any application to expedite the review process.

1. The proponent shall be informed that PODs shall always be required at the application stage when:

a. **Toxic Substances**, as defined in the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.), are proposed for use or storage or will be generated or used during any phase of the project,

b. An **environmental impact statement (EIS)** is necessary, and/or,

c. The ROW proposal is a **major project** (e.g. 20 inch or larger pipeline) in scope.

2. Proponents shall be given every opportunity to use Illustration 3 "Plan of Development Outline" and the POD Handbook. This will allow the proponent to provide the BLM and any participating Federal agencies with more complete and useful application information by reviewing the descriptive outlines for PODs.

E. Processing Time and Cost. Prior to the end of the meeting, the BLM shall inform the proponent of the estimated time and complexity of processing such an application and the anticipated cost (processing and monitoring fees and rent) involved. The applicant shall also be informed of potential bonding requirements.

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Note. For major projects this may be furnished after further review of the proposal.

No case processing work shall be done until the appropriate application processing fees have been paid.

.11 Applications and Filings.

A. Application Form. Applications are to be filed on Standard Form (SF) 299. (See Illustration 2.)

1. TUPs shall only be used for purposes in association with an application for a MLA ROW or an existing MLA ROW grant.

a. Example. A need to do soil sampling beyond casual use to provide information necessary to process an application.

b. The area of a TUP shall be limited to the smallest practicable size to produce the desired result.

c. The term of a TUP shall be limited to the duration necessary but, in no case, will it exceed 3 years. TUPs are not extendable or renewable.

B. Contents. An application is considered “complete” when the applicant has furnished all required information with the SF 299 and the non-refundable application processing fee has been paid (see 43 CFR 2884.11.) Telefaxed applications are acceptable. If the application is telefaxed to the BLM, it is recommended that the original signed application be mailed to the AO.

1. Assistance. The AO shall assist the proponent in completing the application whenever possible. When it is not possible to assist in preparing the application, mail the SF 299 and the brochure Obtaining a Right-of-Way on Public Lands, which contains background on rights-of-way and instructions for completing the form, to the proponent.

2. Authorizations with Other Federal Agencies. If the proposed use of public lands involves any other Federal license, certificate, or other authorization, the applicant must simultaneously file a ROW application with the BLM. The information filed with other Federal agencies must be attached to the BLM ROW application.

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3. Project Description /POD. This information is the basis for defining the “proposed action” in the NEPA document. The applicant is encouraged to use the POD as the vehicle to provide this information. The POD should detail all design features which may mitigate potential impacts. When toxic substances are proposed for use on the project, detailed descriptions shall be provided of the proposed use and how spills, release, fire, and other contingencies will be handled by the prospective grant holder. This will expedite the entire application review process. Illustration 3 is an outline of a pipeline POD.

4. Confidentiality: The BLM will keep confidential any information in the application that the applicant has marked as “confidential” or “proprietary” to the extent allowed by law. Most of the information provided in a ROW application is public information, available to anyone filing a Freedom of Information Act (FOIA) request. Concerned applicants should discuss their particular situation with a State or Field Office FOIA coordinator prior to submitting an application.

.12 Processing Fee.

A. General: Applicants for, or holders of, ROW grants must reimburse the Government for direct and indirect costs involved in processing applications. These reimbursements also include the costs of monitoring the construction, operation, maintenance, and termination phases of a grant or project, including rehabilitation of the land involved. A letter of intent is not an approved application form.

B. Processing Fee Categories. The regulations establish a cost recovery fee schedule with six ROW cost reimbursement categories. (See Illustration 4.) Each category reflects a progressively more complex level of application processing or monitoring. Categories 1 through 4 (*minor categories*) have a non-refundable fee based on the average work time of processing typical cases covered by the category. The fees for categories 1 through 4 are adjusted annually based on an economic indicator. Applications in categories 5 and 6 (*major categories*) require an advance payment to be determined upon filing the application plus periodic advance payments of remaining processing costs and/or of anticipated costs that exceed the initial estimate.

1. Determination of Processing Category. The AO will determine the appropriate processing category and issue a decision document, with the right of appeal.

a. Change in Decision. A category 1 to 4 determination may be changed, subject to appeal, to a Category 6 at any time it is determined that preparation of an EIS is required. No other category determination changes may be made.

b. Category 5 – Master Agreements. See 2884.15 below.

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c. Category 6. Development of estimated work and work costs is usually necessary prior to the applicant paying an advance processing fee.

d. Advance Payment. No additional work on the application will be undertaken before the appropriate fee has been paid.

C. TAPS. For authorizations relating to the Trans-Alaska Pipeline System (TAPS), send a written statement of reimbursement of actual costs within 30 days of the close of each quarter year – March 31, June 30, September 30, and December 31.

.13 Exemptions. Cost reimbursement procedures do not apply to State and local governments or an agency of such a government which are not municipal utilities, where:

A. Federal lands shall be used for governmental purposes, and

B. Continue to serve the general public.

.14 [Reserved]

.15 Master Agreements.

A. General. A Master Agreement (MA) is a negotiated agreement, allowing considerable flexibility between the BLM and the applicant in the areas of how grants are issued, grant terms, applicability, and cost sharing. MAs will only be used with a single applicant who is subject to cost recovery. Applicants exempt from cost recovery must pursue another type of agreement (e.g. Cooperative Agreement). An MA must be in the public interest. It usually involves either:

1. A project requiring multiple approvals from the BLM, or

2. Multiple projects within a defined geographic area each requiring approvals from the BLM.

B. Purpose. An MA is intended to streamline usual ROW processing procedures, and to reduce paperwork for multiple, similar authorizations in a limited geographic area. It could be useful to operators/developers of oil and gas fields for access roads and feeder pipelines, and the associated gathering systems and transportation pipelines of the transport companies.

C. Cost Recovery for MAs. This is a negotiated agreement, and shall be based on the concept of reimbursing the BLM for all actual costs on MLA applications.

D. Accounting Procedures.

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1. Supporting Documentation. All costs must be supported by documentation sufficient to establish that the costs were accurately determined and properly recorded. A reimbursable project log or similar form is used to index costs for a case. The applicant/holder may audit this documentation.

2. Project/Subproject Code Assignments. Project/subproject codes are assigned to track costs associated with MAs. The National Business Center (NBC) Program Management Team (BC-612) assigns project/subproject codes from a bank of pre-assigned numbers for all deposits and expenditures.

3. Notifying the NBC. Each MA and individual ROW project established in the Federal Financial System (FFS) requires a cost recovery *Project/Subproject Number Assignment and Information Data Form* (Form 1310-20, Illustration 7.) Complete the necessary information and send all 1310-20s, approved MA, and CBS receipts and related information to the NBC (BC-612). After establishing the project, it remains open until the NBC (BC-612) receives a Project Completion Report.

4. Financial Management Information System (FMIS). Expenditures and collections are monitored by the BLM through the FMIS or its successor.

.16 [Reserved]

.17 Category 6.

A. Cost Recovery. Under the MLA, Category 6 applications require the reimbursement of all actual processing and monitoring costs to the United States. This includes costs incurred by all involved Federal agencies.

B. Processing Category 6 Applications. Upon determination that an application meets the criteria of Category 6, the AO shall:

1. Notify the applicant in writing of the Category 6 determination, with an opportunity for appeal. (See Illustration 6.)
2. Complete a preliminary scoping of the issues involved.
3. Prepare a preliminary work plan.
4. Prepare a preliminary financial plan.
5. Meet with the applicant to discuss the scoping plan, the preliminary work plan, and the preliminary financial plan.

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6. If the applicant wishes to proceed with the application, collect the initial processing fee and develop a final scoping plan, work plan, and financial plan which reflect any work the applicant agrees to perform.

C. Cost Recovery Agreement. A cost recovery agreement is a document signed by both the BLM and the applicant detailing the costs and method of payment to be used in processing a Category 6 application. This must be completed before any “on-the-ground” case work is undertaken.

D. Accounting Procedures for Category 6 Applications/Grants. The AO estimates the costs to be incurred through a work period, usually a quarter year. The applicant is billed by the local office Collection and Billing System (CBS) specialist for this amount less any prior overpayment. Advance payment requirements must be reviewed at least quarterly by the AO or project manager. The total advance payments on hand must be at least sufficient to cover the estimated total costs to be incurred before the next payment is expected.

1. Supporting Documentation. All costs must be supported by documentation sufficient to establish that the costs were accurately determined and properly recorded. A reimbursable project log or similar form is used to index costs for a case. The applicant/holder may audit this documentation.

2. Project Code Assignments. Project codes are assigned to track costs associated with major category ROWs. State offices assign major category ROW project numbers from a bank of pre-assigned numbers for the Service Charges, Deposits and Forfeitures activities.

3. Notifying the NBC. Each major category ROW project established in the Federal Financial System requires a cost recovery *Project/Subproject Number Assignment and Information Data Form* (Form 1310-20 - see Illustration 7). Complete the necessary information and send all 1310-20s, Cost Recovery Agreements, and CBS receipts and related information to the NBC (BC-612). After establishing the project, it remains open until the NBC (BC-612) receives a Project Completion Report.

4. Financial Management Information System (FMIS). Expenditures and collections are monitored by the BLM through the FMIS or its successor.

.18 Multiple, Joint, or Competing Applications.

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A. Multiple or Joint Applications. Multiple applications shall be processed under the same criteria that are used in processing individual applications to ensure that all parties receive equal consideration and the best use of the public land is achieved. In all cases, each applicant is required to make the nonrefundable application fee payment set by the appropriate ROW category.

1. Evaluating Multiple Applications. Where possible, provide space for all qualified applicants consistent with approved land use planning decisions. Provide for full site utilization through modifications of applications and grant stipulations which meet the need of the applicant.

B. Competitive Applications. The AO may determine that there is potential competitive interest in a particular project or the AO may receive two or more applications for the same project or land. Otherwise applications are generally processed in the order of receipt.

1. Cost Recovery. Generally competitive situations will be treated as Category 6 for cost recovery. Costs that cannot be identified as applying to a specific application, such as an EIS, are prorated among the applicants.

.19 Office for Filing. An application for a ROW grant or TUP is filed with the Field Manager having jurisdiction over the lands involved.

A. Multiple Offices. If the application involves lands under the jurisdiction of more than one BLM office, only one application needs to be filed. The filing office should be identified to the prospective applicant during the pre-application process. See 20.J below for determining lead State Office for interstate projects.

B. Two or More Federal Agencies. Where two or more Federal land management agencies (not including the BLM) are involved, the application should be filed with the nearest BLM office.

C. Wrong Office. Applications filed with the wrong office are not considered officially filed.

1. If the Office can determine the correct Office, the application should be forwarded to that Office and the applicant so informed. Otherwise the application is to be returned.

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.20 Public Notification. Depending on the size of the proposed pipeline and the estimated environmental impacts, formal public notification may be required.

A. Size. Proposed pipelines of 24 inch diameter or larger require publication of a notice.

1. Congressional notice is also required and is satisfied by sending a copy of the public notice to the Director (WO-350). In turn the Director (WO-350) will notify the Senate Committee on Energy and Natural Resources and the House Committee on Natural Resources.

B. Environmental Impacts. Notice shall be made for all applications unless the AO estimates that the proposal will have only minor environmental impacts.

C. Content. At a minimum the notice shall contain:

1. A description of the project.
2. When and where the file may be reviewed.
3. Environmental aspects that may be impacted.

D. Publication is to be made in the Federal Register and/or a newspaper of general circulation in the vicinity of the lands involved. For a project encompassing multiple Office/State jurisdictions, notices should be placed in sufficient newspapers to assure proper notice.

E. Hearing. The AO shall decide whether the magnitude of the project is sufficient to warrant a public hearing or hearings. Such hearing may be held separately or in conjunction with other hearings such as hearings held during the preparation of an EIS on the application/project.

F. Other. A copy of any public notice shall also be sent to:

1. The Governor of each state within which the project is proposed.
2. The head of each local or tribal government or jurisdiction within which the project is proposed.
3. Heads of Federal agencies administering land that may be involved in or impacted by the proposed project.

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.21 Application Processing. When an application is received by the AO:

A. Information Verification. The information on the application should be verified upon receipt of the application and prior to formally accepting the application.

1. Significant Deficiencies. If a significant deficiency is noted, the application, including any cost recovery fee, shall not be accepted. The proponent will be notified of the application deficiencies in writing.

B. Application Acceptance. A verified application shall be date stamped, serialized, and entered into LR2000. If processing or other fees are paid, the money will be deposited and CBS - generated receipts produced for the casefile and the applicant.

C. Administrative Scoping. An “administrative scoping” procedure shall be promptly completed. This procedure will be used to determine if the application is complete, the cost recovery category, and to schedule, coordinate, and determine the workload required for processing the application.

1. Incomplete Information. The applicant shall be requested to supply any information the AO determines is necessary to have a completed application.

2. Mining Claims present a unique problem for ROWs. Until July 23, 1955, mining claims entailed all rights in the land. In 1955 Congress enacted the Surface Management Act, commonly referred to as PL 167, and placed the management of non-interfering surface uses on new mining claims with the United States. It also provide for the “publishing out” of the limitation on surface use of existing mining claims.

a. Claims located prior to July 23, 1955. Lands within mining claims located prior to July 23, 1955, and the United States has not subsequently obtained surface management rights, do not qualify as Federal lands under the MLA. ROW grants may not be issued for land included in such mining claims.

(1) To alleviate this problem the ROW applicant may 1) seek to have the validity of the mining claim challenged or 2) may seek to obtain a relinquishment, donation or sale of sufficient interest in the mining claim to the United States.

b. Claims located subsequent to July 23, 1955 and pre-1955 claims where the United States has subsequently obtained management of the surface uses qualify as Federal lands under the MLA.

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(1) If the ROW use interferes with prospecting, mining or related mining activities a non-interfering route should be sought; otherwise the ROW application should be rejected.

(2) If the ROW use does not interfere with prospecting, mining or related mining activities the ROW may be processed and the grant issued subject to the rights of the mining claimant.

3. Cost Recovery. If the application is determined to be complete, prepare and issue the Processing Category and Fee Determination Record. (See Illustration 5.)

D. Cost Recovery Considerations. Work beyond pre-application conferences shall be limited until the appropriate processing fee has been paid.

1. Categories 1-4. Work on initial verification and application scoping necessary to determine completeness of the application and to issue the cost recovery category determination may be conducted. Further action on the application must await the payment of the fee determined.

2. Category 5 - Master Agreements. Development of the MA may proceed. Actual work on any applications may not occur until the MA has been accepted and executed.

3. Category 6. Initial review and scoping may be performed in order to provide a written estimate of the time to process and the total processing cost to the applicant.

E. Customer Service Standards. In order to ensure timely service to ROW applicants, Field Offices must establish priorities for their lands and realty program which are consistent with Strategic Plan goals, Director's priorities, and State priorities. Pursuit of "discretionary" or lower priority work or assignments by Field Offices must not detract from the BLM's ability to serve its ROW customer and achieve its Strategic Plan objectives. (See Illustration 8, Customer Service Flow Chart.)

1. Time Standards by Category. From the initial processing to the offer-to-issue letter or application rejection decision, the BLM will meet established processing time standards. These time standards also apply to applications not subject to cost recovery; for which the AO will have to estimate a processing category.

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a. Category 1-4 Applications. Applications that are or would be designated as Category 1-4, should be processed within 60 calendar days. Where more than 60 days are anticipated, the applicant must be notified within the first 30 days and advised of the reason for the delay and the anticipated date of decision on the application. (See Illustration 9, “29th Day” Letter.)

b. Category 5 Applications. Applications under a MA will be processed according to the specifications contained in the Agreement.

c. Category 6 Applications. For applications that would require over 50 hours to process, the BLM will provide the applicant within the first 60 days, in writing, of the estimated time for processing the application.

2. All Categories. Anytime it appears that the processing of any application will require more than 60 working days longer than determined above, the AO shall inform the applicant in writing of this fact. A reasonable explanation for the delay and a new estimate of when the processing of the application may be completed will also be provided.

3. EIS Preparation. When an EIS is required, the AO shall include in the notice to the applicant the estimated time to complete the EIS.

4. Start of Time. The Customer Service Time Standard begins when BLM has received a “completed” application or 30 days time has passed since an application was given a serial number (see .21A above).

a. Completed Application. An application is considered “completed” when:

(1) The Processing Category and Fee Determination Record (Decision) is issued and the fee paid (see C.2 above) **or**

(2) State or local government non-cost recovery application is considered complete by the AO.

b. Time. By the 31st day following receipt, unless prior to the 31st day the AO has issued a letter requesting specific additional information and is awaiting response; **or** has issued the category determination decision and is awaiting payment of the required fee.

(1) Running of Time. The running of the time standard for the application will be stopped when either the processing fee or additional information has been requested and not yet received.

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(a) Fee. Time standards resume upon receipt of the requested fee, unless additional information was also requested and not yet received.

(b) Additional Information. When additional information is received the AO will have 15 days to determine whether the application is now complete or to issue another request for information.

(i) No more than three requests will be made for additional information.

(ii) If the requested information is not provided in response to the 3rd request, the AO shall reject the application as incomplete. The rejection decision must cite the material/information that is lacking to make a complete application.

F. Notification. The AO shall notify the applicant, and each interested party identified during the pre-application and application processing stages, as to the process and final disposition of the application. The AO shall work closely with the applicant and interested parties to resolve, to the extent possible, any conflicts which could result in a protest or appeal of the decision.

1. Publication of a notice in the Federal Register or a newspaper of general circulation in the vicinity of the lands involved is required unless the AO determines the pipeline(s) will have only minor environmental impacts.

2. Congress. If the application involves a pipeline of 24 or more inches in diameter, a copy of the publication shall be sent to the House Natural Resources Committee and the Senate Energy and Natural Resources Committee.

G. Offer-to-Issue. An offer-to-issue is used to offer the ROW grant and obtain the applicant's written acceptance of the terms and conditions. The offer/grant package shall be submitted to the applicant using the level of formality the AO deems appropriate, considering the complexity of the case and the issues involved.

H. Delayed Issuance of Grant. Only where it is in the public interest shall the AO delay issuing an otherwise ready grant. In all other instances where the applicant requests a delay, the AO shall reject the application and the applicant shall be told to reapply when ready to proceed with the project.

I. LR2000. As the application process progresses, promptly enter the appropriate data into LR2000.

J. Interstate ROW Projects.

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1. Lead State Designation. The lead State designation for all interstate ROW projects is made by the Director based upon the recommendations of the States involved, the physical length of the project in each affected State, and whether any sensitive environmental issues are present in a State. The State Director may assign this lead to one or her/his immediate staff (DSD or FO/DO Manager) or to an available Project Manager (WO350).

a. Case Serial Numbers. The lead State assigns a serial number which is used for the case file and all official correspondence. Other involved States assign a serial number for entry into LR2000. The lead State serial register page must reference the non-lead State serial numbers in remarks as should the non-lead States. All financial transactions get deposited under the lead State serial number. The lead State is also responsible for the casefile and for all casefile information input to LR2000.

b. Grant Document. The ROW grant for an interstate project is issued by the lead State and contains only the lead State serial number. Any future amendments to the grant, or decisions affecting the grant, would also be issued by the lead State.

K. MLA ROWs Crossing Lands Administered by Two or More Federal Agencies. Anytime an applicant applies for a ROW pursuant to MLA which crosses lands administered by two or more Federal agencies, regardless of whether or not lands administered by the BLM are involved, the BLM will process the application and issue all grants, temporary use permits, amendments and assignments.

Note: No ROW may be issued through a Federal reservation where the AO or head of an agency determines that it would be inconsistent with the purpose of the reservation.

1. Application Filing. The ROW application (SF 299) is to be filed at any BLM office in the vicinity of the project. At the same time, a copy of the application should be sent to the appropriate office of other Federal agencies having jurisdiction over Federal lands to be crossed. Coordination between the ROW applicant, the BLM, and other involved Federal agencies should begin before the application is filed. The BLM will notify the applicant where to direct future communications about the project.

2. Case Processing. In most cases, the BLM will be the lead agency with the other involved agencies as cooperators. In situations where there are no BLM-administered Federal lands or where the majority of the lands to be crossed, or the critical areas, are on lands administered by another agency, the lead could be negotiated. In any case, some form of written agreement defining the roles of each agency is appropriate and recommended.

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3. Processing and Monitoring Fees. New applications involving multiple agencies have been, and are likely to continue to be, determined to fall into Category 6. Assignments and minor amendments of existing grants are either for a grant with an “existing” cost recovery category or involve extremely old grants (pre-1973). It is expected that there will be only rare cases where a minor category will be determined.

a. The BLM processing fee schedule is to be used for determining the cost recovery category for the entire ROW. Where 2 or more Federal agencies are involved it is the Secretary’s (BLM’s) regulations that are controlling regardless if one or more of the other agencies have their own cost recovery procedures. To make the category determination, BLM staff must coordinate with the other involved agencies to determine their work hours. The BLM AO provides a record of the category determination, and the decision is a final decision for purposes of appeal. The BLM will make all collections of cost recovery processing fees and will be responsible for management of all processing cost recovery accounts.

4. Grant Document. The BLM is responsible for preparation and issuance of the ROW grant or TUP. While the document is to be prepared in consultation with the representatives of the other agencies, effort should be made to follow BLM procedures and handbooks. Every effort must be made to resolve differences with other agencies so that the grant is agreeable to all. Where an agency requests special stipulations for their lands, be sure that the document so specifies.

a. Agency Concurrence. Where the heads (or their delegated representative) of the other agencies concur in the proposed grant document, the BLM may issue the grant.

b. Agency Non-concurrence. Where a head of an agency withholds concurrence in the proposed grant document, the BLM AO shall summarize the issues and forward the summary, proposed document, and related material (EA/EIS etc.) through appropriate channels to the Director (WO-300) for referral to the Secretary.

.22 [Reserved]

.23 Denial or Withdrawal.

A. Denial. A decision to deny an application can be made at any time during application processing when the AO has adequate information to support such a decision.

1. Notification of Denial. An application shall be denied in writing by the AO via a decision. The decision to deny the application shall contain the following as a minimum:

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a. A full explanation of the reasons for denial. Every effort shall be made to ensure the applicant understands the reasons for denial.

b. An explanation of the applicant's appeal rights. BLM Form 1842-001 shall be enclosed.

2. Amendment. An applicant may amend the ROW application. Such action, however, will require that the BLM start the review process over from the beginning. This would include a re-determination of the cost recovery processing category.

B. Withdrawn Applications. An application may be withdrawn by an applicant at any time. The notice/request to withdraw the application must be documented in the casefile.

.24 Cost Recovery processing costs for denied or withdrawn applications are handled as follows:

A. Category 1-4 Applications. The initial processing fee is retained by the BLM.

B. Category 6 Applications. The applicant remains liable for all actual costs necessary to process the grant up to the written notice of withdrawal or the finality of a rejection decision on appeal.

.25 Allowable Uses During Application Processing. The only uses of public land by the ROW applicant allowed during application processing are those that meet the definition of "casual use". Any other use requires the BLM's authorization under appropriate authority. Studies conducted by the applicant for the purpose of assisting in a decision by the AO must also meet the criteria of casual use or be approved in advance by the BLM.

.26 Two or More Agencies Involved. See .21 J above.

.27 [Reserved]

Illustration 1

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Pre-Application Checklist

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SF 299 - Application For Transportation and Utility Systems and Facilities on Federal
Lands

Illustration 3

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Outline – Pipeline Plan of Development

1. Purpose and Need
 - a. what will be constructed
 - b. commodity to be transported and for what purpose
 - c. is the pipeline for a gathering system, trunk line, or distribution line
 - d. will it be surface or subsurface
 - e. length and width of the right-of-way and the area needed for related facilities
 - f. is this ancillary to an existing right-of-way
 - g. list alternative routes or locations
2. Right-of-way location
 - a. legal description
 - b. site specific engineering surveys for critical areas (note: in addition to normal centerline survey)
 - c. maps and drawings showing river crossings
 - d. acre calculation of the right-of-way by land status
3. Facility Design Factors
 - a. pipeline pressure standards
 - 1) pipe wall thickness and pounds per square inch (psi) rating
 - b. toxicity of pipeline product
 - c. anticipated operating temperatures
 - d. depth of the pipeline
 - e. permanent width or size
 - f. temporary areas needed
4. Additional Components of the Right-of-way
 - a. connection to an existing Right-of-way
 - 1) existing components on or off public land
 - 2) possible future components
 - b. location of pumping and/or compressor stations
 - c. need for sand and gravel and where will it be obtained
 - d. location of equipment storage areas
5. Government Agencies Involved
 - a. FERC, USFWS
 - b. copy of FERC Sec. 7c Application, if applicable
 - c. state and local agencies that may be involved
6. Construction of the Facilities
 - a. construction (brief description)
 - 1) major facilities (including vehicles and number of tons and loads)
 - 2) ancillary facilities (including vehicles and number of tons and loads)
 - b. work force (number of people and vehicles)
 - c. flagging or staking the right-of-way
 - d. clearing and grading
 - e. facility construction data
 - 1) description of construction process
 - f. access to, and along, right-of-way during construction

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Outline – Pipeline Plan of Development

- g. engineering drawings and specifications for site-specific problems relating to surface use or special mitigation
 - h. diagrams, drawings, and cross sections to help visualize the scope of the project
 - i. special equipment that will be utilized
 - j. contingency planning
 - 1) holder contacts
 - 2) BLM contacts
 - k. safety requirements
 - l. industrial wastes and toxic substances
7. Resource Values and Environmental Concerns
- a. address at level commensurate with anticipated impacts
 - 1) location with regard to existing corridors
 - b. anticipated conflicts with resources or public health and safety
 - 1) air, noise, geologic hazards, mineral and energy resources, paleontological resources, soils, water, vegetation, wildlife, threatened and endangered species, cultural resources, visual resources, BLM projects, recreation activities, wilderness, etc.
8. Stabilization and Rehabilitation
- a. soil replacement and stabilization
 - b. disposal of vegetation removed during construction (i.e., trees, shrubs, etc.)
 - c. seeding specifications
 - d. fertilizer
 - e. limiting access to the right-of-way
 - f. will roads built during construction be reclaimed
9. Operation and Maintenance
- a. will new or expanded access be needed for operation and maintenance
 - b. will there be hydrostatic testing and subsequent release of water and what is the anticipated volume
 - c. will removal and/or addition of pipe and/or pumps be required as part of pipeline maintenance
 - d. will all maintenance activities be confined within the right-of-way
 - e. safety
 - f. will industrial wastes and toxic substances be generated or stored on right-of-way
 - g. inspection and maintenance schedules
 - 1) will these be conducted on-the-ground and/or by aircraft
 - 2) if by aircraft, will the aircraft require landing strips and/or heliports
 - h. work schedules
 - i. fire control
 - j. contingency planning
10. Termination and Restoration
- a. removal of structures
 - b. will pipe be removed or cleaned and left in ground
 - c. obliteration of roads
 - d. stabilization and re-vegetation of disturbed areas

Illustration 4

2884 – APPLYING FOR A MLA GRANT OR TUP

Sample - Processing and Monitoring Fee Schedule

Calendar Year 2007 Cost Recovery Processing and Monitoring Fee Schedule for FLPMA and MLA Rights-of-Way Actions

Processing and Monitoring Category	Federal Work Hours Involved	Processing and Monitoring fee per application as of January 1, 2007. To be adjusted annually for changes in the IPD-GDP.
1. Applications for new grants, assignments, renewals, and amendments to existing grants.	Estimated Federal work hours are $>1 \leq 8$.	\$104
2. Applications for new grants, assignments, renewals, and amendments to existing grants.	Estimated Federal work hours are $> 8 \leq 24$.	\$368
3. Applications for new grants, assignments, renewals, and amendments to existing grants.	Estimated Federal work hours are $> 24 \leq 36$.	\$691
4. Applications for new grants, assignments, renewals, and amendments to existing grants.	Estimated Federal work hours are $> 36 \leq 50$.	\$990
5. Master agreements.	Varies.	As specified in the agreement.
6. Applications for new grants, assignments, renewals, and amendments to existing grants.	Estimated Federal work hours are > 50 .	Full reasonable costs (FLPMA) Full actual costs (MLA)

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Sample - Cost Recovery Category Determination Record

ROW Processing or Monitoring Fee Category Determination Record For FLPMA and MLA Rights-of-Way	
Application Serial Number: _____ Applicant: _____ Address: _____ _____ Agent: _____ Address: _____ _____ Application For: _____ Location: _____	
Pre-Application Meeting Held: ___No ___Yes _____(date) Land Use Plan Conformance? ___No ___Yes	
Estimated Processing or Monitoring Requirements: Type of ROW: ___ FLPMA ___ MLA NEPA Action Required: ___ EIS ___ EA ___ DNA ___ CE/CX	
Personnel Needed for Processing or Monitoring	Estimated <input type="checkbox"/> Proc. or <input type="checkbox"/> Mon. Hours
Realty Specialist/Land Law Examiner	_____
Cultural/Paleontological Resources	_____
T&E Species	_____
Wildlife/Fisheries	_____
Air/Water/Soils	_____
Recreation/Visual	_____
Range	_____
Fluids/Minerals	_____
Administration/Contracting	_____
Manager	_____
Other _____	_____
Other _____	_____
TOTAL HOURS	_____
The appropriate <input type="checkbox"/> Processing or <input type="checkbox"/> Monitoring Category for this application is Category _____. The Processing or Monitoring fee for this Category is \$_____. Processing fees for Categories 1-4 are non-refundable. See enclosed table for Category definitions and Fee Schedule.	
Prepared By: _____	_____
Realty Specialist	Date
Approved By: _____	_____
Authorized Officer	Date

Attach current Cost Recovery Fee Schedule and Appeal Information

Illustration 6

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Sample - Category 6 Cost Recovery Determination

OFFICE LETTERHEAD

AZA – 12345 (012)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DECISION

Mr. Jack Developer	:	
1234 Anystreet	:	Right-of-Way
Anytown, AZ 00000	:	Application AZA-12345

COST RECOVERY CATEGORY

Right-of-way application AZA-12345 for a [*describe facility*] was filed on [*date*].

Upon review of the proposal and resource information available within this Office, I have determined that it will take this Office [in excess of 50] [*actual estimated number*] work-hours to process this application. This places your application in category 6 and requires that the Bureau recover the full reasonable costs of processing the application. The method and procedures for the payment of these costs will be covered in a required cost recovery agreement (an outline of such an agreement is enclosed). You should review the regulations at 43 CFR 2804.14 through 2804.24 as to cost recovery.

Please contact this office to arrange for a meeting to discuss your application in detail, develop tentative work plans, estimated costs and the development of the cost recovery agreement. No action to process your application will be undertaken until the cost recovery agreement is in effect.

Should you not wish to proceed with this application, please inform us at your earliest convenience?

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

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Sample Category 6 Cost Recovery Determination

If you wish to file a petition (request) pursuant to regulation 43 CFR 2801.10 or 43 CFR 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted,
and
- (4) Whether the public interest favors granting the stay.

If you have any questions, please contact Richard Egan, Realty Specialist, at (480) 555-0123.

James Jones
Field Manager

Enclosures
Cost Recovery Agreement Outline
BLM Form 1842-1

Illustration 7

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Project/Subproject Number Assignment and Information Form 1310-20

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Customer Service Flow Chart

Illustration 9

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“29th Day” Letter.

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Case Processing Checklist