

To: Scott, Amanda[ascott@blm.gov]; Lance Porter[l50porte@blm.gov]; John Steiger[john.steiger@sol.doi.gov]; Norton, Norbert[nnorton@blm.gov]
Cc: Christina Price[cjprice@blm.gov]; Pamela Jarnecke[pjarnecke@blm.gov]; Rebecca Doolittle[rdoolitt@blm.gov]; Allison Ginn[aginn@blm.gov]; Tyler Ashcroft[tashcrof@blm.gov]; Donald Hoffheins[dhoffhei@blm.gov]
From: Hoffheins, Donald
Sent: 2017-02-22T21:53:45-05:00
Importance: Normal
Subject: Re: New ROWs in BENM
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Mandy and Norbert, I will provide my tentative input, but know that I am also asking for feedback from others, one for consistency within the CC District and the other for a legal interpretation. All, I ask you to weigh in:

I think the letter should say

... The BLM (and the Forest Service) and going through a process to interpret the language of the Proclamation, so I cannot say whether we will be able to process your application in the near future. The Proclamation states, "Nothing in this proclamation shall be construed to interfere with the operation or maintenance, or the replacement or modification within the current authorization boundary, of existing utility, pipeline, or telecommunications facilities located within the monument in a manner consistent with the care and management of the objects identified above." However, it does not specifically address new rights of ways (ROWs).

At this point it does not appear that new ROWs are specifically excluded. However, it is a possibility that we may have to complete development of a Monument Management Plan which would likely involve identifying ROW avoidance areas to address non impairment of Monument Objects and Values. This could take a number of years. It may also be possible that we could perform a site specific analysis prior to completion of a monument plan, but we would have to be sure to address the language of the Proclamation. I hope that I am able to notify you of the requirement by late spring of this year.

(We could stop there or provide them a little more to consider while we're "interpreting":

Whether we are able to begin a site specific analysis in the short term or wait till after a monument plan is completed, there are some considerations that you may want to begin looking at:

- Are there one or more alternatives that substantially or completely avoid lands within

the monument?

- Are there ways to minimize or prevent impairment of objects and values for which the monument was designated?
- ... others

Don Hoffheins

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Donald K. Hoffheins
Field Manager
Monticello Field Office, Utah
Work: 435 587 1506, Cell: 435 459 9461
dhoffhei@blm.gov

On Wed, Feb 22, 2017 at 11:35 AM, Scott, Amanda <ascott@blm.gov> wrote:

Hi Don,

We have received several new applications for ROWs that fall within BENM. We usually respond to these applications with a 30 day letter to let the applicant know the timeline for processing the application. I looked through the Proclamation and was not able to find the exact language to include in the letters to inform the applicants about how we will proceed with the new applications that fall within the Monument.

Any suggestions that you have would be greatly appreciated so that we may respond to these requests.

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Mandy Scott
Assistant Field Manager (Acting)
Monticello, UT 84535
435-587-1527
ascott@blm.gov