

To: Peterson, Leah[leah.peterson@sol.doi.gov]
From: Ashcroft, Tyler
Sent: 2017-02-23T11:26:31-05:00
Importance: Normal
Subject: Re: New ROWs in BENM
Received: 2017-02-23T11:26:40-05:00

Just noticed that Jon was included on the email.

On Thu, Feb 23, 2017 at 9:25 AM, Ashcroft, Tyler <tashcrof@blm.gov> wrote:

Leah,

Would you read through these emails and give me a call. I would like talk this through with you before I respond to Don's email.

----- Forwarded message -----

From: Ginn, Allison <aginn@blm.gov>
Date: Thu, Feb 23, 2017 at 8:16 AM
Subject: Re: New ROWs in BENM
To: "Hoffheins, Donald" <dhoffhei@blm.gov>
Cc: "Scott, Amanda" <ascott@blm.gov>, Lance Porter <l50porte@blm.gov>, John Steiger <john.steiger@sol.doi.gov>, "Norton, Norbert" <nnorton@blm.gov>, Christina Price <cjprice@blm.gov>, Pamela Jarnecke <pjarnecke@blm.gov>, Rebecca Doolittle <rdoolitt@blm.gov>, Tyler Ashcroft <tashcrof@blm.gov>

Don-

I would like to point out the language from Manual 6220, as well:

E. Rights-of-Way and Transportation and Utility Corridors.

1. The BLM will require that all prospective right-of-way (ROW) applicants schedule and participate in at least one pre-application meeting with the BLM before the BLM will accept applications for ROWs in Monuments and NCAs (43 CFR 2804.10(a); 43 CFR 2884.10(b)). At pre-application meetings, the BLM will notify prospective applicants of considerations relevant to Monuments and NCAs, including but not limited to:
 - a. the special status of the Monument or NCA as an NLCS unit;
 - b. the values for which the Monument or NCA was designated;
 - c. the relationship between the designating authority and FLPMA;
 - d. the BLM's mandate to conserve, protect, and restore the values for which the Monument or NCA was designated;
 - e. the policy that to the greatest extent possible, subject to applicable law, through land use planning and project-level processes and decisions, the BLM should avoid siting ROWs in Monuments and NCAs; and
 - f. best practices, stipulations, mitigation, terms, conditions, and other ways to manage compatible uses and minimize negative impacts to objects and values within the Monument or NCA
2. When processing a new ROW application, to the greatest extent possible, through the NEPA process the BLM will:
 - a. determine consistency of the ROW with the Monument or NCA's objects and values;
 - b. consider routing or siting the ROW outside of the Monument or NCA;
 - c. consider mitigation of the impacts from the ROW;

- d. when processing ROW applications that propose use of a designated transportation or utility corridor that exists at the time of release of this manual, the BLM will consider relocating the transportation or utility corridor outside the Monument or NCA through a land use plan amendment.
- 3. Protection of the objects and values for which Monuments and NCAs were designated should be considered in the NEPA analysis for new ROW applications.
- 4. During the processing of applications for major ROW, such as high-voltage transmission lines and underground pipelines, and major site-type facilities, such as large communication sites, through a Monument or NCA, internal notification requirements are as follows:
 - a. The State Office shall notify the NLCS Directorate (AD-400), Minerals and Realty Management Directorate (AD-300), and Renewable Resources and Planning Directorate (AD-200) if an application is received or if, at any time during the process, an alternative to route or site a ROW through or in a Monument or NCA is considered.
 - b. The State Director shall brief the BLM Director prior to:
 - i. the release of a Draft EIS or EA that includes a preferred alternative that proposes a ROW through a Monument or NCA;
 - ii. the release of a Final EIS or EA that includes a preferred alternative that proposes to site a ROW through a Monument or NCA; and
 - iii. approval of a Record of Decision or Decision Record authorizing a ROW through a Monument or NCA.
- 5. If new ROWs are authorized in Monuments and NCAs, consistent with 43 CFR Parts 2800 and 2880 and to the greatest extent possible:
 - a. the ROW must share, parallel, or adjoin existing ROWs;
 - b. the effects of projects from the grants of the ROW must be mitigated; and
 - c. the ROW should include a stipulation that boundaries will be marked to federal boundary standards.
- 6. While processing ROW renewals, in accordance with all applicable law and policy, the BLM should work with holders of existing ROWs to consider new, additional, or modified terms and conditions to minimize impacts to the Monument or NCA's values.
- 7. To the greatest extent possible, subject to applicable law, the BLM should through land use planning and project-level processes and decisions, avoid granting new ROWs in Monuments and NCAs and similar designations. In deciding whether to approve ROWs in these components of the NLCS, the BLM shall consider whether ROW proposals are consistent with the authority that designated the component. Subject to applicable law, the BLM shall exercise its discretion to deny ROW applications in Monuments and NCAs and similar designations if they are inconsistent with the component's designating authority.
- 8. To the greatest extent possible, subject to applicable law, the BLM should through land use planning and project-level processes and decisions, avoid designating or authorizing use of transportation or utility corridors within Monuments and NCAs. To that end, and consistent with applicable law, when developing or revising land use plans for Monuments and NCAs, the BLM will consider:
 - a. designating the Monument or NCA as an exclusion or avoidance area;
 - b. not designating any new transportation or utility corridors within the Monument or NCA if the BLM determines that the corridor would be incompatible with the designating authority or the purposes for which the Monument or NCA was designated;
 - c. relocating any existing designated transportation and utility corridors outside the Monument or NCA

Regards,

Allison Ginn
National Conservation Lands Program Lead
BLM Utah State Office
801-539-4053

On Wed, Feb 22, 2017 at 7:53 PM, Hoffheins, Donald <dhoffhei@blm.gov> wrote:

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:

(b) (5) - ACP, (b) (5) - DPP

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5) - ACP, (b) (5) - DPP



Don Hoffheins

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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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