



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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Instruction Memorandum No. ID-2016-005
Expires: 09/30/2019

To: Idaho Leadership Committee

From: State Director

Subject: Standard Stipulations for Rights-of-Way and Other Land Use Authorizations

Program Area: Lands and Realty and Resources

Purpose: The purpose of this Instruction Memorandum (IM) is to establish a set of standard stipulations for Rights-of-Way (ROW) and other land use authorizations to provide for more consistency between Field Offices across the state. One method of increasing consistency is utilizing standard stipulations in all ROW grants and other land use authorizations, including new authorizations, assignments, renewals and amendments. Regulations found at 43 CFR 2800 and 2900 provide the direction the Bureau of Land Management (BLM) must follow when considering issuance of ROWs, leases, and permits. General terms and conditions are found at 43 CFR 2805.12 for ROWs and 2920.7 for land use permits and leases. Further guidance is provided in Interim ROW Manual 2800.

Policy/Action: Standard stipulations for ROWs and other land use authorizations (i.e., permits, leases, etc.) have been collaboratively developed by Idaho State, District and Field Offices. When granting, renewing, assigning, or amending a ROW or other land use authorization, in addition to the above-referenced general terms and conditions, the stipulations in Attachment 1 will be implemented as follows:

- Standard stipulations provide consistent language across BLM Idaho.
- Standard stipulations will be used whenever applicable without revision.

- Specialists and Managers will choose applicable stipulations from the set of standard stipulations based on environmental documentation, manuals, handbooks, planning documents, agreements, etc.
- Additional, non-standard stipulations may be developed to address site specific conditions. It is important to ensure additional stipulations are prepared as a result of the environmental analysis and appropriate mitigation, other pertinent laws and regulations, policies, and planning documents. Stipulations should not be developed or revised simply to appease a request for language modification. Additional stipulations will be approved by the management level above the officer delegated to authorize the grant.
- The strict liability stipulations found at 43 CFR 2807.12(a) and (b) should only be included in an authorization following a complete analysis of the foreseeable hazard or risk of damages or injury to the United States. The authorized officer must identify in the authorization the activity and/or facility posing such hazard or risk and the financial limitations on damages commensurate with such hazard or risk.
- The statement in the list of stipulations regarding Greater Sage-Grouse is not a stipulation, but rather direction for the Manager and Specialists to consider when developing mitigation and stipulations for proposals located in Greater Sage-Grouse habitat.

When processing a reciprocal ROW, consult with the Idaho State Office; a reciprocal ROW may require different stipulations.

Timeframe: This policy is effective immediately. These stipulations will be periodically reviewed for potential revision.

Background: Although standardized, or guide, stipulations have been included in previous manuals and training materials, the stipulations have often been edited in different ways by various offices over the years. Some of the subsequent language changes have resulted in different requirements, even though the stipulations attempt to address the same issue. Prior to regulation changes in 2005 and 2008, the BLM Manual 2800 contained a number of “guide” stipulations; however, the most recent Draft of the Manual does not list any, which has led to the confusion and inconsistencies. It became apparent that standard language needed to be provided because various offices were using different stipulations for the same issue(s), even when dealing with the same applicant.

Manual/Handbook Sections Affected: Bureau Manual 2805, Terms and Conditions for FLPMA Grants, establishes the use of stipulations.

Coordination: Idaho State Office, District and Field Office staff.

Contact: Questions may be directed to Jim Fincher, Branch Chief for Lands, Minerals and Water Rights, at 208-373-3827 or jfincher@blm.gov.

Boise District with Union: Management is reminded to notify and satisfy any bargaining requirements prior to implementation.

Signed by Peter J. Ditton
For Timothy M. Murphy

Authenticated by
Sylvia V. Graves
Administrative Specialist

1 Attachment

1 – [Stipulations for Use in Idaho-BLM Rights-of-Way and Land Use Authorizations](#) (10 pp)