

# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

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EMAIL TRANSMISSION – 10/07/2015  
Instruction Memorandum No. MT-2016-001  
Expires: 09/30/2019

To: Montana Dakotas Leadership  
Attention: Realty Specialists

From: State Director

Subject: Small Tract Rental Policy for Non-Linear Lands & Realty Authorizations

**Program Area:** Lands and Realty.

**Purpose:** This Instruction Memorandum (IM) provides guidance on the determination of fair market rent values for non-linear rights-of-way (ROW) and land use permit (LUP) authorizations that are not covered under an approved rental schedule. This IM also includes guidance for determining rent for apiaries and agricultural leases.

This policy applies to authorizations issued under the Federal Land Policy Management Act (FLPMA) for activities that will use small tracts of public lands of 25 acres or less. Proposed non-linear activities that authorize the use of more than 25 acres are still required to receive an appraisal to determine fair market value rent for the use of public lands.

**Policy/Action:** Realty Specialists will use the appraisal studies completed by the Office of Valuation Services (OVS) (Attachment 1) for determining the fair market rent value of proposed non-linear facilities or uses of public lands. This policy is not intended for use in determining rental for non-linear facilities or uses that are covered under an established rental schedule, e.g., solar facilities, filming permits, telecommunication facilities, etc.

A separate appraisal process was completed for determining fair market rent for apiaries and agricultural leases (Attachment 2) and will apply only for those situations.

Collection of rent for non-linear authorizations shall follow current guidance under 43 CFR §2806.24 or §2920.8 based on the type of authorization being approved.

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

**Budget Impact:** The implementation of this policy is anticipated to reduce the volume of appraisal requests submitted to OVS and is expected to reduce overall processing time associated with these types of actions. In general, the impact to budget will be favorable as labor hours will be better utilized in processing lands and realty actions.

**Background:** Current regulations require the Federal government to receive fair market value for the use of public domain. The BLM produces a schedule for linear ROW to ensure consistency in the collection of rent; however, non-linear facilities are subject to appraisal to determine the fair market value. Due to the volume of appraisal requests that are tied to small acreage activity, the OVS has produced an appraisal report which standardizes the rent determination by county based on the number of acres affected and an encumbrance factor that evaluates impacts to resources based on the type of activity proposed.

Completing individual appraisals for small tract authorizations is frequently not cost efficient. Having standard rental rates will improve processing efficiency and provide members of the public with better information on what the anticipated rental costs will be for a variety of non-linear activities.

**Manual/Handbook Sections Affected:** None. The rental rates established in this policy will remain in effect until replaced through the next appraisal update by OVS.

**Coordination:** This policy was coordinated with the Washington Office Branch Chief for Rights-of-Way (WO-350) and Montana BLM State Lands and Realty Program Leads.

**Contact:** Cecil Werven, Rights-of-Way Program Lead, 406-896-5322.

Signed by:  
James M. Sparks  
For Jamie E. Connell  
State Director

Authenticated by:  
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## 2 Attachments

- 1-[Montana/Dakotas Minimum Rent Analysis and Schedule](#) (51 pp in its entirety)
- 2-[Montana/Dakotas Apiary and Agriculture Lease Analysis](#) (5 pp)