CHAPTER 7 – LANDS AND REALTY

7.1 RESOURCE OVERVIEW

As dictated by the Federal Land Policy and Management Act (FLPMA), the Bureau of Land Management (BLM) has the responsibility to plan for and manage public lands. As defined by FLPMA, public lands are those federally owned lands, and any interest in lands (e.g., federally owned mineral estate), that are administered by the Secretary of the Interior, specifically through the BLM. The land surface and mineral ownerships within the Monticello FO area are varied and intermingled; consequently, so are the administrative jurisdictions for land use and minerals. The boundaries of the Monticello FO contain approximately 4.56 million acres, of which approximately 1.78 million acres, or 39 percent, are public land administered by the BLM. However, within the Monticello FO boundary, 93 percent of all lands are federal and state owned. Because of the retention mandates of the other federal agencies and the mandates of state land ownership, BLM-administered lands are generally considered to be available to help with the county economic base and to be available for future community expansion needs. Generally, the public lands are well blocked and provide excellent management opportunities (see Figure 7-1).

7.2 SPECIFIC MANDATES AND AUTHORITY

The lands and realty program operates under a variety of laws and regulations, some of which are over 100 years old. The list of laws and regulations below contains the most common guidance for the lands and realty program. This is not an exhaustive list, but covers the most common realty issues the Monticello FO can expect.

1. Title II of FLPMA, which includes:
    a. Sec. 203: Public Land Sales
    b. Sec. 204: Withdrawals
    c. Sec. 205: Acquisitions
    d. Sec. 206: Exchanges
    e. Sec. 209: Conveyance of Mineral Estate
2. Title III of FLPMA
    a. Sec. 302: Leases and Permits
3. Title V of FLPMA – Rights-of-Way and Right-of-Way Corridors
4. 43 CFR Group 2500, which includes:
    a. Desert Land Entry (43 USC 1201)
    b. Color of Title (45 Stat. 1069)
5. 43 CFR Group 2600, which includes:
    a. State Grants (43 USC 851, 852)
    b. FAA Airport Grants (49 USC 2215)
    c. Railroad Grants (54 Stat. 934)

6. Recreation and Public Purposes Act (43 USC 869)

All of the above statutes must work in conformance with BLM land use plans, as well as other federal mandates such as NEPA, Endangered Species Act, and the National Historic Preservation Act. For lands and realty, the laws, regulations, and policies are well defined and the present guidance is adequate to meet the needs of the program.

7.3 CURRENT MANAGEMENT PRACTICES

7.3.1 Access

FLPMA guarantees that access to public lands is provided throughout the Monticello FO area. Access may be closed or restricted, where necessary, to protect public health and safety, and to protect significant resource values.

7.3.2 Easements

Public land cannot be effectively administered without legal and physical access. Easements are acquired to provide access to public lands for recreational, wildlife, range, cultural/historical, mineral, ACEC, special management areas, and other resource needs.

Methods used to acquire legal rights that meet resource management needs include negotiated purchase, donation, exchange, and condemnation. Acquisition alternatives include purchase of fee or less-than-fee interest above, on, and below the surface; and perpetual exclusive, and permanent or temporary nonexclusive, easements. Acquisition of road or trail easements is probably the most frequently encountered access need. Easements can include:

- road easements
- scenic conservation easements
- sign locations
- stream clearance projects
- utility easements
- hunting and fishing easements
- range improvements
- conservation easements

Acquisition of access rights support one or more of these resources: lands, minerals, forestry, range, wildlife, recreation, and watershed.

Nine easements are on file for the Monticello FO area and are listed in Table 7.1. All but one are related to range management (fences, roads, spring developments).

Additional access to public lands is not an issue. Easements can be acquired when there is a need. There will be a need to acquire an easement from SITLA when the Kane Gulch Contact Station is built. The easement will be needed for the placement of water storage tanks servicing the station.

Table 7.1. Easements in the Monticello FO Area

Grantor	Date Granted	Type
Richard Nielson	4/1/1938	Access road
SITLA	1/26/1940	Access road
SITLA	1/1/1943	Water storage tank & troughs
SITLA	6/10/1944	Truck trail
SITLA	8/3/1959	Fence
SITLA	9/26/1959	Fence
SITLA	7/9/1963	Fence
SITLA	9/28/1983	Fence
Ellis Estate	3/10/1987	Mexican Hat river access
Pehrson, Gilbert	12/5/2003	Conservation Easement, Sage-grouse

Split estate situations should be avoided when acquiring land, if possible. Historically, courts have ruled that use of the mineral estate has precedence over use of the surface estate. By not acquiring both the surface and mineral estates (fee interest) in land actions, BLM creates a potential situation in which extraction of the mineral resources must be allowed. Mineral extraction, however, may not be consistent with long-term land-use planning decisions.

Two land acquisitions, both from private parties, have taken place in the Monticello FO area. In 1996, the BLM purchased approximately 560 acres east of Hovenweep National Monument. In 2000, an exchange resulted in the acquisition of 160 acres west of Hovenweep. Both acquisitions were acquired to provide a buffer adjacent to the Monument. Determinations regarding the management of these two parcels need to be made. One alternative would be to include them in the Hovenweep Area of Critical Environmental Concern (ACEC).

7.3.3 Leases and Permits

Section 302 of FLPMA authorizes the use, occupancy, or development of public lands, through leases and permits, for uses not authorized under other authorities. Applicants can be state and local governments and private individuals. These uses of public lands include agricultural development, residential use (only under certain conditions), commercial use, advertising, and National Guard use. Permits are usually short-term authorizations not to exceed 3 years. Leases are long-term authorizations that usually require a significant economic investment in the land. The Monticello FO issued 27 film permits during calendar years 1998 through 2003.

7.3.4 Utility/Transportation Systems

Rights-of-Way. A right-of-way (ROW) is an authorization to place facilities over, upon, under, or through public lands for construction, operation, maintenance, or termination of a project. Public lands are made available throughout the Monticello FO area for ROWs and corridors. With the exception of defined exclusion and avoidance areas, the FO area is subject to ROW designations. ROWs either will not be granted in these areas, or, if granted, will be subject to stringent terms and conditions. The current RMP identifies the following ROW avoidance areas and areas to be excluded:

Lands to be avoided:

- Alkali Ridge ACEC
- Bridger Jack Mesa ACEC
- Butler Wash ACEC
- Cedar Mesa ACEC, partial
- Hoveweep ACEC
- Indian Creek ACEC
- Lavender Mesa ACEC
- Pearson Canyon hiking area
- Scenic Highway Corridor ACEC
- Shay Canyon ACEC
- Most ROS P-class areas

Lands to be excluded:

- Cedar Mesa ACEC, partial (Grand Gulch special emphasis area)
- Dark Canyon ACEC
- ROS SM-class area in San Juan River SRMA
- Developed recreation sites

ROWs are granted on a case-by-case basis. The majority of ROWs granted in the last 5 years have been for non-energy type activities. Only 34 percent of new ROWs have been for oil and gas gathering systems or roads (Table 7.2). In the same 5-year period, 35 case files were assigned (ownership transferred). Of these, 17 percent were not energy related and 83 percent were energy related (see Table 7.6). This indicates that there has not been much energy-related new activity in the Monticello FO area, but ownership of facilities keeps changing. There is nothing to indicate that this trend will change in the next 10 years. Historically, pipeline ROWs granted within the area have been small surface pipelines, because they were determined to be least environmentally damaging. The larger diameter (10 inches and over) pipelines have been buried. Exclusion areas prohibit ROWs and corridor/window designation.

Right-of-Way Corridors. Within the existing RMP, ROW corridors are presented as existing groupings of ROWs for electric transmission facilities, pipelines 10 inches and larger, communication lines, federal and state highways, and major county road systems. However, no specific areas are identified by map or legal description. In the 1999 Western Utility Corridor Study, US 191 was identified as a ROW corridor through the Monticello FO area.

Communication Site ROWs. Within the Monticello FO area, there are ten designated communication sites (Figure 7-1). The explosion of wireless networking in the U.S. allows the public to be in cell phone contact much of the time. This trend is expected to continue with increasing demands placed on the existing ten sites.

Table 7.2. New and Amended Right-of-Way Grants

	Non-Energy								Energy			
Fiscal Year	**Road**	**Powerline**	**Telephone**	**Water Pipeline or Facility**	**Communication Site**	**R/W Reservation**	**Miscellaneous Site**	**TOTAL**	**Road**	**Pipeline**	**Oil and Gas Facility**	**TOTAL**
1998		1	1			13		**15**	2			**2**
1999	1					2	1	**4**				**0**
2000	2					2		**4**			2	**2**
2001	1	1	1			1		**4**	3	1		**3**
2002		1	1	1		1		**4**	3	1	3	**7**
Total								**27**				**14**

7.3.5 Trespass

The BLM is responsible for realty trespass abatement, which includes prevention, detection, and resolution. Land authorizations, such as leases and permits, have been issued to resolve agriculture and occupancy trespass. Locations in the FO area where trespass may occur are along drainages, oil fields, and areas bordering public lands. Trespass occurrences are known to exist but many have not been documented and pursued because of lack of personnel and higher priority work. A field inventory will need to be completed in order to address the problem properly. A total of 134 trespass case files have been serialized since 1991. In the last three years, 40 of those have been closed. Trespasses will be dealt with as time and resources allow. Cadastral survey in the last two years at Bluff delineates a long-standing trespass by Richard Nielson. These trespasses can now be brought to resolution.

7.3.6 Land Ownership Adjustment*:*

As mandated by Section 106(a)(1) of FLPMA (43 USC 1701), public lands are retained in federal ownership. The exception being those public lands that have future potential for disposal (i.e., sale and exchange), as described under Sec. 203(a) and Sec. 206 of FLPMA (43 USC 1713; 1716). Public lands have potential for disposal when they are isolated and/or difficult to manage. Lands identified for disposal must meet public objectives, such as community expansion and economic development. The preferred method of disposal is land exchange. Other lands can be considered for disposal on a case-by-case basis. Disposal actions are usually in response to public request or application that results in a title transfer, wherein the lands leave the public domain. Table 11 of the 1991 RMP identified specific tracts for disposal under various authorities. This list has been revised to delete parcels that are no longer in BLM ownership (see Table 7.3). The language in the existing RMP makes it necessary to complete a plan amendment for the disposal of any lands not listed in Table 11. Since the 1991 RMP was signed, there have been public nominations for land disposals that are not included in Table 11 (see Table 7.4). These lands cannot be disposed of until they are included in an RMP.

Table 7.3. Tracts Identified For Disposal in the Current RMP

Designation	Legal Description	Geographic Area	Acres
E	T. 36 S., R. 22 E. Sec. 12: lots 1, 2, 4, 6; E½NE¼; SE¼SE¼ Sec. 13: E½NE¼	At Recapture Lake	363.80
A, D	T. 31 S., R. 23 E. Sec. 34: NW¼NW¼	Near U-211 at Photograph Gap	40.00
A, D	T. 32 S., R. 23 E. Sec. 18: NE¼NW¼ Sec. 24: SE¼SW¼ Sec. 35: NW¼SW¼	Harts Draw Peters Hill Northwest of Monticello Airport	40.00 40.00 40.00
A, D	T. 35 S., R. 23 E. Sec. 16: NE¼NW¼ Sec. 19: NW¼SE¼	Devils Canyon	80.00
A, D	T. 36 S., R 23 E. Sec. 8: NW¼NW¼ Sec. 20: NE¼SE¼	Northeast of Recapture Lake Northeast of Blanding	40.00 40.00
A, D	T. 39 S., R. 23 E. Sec. 23: SE¼SE¼	In Navajo Indian Reservation	40.00
A, B, D	T. 39 S., R. 24 E. Sec. 17: S½ Sec. 18: SE¼ Sec. 20: NE¼ Sec. 21; NE¼, S½ Sec. 22: S½ Sec. 27: W½ Sec. 28: NE¼	In Navajo Indian Reservation	1,920.00
A, D	T. 39 S., R. 25 E. Sec 6: NE¼SE¼, S½SE¼ Sec. 7: Lot 2, E½NE¼, SW¼NE¼, SE¼NW¼	In Navajo Indian Reservation	317.85
A, D	T. 33 S., R. 24 E. Sec. 9: SE¼NE¼ Sec. 33: SE¼NE¼	Near Monticello	80.00
A, D	T. 31 S., R. 25 E. Sec. 23: S½NE¼, SE¼NW¼, N½SW¼, NE¼SE¼	West Summit Point	240.00
A, D	T. 32 S., R 25 E. Sec. 1: SE¼SW¼ Sec. 12: SW¼NE¼ Sec. 23: NW¼NE¼, N½SE¼ Sec. 24: S½NE¼ Sec. 29: N½	Summit/West Summit Point	600.00
A, D	T. 33 S., R. 25 E. Sec 13: SE¼ Sec. 19: NE¼ Sec. 24: SW¼	East of Monticello	480.00
A, D	T. 38 S., R. 25 E. Sec. 31: Lots 2, 3, 4	North of Hatch Trading Post	109.17
A, D	T. 39 S., R. 25 E. Sec. 15: S½	East of Hatch Trading Post	320.00
A, D	T. 32 S., R. 26 E. Sec. 14: Lots 1, 2, 3, 4 Sec 15 SE¼SW ¼	East Summit	312.35

Table 7.3. Tracts Identified For Disposal in the Current RMP

Designation	Legal Description	Geographic Area	Acres
A, D	Sec. 19: N½SE ¼ Sec. 23: Lots 1, 2, 3, 4 Sec. 26: Lots 1, 2, 3, 4 T. 33 S., R. 26 E. Sec. 9: W½SW¼ Sec. 10: SE¼NE¼ Sec. 14: Lots 3, 4 Sec. 19: SW ¼SE ¼ Sec. 30: W½NE¼, SE¼NE¼ Sec. 31: E½NE¼, SW¼NE¼, SE¼NW¼	North and West of Ucolo	488.04
A, D	T. 34 S., R. 26 E. Sec. 33: SW¼NE¼, NW¼SW¼, SE¼SW¼	Southeast of Eastland	120.00
A, D	T. 35 S., R. 26 E. Sec. 31: S½NW¼, N½SW¼, SW¼SW¼	Cedar Point	200.00
Total Acres			**5911.21**

Legend: Each parcel is designated by letter as to the type(s) of disposal for which it is suitable, and under what authority, as follows:

- A Tracts uneconomic to manage, suitable for sale under authority of Section 203(a)(1) of FLPMA
- B Acquired tracts, suitable for sale under authority of Section 203(a)(2) of FLPMA
- C Public objective tracts, suitable for sale under authority of Section 203(a)(3) of FLPMA
- D Tracts suitable for sale under authority of Section 206(a) of FLPMA
- E Tracts suitable for recreation and public purpose (R&PP) patent under authority of the R&PP Act of 1926 and Section 212 of FLPMA
- F Tracts suitable for desert land entry (DLE patent) under authority of the Act of March 3, 1877, as amended by the Act of March 3, 1891.

Table 7.4. Nominations For Disposal Since Current RMP Signed

Designation	Legal Description	Geographic Area	Acres
P	T. 34 S., R. 25 E. Sec. 15: W½SW¼ Sec. 21: E½NE ¼, N ½SE ¼, E ½SW ¼, SW ¼SE ¼ Sec. 22: W½NE¼, N½SW¼ Sec. 28: NW¼NE¼, NE¼NW¼	East of Monticello	320.00
P	T. 37 S., R. 25 E. Sec. 7: S½NW¼	Bug Point	80.00
P	T. 38 S., R. 24 E. Sec. 13: E½SE¼	Bug Point	80.00
P	T. 36 S., R. 22 E Sec. 13: Lot 7	North of Blanding	40.00
P	T. 40 S., R. 21 E. Sec. 24: NW¼SW¼ Sec. 23: All	West of Bluff	680.00
P	T. 35 S., R. 23 E. Sec. 16: S½S½ Sec. 21 NE¼, E½SE¼	Devil's Canyon	400.00
P	T. 35 S., R. 26 E. Sec. 3: S½NW¼, NE¼, SE¼SW¼	Cedar Point	280.00

Table 7.4. Nominations For Disposal Since Current RMP Signed

Designation	Legal Description	Geographic Area	Acres
P	T. 35 S., R. 24 E. Sec. 17: E½ (-10 acres NE corner	Dodge Point	320.00
P	T. 35 S., R. 18 E. Sec. 30 SE¼NE¼	White Canyon (Hideout)	40.00
P	T. 36 S., R. 16 E. Sec. 27 SE¼SW¼	Fry Canyon	40.00
Total New Acres Requested			2,280.00

P Nominations from the public made subsequent to the 1991 RMP.

Sales. Public sales are managed under the disposal criteria set forth in Section 203 of FLPMA. Public lands determined suitable for sale shall be offered on the initiative of the BLM. The lands will be sold at not less than fair market value. Public lands classified, withdrawn, reserved, or otherwise designated as not available or subject to sale are unavailable.

The Monticello FO has not had an aggressive program to dispose of public lands through exchange. The lands that are currently identified in Table 7.3 should continue to be considered for disposal, except as noted above for critical sage grouse habitat. Lands that have been nominated by private individuals since the signing of the current RMP (Table 7.4) are logical additions through the revised RMP.

Exchanges. Exchanges are initiated in direct response to public requests or by the BLM, to improve management of the public lands. Lands need to be formally determined suitable for exchange. In addition, lands considered for acquisition will be those lands that meet specific land management goals identified in the RMP.

Land disposals are not the most important transactions in the Monticello FO area. They are time-consuming and expensive. Most parcels listed or proposed for disposal are small, usually 40 acres.

Recreation and Public Purposes Act (R&PP). Generally, the R&PP Act was established by Congress as a means for state and local governments as well as non-profit organizations to acquire public lands at no cost or a reduced cost. Many western governmental entities have taken advantage of this Act to provide the public with much needed local services and locations for recreational activities.

In the existing RMP, Table 10 “Classifications and Segregations Made Prior to the Resource Management Plan” lists one R&PP lease – a 20-acre parcel for a San Juan County road shed. This parcel could be carried to patent under the R&PP Act.

An additional 470 acres adjacent to Recapture Lake has been classified as suitable for R&PP lease or patent. The cities of Monticello and Mexican Hat have expressed interest in obtaining ownership of the parcels on which they have a ROW for city water treatment plants. Although not currently classified for R&PP, these parcels are suitable for such classification as a means of transferring ownership to the cities.

An airstrip west of the City of Bluff has been authorized under ROW to San Juan County since the 1950s. Rental rates as well as a desire for unfettered ownership of the airstrip have prompted the County to pursue a course leading to that ownership. The Federal Aviation Administration has declined to make such application in the County’s behalf. The best method for the County acquiring clear title to the airstrip would be through either an R&PP patent or outright sale. Listed below are the current R&PP authorizations for the Monticello FO area.

Table 7.5 Current R&PP Authorizations for the Monticello FO Area

R & PP Leases/Grants	Authorization Type	Purpose	Acres
American Legion	Patent	Rodeo grounds	40.00
San Juan Foundation/Blanding	Patent	Hiking trail	160.00
L. D. S. Church	Patent	Church building	2.00
San Juan County	Patent	Road shed	5.97
Utah Division of State Parks	Patent	State park	10.00
San Juan County	Patent	Landfill	390.00
City of Blanding	Patent	Reservoir	100.00
City of Blanding	Patent	Water pipeline & recreation site	158.00
College of Eastern Utah	Patent	Campus	40.00
San Juan Foundation	Patent	Campus	120.00
San Juan Water Conservancy District *	Classification	Recreation site	20.00

* R&PP application withdrawn. Classification still in place.

Airports. In 1989, San Juan County made application through the Federal Aviation Administration (FAA) for lands for an airport near Hall's Crossing at Lake Powell. BLM issued a patent to the County September 25, 1990. In October the decision was appealed and a stay requested by National Parks and Conservation Association (NPCA) et al. to the Tenth Circuit Court. The stay was denied but the airport was constructed. In July 1993, the court remanded the case back to the BLM and the FAA. The BLM was found to be deficient in their public notification process for the land transfer. The FAA's noise analysis was found to deficient/. They are in the process of writing a supplemental EIS for the airport that will discuss the topics requested by the court.

After the BLM issued the airport patent, the 1991 RMP was signed. It established a Scenic Highway Corridor Area of Critical Environmental Concern (ACEC) along Highway 276. This ACEC overlapped the area of the airport patent.

Protection Zones. One water source protection zone has been established around the water well supplying the Sand Island campground and boat launch facility. It is displayed on the appropriate master title plat.

Withdrawals/Classifications. Withdrawals are formal actions that set aside, withhold, or reserve federal land by statute or administrative order for public purposes. Withdrawals accomplish one or more of the following:

1. Transfer total or partial jurisdiction of federal land between federal agencies.
2. Close (segregate) federal land to operation of all or some of the public land laws and/or mineral laws.
3. Dedicate federal land to a specific purpose.

A withdrawal may remove areas from the public lands to be managed under the authority of another federal agency or department, but the land does not leave federal ownership.

Withdrawals are often used to preserve sensitive environmental values, protect major federal investments in facilities or other improvements, support national security, and provide for public health and safety. Withdrawals segregate a particular portion of public lands, suspend operation of the public land laws (withdrawn from settlement, sale, location, or entry), and prevent any disposal of public lands or resources involved in certain types of land use application. Withdrawals remain in effect until specifically revoked.

Existing withdrawals in the Monticello FO area are as follow:

National Park Service	T. 37 S., R. 18 E.	Road to Natural Bridges
U.S. Forest Service	T. 33 S., R. 23 E.	Baker Administrative Site
U.S. Forest Service	T. 33 S., R. 23 E.	Baker Administrative Site

There are no pending withdrawals.

The 1991 RMP identified withdrawals to be done. These withdrawals were never initiated. Except for the C&MU, they should be carried forward and completed.

The RMP at page 40 specified that the following in relation to withdrawals:

> "1. Request the Secretary to withdraw 132,380 acres from locatable mineral entry as listed below. Review existing withdrawals and remove unnecessary ones."

C&MU classifications (prior to the RMP)	92,130
Acquired lands	9,730
Lands open prior to the RMP	30,520

- Cedar Mesa ACEC, partial (Grand Gulch special emphasis area partial)
- Dark Canyon ACEC, partial
- ROS SPM-class area in San Juan River SRMA
- Developed recreation sites

Withdrawal review is mandated by FLPMA, which requires the BLM to eliminate all unnecessary withdrawals and classifications. The BLM must ensure withdrawals are supported by a definite show of need, and revoke withdrawals that lack sufficient justification. Before recommending a withdrawal continuation, alternatives such as ROWs and interagency agreements must be explored.

In the late 1980s, Utah BLM was actively reviewing existing withdrawals to accomplish this, and had a 10-year schedule to accomplish this. The BLM was sued by the National Wildlife Federation and the courts put all withdrawal review actions on hold pending a final ruling. No information is available on the withdrawal reviews that were done prior to the lawsuit. No withdrawals have been reviewed since the lawsuit was filed.

There are Power Site Reserves/Classifications along the San Juan River corridor administered by the Monticello FO (Figure 7-1). The lands were opened to the operation of the mining laws in 1958; therefore, their only segregative effect is from disposal actions. ROWs can be granted on these lands with a Federal Energy Regulatory Commission (FERC) stipulation in the grant. Disposal actions require partial revocation of the withdrawal. These withdrawals need to be reviewed.

7.3.7 Management Objectives

Land and realty program objectives are to manage the public lands to support goals and objectives of other resource programs and respond to public requests for land use authorizations. Generally speaking, these objectives are being met. Requests for public land use authorizations (ROWs and permits) have a high priority and public demand is being met in a timely manner.

Filming is a major part of the realty work in Monticello and the establishment of minimum impact filming criteria similar to that established by the Moab FO would greatly reduce permit processing time and increase public service. ROWs, including oil and gas related, are issued in a timely manner with no present backlog. ROW workload cycles as oil and gas production cycles.

The objective to support goals and objectives of other resource programs includes withdrawing public lands when necessary to protect natural resources from development as well as terminating withdrawals no longer serving their intended purpose. Withdrawal review should be a continuing effort.

The lands identified in Table 7.3 contain 2,949 acres of land for potential disposal through FLPMA sale, exchange, or through the R&PP Act. Management should further examine the 2,200 acres identified in Table 7.4 for possible disposal.

Some parcels listed for disposal in the 1991 RMP are now viewed as potential critical sage grouse habitat. This may further preclude them from consideration for disposal.

7.3.8 Resource Demand and Forecast, Trends, Energy Development

The current primary need is for ROW grants for road access, oil and gas pipelines, and other oil and gas-related facilities. Because the Monticello FO area has potential for the occurrence of oil and gas, the production of oil and gas will continue to be a high priority. A high priority of the lands and realty program will be to support the production of oil and gas with appropriate and timely processed/issued ROW grants. During the past 5 years, Monticello averaged three new oil and gas-related ROWs per year. At the same time, there were 29 oil and gas ROW assignments, which creates a continuing workload on the realty staff (see Table 7.6). There is nothing to indicate that this trend will change in the next 10 years.

Table 7.6 Right-of-Way Assignments

Fiscal Year	Non Energy	Energy
1999	2	2
2000	1	13
2001	2	7
2002	1	6
Total	**6**	**29**

7.3.9 Non-Energy Rights-of-Way

The Monticello FO averaged five new non-energy ROWs and one assignment per year in the past 5 years. This workload has remained about the same per year and indications are this workload will remain constant in the future. The possible exception to this would be for the issuance of new communication site ROWs related to wireless service.

7.3.10 Open Space and Community Expansion

As the national population grows, small western communities need additional room for housing, city services, and recreational facilities. Because the BLM has the authority to sell or lease public lands to local communities under FLPMA and the R&PP Act, BLM lands are attractive sources of help for community expansion needs. Current national policy dictates that BLM lands that are near or within communities remain undisturbed as open space, if possible. In many areas, BLM-managed public land is the only undisturbed land in the immediate area of a community and provides greenways for recreational activities or solitude. Land that might have been identified in past plans for disposal because of their small size and proximity in location may now be more appropriately set aside and managed as open space.

7.3.11 Land Consolidations

Over the past few years, the BLM operating budget has been reduced, which has compelled the BLM to look at ways to manage public land at a lower cost. One way is to consolidate scattered land patterns into more manageable solid-block units. This is usually accomplished through exchange of public lands for private or state lands, or in some cases, selling isolated tracts of public land. Exchanges are based on the goals of the land use plan and can be initiated by either the BLM or by a non-federal party. The goal of all exchanges is to improve the management of the public lands and improve the resources for public benefit, while at the same time reducing the overall cost of public land management. The BLM has found exchanges to be a valuable management tool to resolve a variety of issues, and the trend is to work on exchanges as time and personnel permit.

7.3.12 Resource Withdrawals

A more recent trend in the BLM is to withdraw areas of land to protect a threatened or endangered species, a cultural site, or a developed recreation area so land may not be appropriated under the mining laws. A withdrawal provides the maximum protection in terms of land uses and protection from mining claims. These withdrawals are relatively small in terms of acreage and are site specific. The realty program will consider other resources and valid existing rights throughout the formulation of this planning document to see if withdrawals are needed.

7.3.13 Termination of Unnecessary Withdrawals and Classification and Multiple Use (C&MU) Classifications

Existing withdrawals and classifications will continue to be reviewed and may be terminated on a case-by-case basis as funding is made available for such purposes, if they are no longer serving their intended purpose. National policy dictates that all land no longer needed by the withdrawing agency needs to be returned to public domain status. Terminating unnecessary withdrawals opens the land to all the public land laws, including the mining laws, which provide multiple-use opportunities for the public. C&MU classifications in the 1960s were put in place prior to the FLPMA requirements for land use planning. C&MU classifications were basically a planning tool whereby lands were either identified for retention or disposal. As part of BLM land use planning mandates, C&MU classifications should be reviewed, terminated, and replaced with current land use planning decisions.

7.3.14 Alternative Energy Sources

A national trend is to use public lands to develop renewable energy sources such as wind power, solar power, and hydropower. National organizations are looking at public land to help provide non-polluting

power sources for an ever increasing population. In the future, BLM-administered lands could play an increasing role in providing clean energy sources.

7.3.15 Filming Permits

The Monticello FO has made a specific effort to accommodate filming activity in the area. With the economic benefits of filming to the area, the Monticello FO has identified the most commonly used filming areas (see Figure 7-1). There is nothing to suggest that the Monticello FO will not continue to average five to six film permit applications per year.

7.3.16 Consistency with Non-Bureau Plans

San Juan County has a current land use planning document, The San Juan County Master Plan. Although the goals of San Juan County are not always the same as BLM's, BLM makes every effort to be as consistent as possible with local plans. Monticello BLM works closely with San Juan County on issues that affect land ownership, land access, and activities that might affect the economic base of the area. The working relationship with the county is regular, ongoing and effective. However, in an area yet to be reconciled, the BLM does not recognize county claims to Class D roads per RS 2477. This issue will not be completely brought to closure until the establishment of national policy and guidance.

The BLM and the Manti-La Sal National Forest work closely together on overlapping issues. The Monticello RMP and the Manti-La Sal Forest Plan are as closely linked as law, policy, and guidance allow. In addition, Monticello BLM has good coordination with the U.S. Park Service at Glen Canyon National Recreation Area and with the BIA and Ute Indian Tribal leaders.

The trend is for local governments and BLM to be more involved in each other's land use plans. The Monticello FO can expect significant input into the revised RMP from San Juan County on issues such as economic development, clean air, clean water, population growth, resource development, community services, transportation systems, recreational opportunities, and the protection of private property rights.

The dominant theme of the San Juan County land use plan is multiple use management, which is consistent with the goals and objectives of the revised RMP.

7.3.17 Issues or Concerns

From the perspective of the lands and realty program, the existing plan and amendments work well. There are no known discrepancies in actual management practices and the decisions in the existing RMP. The only public concerns that have surfaced in the last year regard filming and the perception that the BLM Monticello FO is not as responsive as it could be to facilitating filming on public lands. The time frame for filming is reduced by at least 30 days if a project meets minimum-impact criteria. Through the RMP revision, the criteria for minimum-impact filming can be reviewed.

Many film projects are done as a joint permit involving both the Monticello and Moab FOs. There is a difference in procedure resulting in a great variance in the time frame for processing the permits. Language in the revised RMP should allow for a programmatic approach to issuing film permits in popular areas without individual NEPA review of each proposal. This should help alleviate this time discrepancy problem.

7.3.18 Management Opportunities and Limitations

Based on energy development, filming activities, and recreational use projections, the lands and realty program will be greatly impacted throughout the life of the Monticello RMP. Lands and realty will need to support resource objectives and provide customer service in use authorizations by fulfulling actions that relate to each of the following topics.

7.3.18.1 Corridors

Planning issues and resource values will influence realistic corridor placement in the Monticello FO area. These issues address resource development and protection for special management areas. Existing and potential utility and transportation systems will be evaluated for corridor designation.

Where sensitive resource disputes cannot be mitigated, corridors and windows will not be designated. A comprehensive conflict analysis will determine where sensitive environmental concerns exist. Stipulations may be integrated into ACEC documents to allow for a designated corridor, if no other alternate routes are available. Public health and safety may justify mitigation to permit crossing areas with special management prescriptions. The ideal RMP corridor designation will have resource information and analyses completed to the point where additional compatible facilities could be sited in the designated corridor with minimal or even no additional NEPA documentation.

Corridor designations will be coordinated with applicable BLM, USFS, NPS, and BIA planning documents, including documents in Colorado, New Mexico, and Arizona. The corridor presently designated along US 191 should be evaluated for bottlenecks or restricted areas. A boundary width should be established on all corridors approved in this plan.

7.3.18.2 ROW Avoidance and Exclusion Areas

ROW avoidance and exclusion areas will be designated following identification of sensitive resource values. ROW grants within avoidance areas may be subject to restrictive stipulations. All areas not identified as avoidance or exclusion will be available for ROWs and could be subject to multiple-use terms on a case-by-case basis. Determining in advance the locations of ROW avoidance and exclusion areas can minimize expenditures of time and money to BLM and to potential ROW applicants. The avoidance and exclusion of areas identified in the existing RMP should be carried forward into the revised RMP.

7.3.18.3 Withdrawal Review

Through the public planning process and with the involvement of other cooperating agencies, BLM should conduct the review of existing withdrawals (mostly FERC), and make recommendations on continuation or termination (Figure 7-1). Specifically, all power site withdrawals and classifications should receive a thorough review and an evaluation that includes the evaluation of impacts from a complete revocation. These FERC waterpower site classifications were put into place years ago, but in today's environment, they probably never will be developed. Specific language that is similar to the management practices on adjoining lands should be included in the RMP to provide for the management of any revoked withdrawals. Otherwise, a plan amendment would have to be completed on the revoked lands prior to opening the lands for public use. The decision to terminate the C&MU classifications and include those lands in a withdrawal package was a decision in the Withdrawal Processing and Review section of the current San Juan RMP. This decision should be looked at again and if still appropriate,

actions should be taken to follow through with the withdrawals. Management should assign appropriate priority to the withdrawal review effort.

7.3.18.4 Identify Community Expansion and Open Space Needs of Local Communities

All lands that might be of value to local communities or counties should be identified in the RMP and evaluated for future community expansion or open space needs. Coordination with city and county planners is essential in this effort.

7.3.18.5 Exchanges and Acquisitions

Exchanges are initiated in direct response to public demand or by the BLM to improve management of the public lands. Lands need to be determined suitable for exchange based on the goals and objectives of the RMP. In addition, acquired lands will only be those that meet specific land management goals identified in the RMP. This is most effectively accomplished by identifying and establishing specific parcels for disposal or acquisition (the lands identified in Table 7.3 should be carried forward into the revised RMP). The RMP may stipulate that public lands in a disposal area be made available under any disposal authority or under specified authorities. In areas where the BLM intends to utilize certain public lands as exchange base, it is critical that the RMP decision be clear about the fact that these federal lands are available for exchange only. Exchange bases are a tool for accomplishing the acquisition of non-federal lands, either within the FO area or in other areas of the state. RMP land tenure decisions can also be made on a parcel-specific basis to accommodate existing situations.

Acquisition of access rights and land should support multiple-use management decisions. Acquisition of areas with high recreational values, continual problem areas, and large block areas should have high-priority consideration. The prescribed management for the area would determine the form of acquisition. Cooperative efforts for access will initially be considered between federal, state, and local governments; private organizations; and individual landowners. Access across private and state land would be acquired by easement using the following methods: gifts, buying the rights, exchange, and reciprocal ROW grants.

Specific language should be developed in this planning effort to establish criteria for sales and exchanges. Criteria language eliminates the need for a plan amendment each time there is an exchange opportunity.

7.3.18.6 Examine the Need to Complete Resource Withdrawals

Areas of high resource value should be identified in the RMP and evaluated to determine if protection by withdrawal is needed. In areas of low mining claim probability, a withdrawal may not be needed. In areas where mining claim activity could disturb a valuable resource, a withdrawal may be a necessary protective tool.

The land use plan should analyze reasonable alternatives, including different potential withdrawal configurations (size), and alternatives to a withdrawal. For proposed resource protection withdrawals, essential components in assessing alternatives in the land use plan process are:

1) Data on known or suspected mineral occurrences, and assessment of the development potentials; and
2) Analysis of the effects of existing regulatory authorities or plan decision alternatives that could minimize or avoid potential impacts to resources.

Resources needing protection in areas of low mineral potential probably do not need a withdrawal, but should be identified in the RMP as retention areas.

Specifically, the RMP should evaluate the need for protective withdrawals on lands identified in the Withdrawal Processing and Review section of the current San Juan RMP.

7.3.18.7 Identify Specific Tracts for Disposal by Specific Authorities

Unless mandated by Congress, all disposal actions by the BLM are discretionary and, therefore, should be tied to RMP decisions. The RMP may stipulate that public lands can be disposed of under any disposal authority, or the RMP may limit the authority or authorities to a specific type of action (i.e., a sale under Section 203 of FLPMA). Disposal decisions may be made on a plan-wide level or may be parcel-specific to accommodate existing situations. In the revised RMP, the existing disposal tracts identified in Table 7.3 should be reviewed for consistency with the RMP's resource decisions. All lands that still merit disposal should be carried forward as an addendum in the revised RMP.

7.3.19 Filming Permits

The revised RMP should establish minimum impact filming criteria similar to the criteria established by the Moab FO. Such criteria are effective when reviewing potential filming sites. The establishment of GIS-determined customary filming sites should be identified as an appendix to the RMP. Between the predetermined customary filming sites and the minimum impact filming criteria, film permits could be issued in a more timely manner for most filming projects.

7.3.20 References

Bureau of Land Management (BLM), 1991. Resource Management Plan Record of Decision and Rangeland Program Summary for the San Juan Resource Area, Moab District, Utah. March 1991.