

Permitting Rights-of-Way on Public Lands



Summary of BLM Rights-of-Way Permitting Process

Contact the BLM office with management responsibility for land where ROW needed

Arrange a pre-application meeting with field manager to cover:

- Proposal in detail
- Fees, safety, work schedules

Applicant will be given existing/available information/sources of information related to the project

Purpose:

- Provides BLM an understanding of scope and complexity of proposal (BLM will estimate processing category and fee.)
- Other offices and agencies will be notified.

Summary of BLM Rights-of-Way Permitting Process **Cost Recovery Agreement**

**Enter into a
Cost Recovery
Agreement**

Purpose: Establish an outline for processing the application:

- Processing Steps
- Responsible Parties
- Lead Agency, Contacts
- Timelines
- Payment Schedules

Summary of BLM Rights-of-Way Permitting Process Application

Applicant will:

- **Identify Project Leader**
- **Submit (preliminary) Plan(s) of Development**
 - Technical information about the project
 - Measures and plans for mitigating impacts/concerns
 - Available skills and expertise
 - Acceptable alternatives

Summary of BLM Rights-of-Way Permitting Process **Processing Applications**

Conducted to assure compliance with:

- National Environmental Policy Act (NEPA)
- Threatened and Endangered Species Act (ESA)
- National Historic Preservation Act (NHPA)
- Executive Orders concerning floodplains and wetlands
- Clean Air/Clean Water Act provisions
- Archaeological Resource Protection Act (ARPA)
- Applicable State and local laws/regulations/procedures

Summary of BLM Rights-of-Way Permitting Process Processing Steps

Identify decisions and decision-maker

Establish interagency agreements between lead/cooperating agencies

Identify processing steps and timeline to:

- ✓ Conduct scoping
- ✓ Collect data and complete studies
- ✓ Conduct the analysis
- ✓ Document the analysis
- ✓ Make decision(s)
- ✓ Issue Grant(s)
- ✓ Monitor construction, operation, and maintenance

Summary of BLM Rights-of-Way Permitting Process

Applicant and agency(ies) agree to Processing Steps, timelines, and who will do what by when.

Summary of BLM Rights-of-Way Permitting Process

Environmental Analysis and Decision

Conduct the environmental analysis

Document the environmental analysis

- Draft environmental impact statement
- Solicitation of comments
- Final environmental impact statement (FEIS)

Issue a Record(s) of Decision based on:

- The final environmental impact statement
- The decision to be made

Summary of BLM Rights-of-Way Permitting Process Grant

The Right-of-Way Grant will be issued:

- Includes terms and conditions identified in the FEIS
- Includes monitoring plans, construction stipulations, operation and maintenance plans
- Identifies required compliance with all other applicable federal, state, and local laws and regulations

Questions?