

2882 - LANDS AVAILABLE FOR MLA GRANTS

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### .10 Lands Available For ROW Grants.

A. Lands. The BLM may grant MLA ROWs on any Public Lands, or on lands which are administered by two or more Federal agencies, except land in the National Park System, land held in trust for Indians, or land within the Outer Continental Shelf. Some available lands may be restricted by Statute, Executive or Secretarial Order, or Land Use Plan (LUP).

1. General. The BLM will not exclude otherwise available land from ROW consideration unless the exclusion has been addressed in an approved LUP or a similar plan of another agency. Where an appropriate corridor has been designated, the BLM will encourage use of that corridor.

2. Mining Claims. Lands within mining claims located prior to July 23, 1955, and upon which the United States has not obtained surface management rights, do not qualify as Federal lands under the MLA. ROWs may not be issued for land included in such mining claims.

3. Common Use. To the extent practical and with consideration of safety conditions, the BLM will require common use of ROWs and use of designated corridors for new ROWs.

### .11 Corridors.

A. Corridor Philosophy. The BLM will manage ROW use of public land through a system of designated corridors. Use of designated corridors on public and Federal land for future ROW grants will be actively encouraged by the BLM.

B. Preferred Location. A designated corridor is a preferred location for the placement of ROWs. It is not a withdrawal of public lands for exclusive use in the future. The BLM, as the manager of public lands, has a responsibility to inform all applicants of the preferred location for ROWs before an applicant incurs any expense in formulating a proposal.

C. Other Corridors. Corridors established under other authorities such as the Energy Policy Act of 2005 may affect the BLM's ROW processing.

1. A NEPA categorical exclusion for proposed pipelines meeting certain location requirements is provided in §390 of the Energy Policy Act of 2005.