

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Idaho State Office  
1387 South Vinnell Way  
Boise, Idaho 83709-1657

In Reply Refer To:  
2860 (933) P

December 11, 2003

EMS  
Instruction Memorandum No. ID-2004-026  
Expires: 09/30/2005

To: District Managers and Field Office Managers

From: Deputy State Director, Resource Services Division

Subject: New Coordination Requirements with Idaho Counties when Communication Site  
Right-of-Way Applications are Filed

**Program Area:** Rights-of-Way, Communication Sites.

**Purpose:** This Instruction Memorandum provides information and guidance concerning the new coordination requirements with Idaho Counties when communication site right-of-way applications are filed.

**Policy/Action:** BLM will consult with affected Idaho Counties during the processing of individual applications for communication facilities. When an application is received, the field office will contact the affected county government by phone and then forward a letter containing a copy of the application for review by county officials. In addition, field staff should encourage applicants to coordinate directly with the county governments, preferably at the same time their application is under review by BLM. Counties will be given 30 days to respond to the BLM with their comments and concerns. These comments/concerns must be taken into consideration during preparation of the environmental assessment for the proposed action. BLM has sent a letter to the Idaho Association of Counties outlining these new procedures (Attachment 1).

**Timeframe:** This IM is effective upon receipt.

**Background:** BLM has recently had discussions with several county officials regarding the siting of communication towers on public land and the counties opportunities for input in such a request. Although Public Law 94-579, the Federal Land Policy and Management Act, gives BLM decision making authority on public lands, it also directs BLM to coordinate with local governments in the development of land use programs, land use regulations, and land use decisions involving public lands. The law specifically allows state and local governments to furnish advice regarding land use matters. The problem which continues to surface is that some county governments have taken the position that their planning and zoning authority goes

beyond furnishing advice to BLM and instead is interpreted as allowing direct county regulation of public lands. This is not the case. This new guidance guarantees that a county has the opportunity to provide comments on individual applications which will be considered by the BLM when processing the case. BLM, however, retains sole responsibility for authorizing communications facilities on the public land.

**Manual/Handbook Sections Affected:** None. Idaho does not have a Communication Site Manual/Handbook

**Coordination:** State Director, Regional Solicitor, and Idaho Association of Counties.

**Contact:** For questions regarding this IM, please contact Bruce Bash, Communication Site Specialist at (208) 524-7521.

**Lower Snake River District with Union:** No Union notification or negotiation is required.

Signed by:  
Susan Giannettino

Authenticated by:  
Susanna M. Henry  
Staff Assistant (ID-933)

Attachment (1)



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Idaho State Office  
1387 South Vinnell Way  
Boise, Idaho 83709  
<http://www.id.blm.gov>

In Reply Refer To:  
1786/9113 (930/933)

November 21, 2003

Mr. Daniel G. Chadwick  
Executive Director  
Idaho Association of Counties  
700 W Washington Street  
Boise, Idaho 83701

Dear Mr. Chadwick:

We have recently had discussions with several county officials regarding the siting of communication towers on public (federal) land. Since this issue may come up in the future and involve additional counties, we thought it appropriate to share with you our policy regarding local government input into the siting of new communication facilities on public lands. We also want to request your assistance in how the Bureau of Land Management (BLM) may better coordinate and consult with individual counties on these and other issues. We desire a good working relationship with Idaho's counties and believe clear and early communications will help us achieve this goal.

The primary law that gives BLM decision making authority on public lands is Public Law 94-579, the Federal Land Policy and Management Act of 1976 (FLPMA). FLPMA also directs BLM to coordinate with local governments in the development of land use programs, land use regulations, and land use decisions involving public lands. The law specifically allows local governments to furnish advice regarding land use matters. The information provided by the local governments is invaluable to the BLM manager's decisions concerning communication sites.

Given the laws and regulations that govern BLM, it is our commitment that our field managers and their staff in Idaho will consult in a timely manner with county governments during the processing of individual applications for communication facilities. When an application is received, the field office will contact the affected county government by phone and then forward a letter containing a copy of the application for review by county officials. In addition, field staff will encourage applicants to coordinate directly with county governments early in the process, preferably at the same time their application is under review by BLM. It is at this early stage in the process that the BLM field office seeks the county's comments and concerns about the

proposal which will be taken into consideration during preparation of the environmental assessment for the proposed action. Hopefully, thirty days is an adequate time-frame for comments. If the county has no comments regarding a proposal, a letter stating this fact would be greatly appreciated.

We appreciate this opportunity to bring this policy before the Idaho Association of Counties and look forward to your suggestions on how BLM and local counties can best respond to pending and future requests for the placement of communication facilities on public lands.

*/s/ K LYNN BENNETT*

K Lynn Bennett  
State Director