

Identification of Unneeded Land Guidelines

1. **Introduction.** The discretionary guidance contained herein has been developed to assist the regions in conducting reviews of project land to determine if it is needed for project purposes. This guidance takes into consideration the diversity of project land in status, nature, and purpose, and the variety of authorities under which it has been acquired or withdrawn.
2. **Purpose of Reviews.** Reviews are conducted of all project land, whether acquired or withdrawn, and excluding land that is part of a title transfer, on a scheduled 5-year cycle as established by each region (see Reclamation Manual (RM) Directive and Standard (D&S), *Land Withdrawals, Withdrawal Reviews, and Withdrawal Revocations*, LND 03-01, *Identification of Unneeded Land*, LND 08-03). These scheduled reviews annually identify and report project land no longer needed nor likely to be needed for current or future project or related purposes (see LND 08-03). After unneeded land is identified, disposal actions are initiated under appropriate disposal authorities (see RM D&S, *Land Disposal*, LND 08-02).

Additional activities may also be accomplished through these reviews such as the identification of hazardous substances as provided for in RM D&S, *Identification and Reporting of Potential Hazardous Substances on Reclamation Acquired or Withdrawn Lands (Reclamation Lands)*, LND 12-01.

3. **Definitions.** For the purposes of these guidelines, the definitions found in LND 08-03 apply.
4. **Reviews.** Each region may develop additional guidance for information to be collected and included in the review process and subsequent documentation that reflects the needs of the region and of the individual project. In some cases, multiple projects may utilize some of the same specific land parcels under multiple project authorizations. In these cases, the projects using some or all of the same parcels should, if practical, be included in the same annual reporting cycle to avoid redundancy.
 - A. **Scheduling.** Although land reviews are conducted based on the scheduled 5-year cycle established by each region (see LND 03-01 and LND 08-03), there may be instances when a more frequent or accelerated review schedule is appropriate. Reasons for an accelerated review schedule might include plans for construction, potential unauthorized use, suspected contamination, specific requests by current or potential managing partners, or application for, or scheduled expiration of, a withdrawal. When establishing schedules, regions should build in enough flexibility to allow for additional reviews as required.

- B. **Review Personnel.** Once the complexity and sensitivity of the land area to be reviewed has been determined, the expertise needed and the number of reviewers required to accomplish the review can also be determined. For simple, non-controversial reviews, a single reviewer with sufficient training, skills, and experience may be all that is required. However, for more complex or potentially sensitive reviews, a team with appropriate expertise to address areas of land resource management including, but not limited to, project operations, lands, recreation, natural and cultural resources, and hazardous waste, may be required. If reviews are conducted by consultants or contractors, the regional realty officer and regional director will still retain oversight, recommendation, and approval responsibility as stated in LND 08-03, paragraph 5.B.
- C. **Review Methods and Procedures.** While these guidelines acknowledge the uniqueness of each project, they also recognize the need for the use of procedures that are as consistent as possible to ensure that reliable data are utilized in making determinations regarding the current or future uses of these project lands. The specific methods and procedures for collecting information and completing reviews should be established by each region working in collaboration with the office responsible for accomplishing the reviews and with input from managing partners where appropriate. The following are some suggested methods and procedures that may be desirable for incorporation into the review process so that the necessary information can be collected:
- (1) **Land Records Research.** Pertinent and available land records should be researched prior to the initiation of each scheduled project review. Information found in these records regarding the status of the land (acquired or withdrawn), verification of the acquiring authorization, legal description, date the land came under the jurisdiction of Reclamation, authorized third-party uses, and information regarding the use or development of the land prior to acquisition by Reclamation could provide insight necessary to accomplish a thorough review. These records may include region-specific plat books, case files including files from any previous reviews, Reclamation's Project Data books, BLM records such as master title plats, and county records when additional title history may be required or is not available in local records.
 - (2) **Water User Organization and Managing Partner Involvement.** As required by LND 08-03, paragraph 5.C., appropriate water user organizations or other managing partners will be consulted as part of the review process. Other managing partners may include water user organizations, concessionaires, State or local governments, as well as other Federal agencies. Consultation could be through formal correspondence, through email, by phone, or in person. However, documentation should be made as to when and how the contact was made, and what comments were collected. Water user organization or other managing partner responses as

to the need to retain the land for project purposes should be taken into consideration when making a determination as to whether the land is still needed or no longer needed for current or future project purposes and could be made available for disposal.

- (3). **Field Review.** When appropriate, field reviews should be conducted on the ground, especially when the review land is in highly developed, culturally significant, or environmentally sensitive areas, and where significant Federal investment has been made for facilities or other improvements.
- (4) **Geospatial Technology.** There may be instances when on the ground field reviews are not possible due to factors including, but not limited to, funding, staffing, physical accessibility, or the actual need for on-the-ground verification and inspection. Geospatial technology, such as satellite imagery, aerial photography, or data gathered through the use of global positioning systems, may be determined to provide sufficient information in some or all of those instances.

As technology and project needs evolve, new methods and procedures, as well as additional review requirements, may be identified. Regions should incorporate advancing technological methods as they become available, and update procedures in order to address shifting adjacent land uses, changing project needs and purposes, protection of the environment, and issues as they become apparent.

- D. **Review Documentation.** Each region may require different formats for recording information and retaining files in their records management system. Local development and use of field review checklists, standardized formats, and similar tools are encouraged to promote cost effectiveness, efficiency, and content consistency. Due to the wide variations of land and project types, Reclamation-wide standardization is generally not practical. Documentation retained may include some or all of the following:
 - (1) A brief but complete narrative description of the methodology used to conduct the review for each project. Where an on-the-ground field review is not conducted, the narrative could include an explanation of the rationale for omitting that review.
 - (2) Map or maps that are of an appropriate scale to generally depict the lands reviewed.
 - (3) Representative or summary remote sensing data, aerial or satellite photos, GPS data collected, and/or photos as appropriate.

- (4) Copies of field review checklists, appropriate BLM master title plats and historical index pages when available and applicable, listing of any third-party use authorizations or managing partner agreements, documentation of contact with managing partners, and additional records as appropriate to the specific project being reviewed.
 - (5) Copies of any reports submitted to the regional office or PPS. It is recommended that the annual reports be submitted on the optional annual Identification of Unneeded Land Report form (Exhibit 1).
5. **Review Results.** Under LND 08-02, Reclamation is required to retain ownership and management responsibility only on land that supports current or future authorized projects and related purposes. Although all project land may not have readily apparent uses such as facilities or features built on or across it, its retention may still be essential to the requirements of the authorized project.

Utilization of the data collected as a result of comprehensive project land reviews should assist regions in making responsible administrative determinations regarding the current and future need for these lands. In addition, any issues affecting the condition of the reviewed land that might need remediation should also be made apparent. Reviews may even identify a need for acquisition of additional acreage to adequately support or protect current or future authorized project or related purposes.

Only those lands identified as being unneeded for current or future Reclamation project or program purposes as a result of a comprehensive review should be reported as being available for disposal. Once project land is reported as being unneeded, the progress of the disposal actions initiated are tracked annually in the unneeded land report submitted through the regional offices to PPS (see LND 08-03, paragraph G).

When making administrative determinations as to whether to retain or make available for disposal current project land, careful consideration should be given to the ever increasing complexity and expense of acquiring replacement land or interests in land for future project purposes. These issues reinforce the necessity for developing accurate and defensible review methods and procedures for making decisions regarding the current and future disposition of project land.