

Attachment 2: Lease Application Worksheet and Instructions to Applicants

Applicants should submit lease applications to the BLM office having jurisdiction over the public lands in the proposed lease area (43 CFR 6102.4(b)(1)). In cases where a lease application crosses field office boundaries, applications should be submitted to the office with jurisdiction over the majority of BLM managed land in the proposed lease area. Applications should be received by the realty specialist at the appropriate field office unless the authorized officer has directed otherwise. A restoration or mitigation lease may require multiple authorizations from the BLM and other permitting agencies, and it is the responsibility of the applicant to identify and secure all requisite authorizations.

The BLM does not currently require a specific form for an application. However, a lease application must include a complete lease application worksheet, including a restoration or mitigation lease development plan that describes the proposed work in sufficient detail to enable authorized officers to evaluate the feasibility, impacts, benefits, costs, threats to public health and safety, collaborative efforts, and conformance with BLM plans, programs, and policies, including compatibility with other uses (43 CFR 6104.2(c)(1)-(3)).

As provided by 43 CFR 6102.4(c), a complete restoration or mitigation lease development plan includes:

- Results from land health assessments, watershed condition assessments, and other high-quality information that identify the current conditions of the site(s) of the proposed restoration or mitigation action;
- The desired future condition of the proposed lease area including clear goals, objectives, and measurable performance criteria needed to determine progress toward achieving the goals and objectives;
- Justification for passive restoration or mitigation if proposed;
- A description of any facilities for which authorization is sought, including access needs and any other special types of authorizations that may be needed;
- A map of sufficient scale to allow the required information to be legible as well as a legal description of primary and alternative project locations. Applications should include the Public Land Survey System Data Set (PLSSDS) as the geospatial data and other GIS data used to produce the maps.
- Justification for the size of the proposed restoration or mitigation lease;
- A schedule for restoration activities (or project timeline) and estimated costs;
- Information on outreach already conducted or to be conducted with existing permittees, lease holders, adjacent land managers or owners, and other interested parties, and the outcome of that outreach; and
- Any additional and reasonable information required by the authorized officer to make an informed decision on whether to issue the lease.

See the following page for the lease application worksheet and instructions to applicants.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RESTORATION AND MITIGATION LEASE APPLICATION WORKSHEET
(43 CFR 6100 et. Seq.)

1. Applicant Information:

a. Name(s) of Applicant:

b. Name of Applicant's Agent, if different from above:

c. Address(es):

d. Phone Number(s) (Include area code):

e. E-mail(s):

f. Legal status (Check all that apply):

- United States Citizen
- Business
- State Government Fish and Wildlife Management Agency
- Tribal Government or Organization
- Conservation District
- Non-Governmental Organization

g. Have you previously held a BLM lease, permit or other authorization?

Yes No

If yes, please provide BLM case/serial number and date of authorization:

2. Lease Type and Term Length:

a. Lease Type (Check one):

- Restoration Lease
- Mitigation Lease (Check one of the following):
 - In Lieu Fee Program
 - Mitigation Bank
 - Compensatory Mitigation Project

b. Proposed lease term and justification:

3. Proposed Mitigation or Restoration Lease Development Plan

Attach a copy of your proposed restoration or mitigation lease development plan, which should include or address the following:

- a. A map showing the proposed location, boundaries, and total acreage of the proposed lease area.
- b. A legal description and a justification for the acreage of the proposed lease area.
- c. Whether the lands are currently improved, occupied or used, and if they are, what improvements, purposes, users, and occupants there are.
- d. Describe the current condition of the proposed lease area. Applications for a restoration lease should use high-quality information to show that the area is degraded, damaged, destroyed, or otherwise in need of restoration.
- e. Which portions of the proposed lease area have been identified as BLM priority restoration or mitigation landscapes, if any.
- f. The desired future condition of the lease area, including clear and measurable goals and objectives. Lease goals and objectives should include specific and measurable performance criteria that will allow the BLM to assess the lessee's progress over the term of the lease.
- g. The access route(s) and methods you will use to access the proposed lease area.
- h. A detailed description of the proposed actions/activities that you will use to achieve the lease goals and objectives, including as appropriate a proposed schedule with discrete, measurable milestones that covers the duration of the proposed lease term.

- i. A justification for passive restoration, if proposed.
- j. Restrictions to other land uses in the proposed lease area that may be necessary to achieve the goals and objectives of the lease.
- k. What outreach and consultation you have conducted, including with current permittees/user groups/occupants of the proposed lease area; tribal, community, state, and local governments; individuals; interest groups; and news media.
- l. Any comments of support or concern you have received regarding your proposed lease.
- m. Your technical capability, for example:
 - Similar past projects you were successful in implementing, including any available and relevant information about those past projects, such as a map of the area, baseline information, monitoring information, before and after photographs, and annual or final reports.
 - Your technical capability to successfully complete and maintain the proposed restoration or mitigation project.
 - The key personnel, contractors and sub-contractors conducting the proposed lease activities, including their resumes and qualifications.
- n. Your financial capacity, including the source of funding that will be used to accomplish the proposed lease activities, and including an estimate of capital costs.
- o. If applying for a mitigation bank or in lieu fee program, a market analysis showing the anticipated market demand for mitigation credits over a period of 10 years or less.
- p. A draft monitoring plan that describes the monitoring methodology and frequency, measurable criteria, and adaptive management triggers. Monitoring criteria should be based on the proposed lease's goals and objectives (43 CFR 6102.4(e); see part f).

Date and Signature of Applicant

Lease Application Worksheet Instructions for Applicants

The BLM issues restoration to authorize activities that passively or actively assist the recovery of an ecosystem that has been degraded, damaged, or destroyed to a more natural, resilient ecological state and issues mitigation leases to authorize activities that offset impacts resulting from other land use authorizations.

A restoration or mitigation lease may be proposed on BLM-managed lands, and the authorized officer will evaluate individual proposals to determine whether a lease is appropriate in a given area. The BLM will not issue a lease where existing, authorized, and incompatible uses are occurring. Proposed lease areas may cross field office boundaries.

The BLM may require clarification, additional information, or modifications of the lease proposal to complete processing of your application.

Acceptance of this application does not obligate the BLM to grant the application or issue a lease. Issuance of a lease is at the discretion of the BLM.

Section 1: Applicant Information

Part a-e: Restoration or mitigation leases may be granted to individuals, businesses, non-governmental organizations, Tribal governments, conservation districts, or State agencies with management oversight of fish and wildlife populations (43 CFR 6102.4(a)(2)). Mitigation leases for establishment of an in-lieu fee program are limited to non-governmental organizations, State fish and wildlife agencies, and Tribal government organizations (43 CFR 6102.4(a)(2)). Restoration and mitigation leases may not be held by a foreign person as that term is defined in 31 C.F.R. § 802.221 (43 CFR 6102.4(a)(2)).¹ All applications must include the name and contact information of a specific individual to act as a point of contact.

Part 2: Lease Type and Term Length

Part a: Indicate the type of lease you are applying for. Restoration work that is accomplished for the purpose of offsetting impacts of development projects or selling mitigation credits may only be authorized as a mitigation lease and are not eligible for a rent or fee waiver. Applications for a restoration lease will automatically be considered for a rent and fee waiver.

Part b: Applicants should include a narrative justification for the proposed lease term. A restoration lease may be issued for a maximum term of 10 years and the lease term will be tied to the goals and objectives of the restoration actions proposed in the lease development plan (43 CFR 6102.4(a)(3)(i)). The term of a mitigation lease will be tied to the impacts for which the mitigation project will provide compensatory mitigation and may exceed 10 years when appropriate (43 CFR 6102.4(a)(3)(ii)). The term of the lease shall commence on the date the lease is signed by the lessee and the authorized officer.

¹ <https://www.ecfr.gov/current/title-31/subtitle-B/chapter-VIII/part-802/subpart-B/section-802.221>

Authorized officers may renew a restoration or mitigation lease if necessary to achieve the original lease goals and objectives if the lease holder is in compliance with the terms and conditions of the original lease (43 CFR 6102.4(a)(3)(iii)). The term of the renewal may not be for a period longer than the original term of the lease (43 CFR 6102.4(a)(3)(iii)).

Part 3: Proposed Mitigation or Restoration Lease Development Plan

Part a: The map of the proposed lease area submitted by the applicant should include sufficient detail to allow the BLM to determine the legal land description (43 CFR 6102.4(c)(2)(v)). If the land is surveyed, include the complete legal description using subdivision, section, township, range, and meridian, or other parcel designation shown on an official plat (43 CFR 6102.4(c)(2)(v)). If the land is unsurveyed, provide a legal description using metes and bounds connected (if possible) by course and distance with a corner of the public land survey system (43 CFR 6102.4(c)(2)(v)). Applications should include the Public Land Survey System Data Set (PLSSDS) as the geospatial data and other GIS data used to produce the map. If the proposed restoration or mitigation project area includes non-BLM managed land, the applicant should include at least one map that shows the entire proposed project area with land status.

Part b: Justification for the size of the proposed lease should be tied directly to the goals and objectives of the lease (43 CFR 6102.4(c)(2)(vi); see Part f).

Part c: The application should include any information the applicant has about current uses in the proposed lease area. This includes displaying existing infrastructure, trail networks, mining claims, or other relevant information on lease maps and providing a description of existing user groups and occupants in the proposed lease area.

Part d: Results from land health assessments, watershed condition assessments, and other high-quality information from federal agencies and academic publications should be used to describe the current conditions of the proposed lease area (43 CFR 6102.4I(2)(i)).

Part e: Include whether any portion of the proposed lease area has been identified as a priority restoration landscape or identified in a BLM mitigation strategy.

Part f: Describe the goals and objectives of the work that will be conducted in the lease area (43 CFR 6102.4(c)(2)(ii)). Specific and measurable goals and objectives should be included in this section and should be achievable during the proposed lease term (43 CFR 6102.4(c)(2)(ii)). For example, a stream restoration project might have an objective of increasing the wetted or riparian area, increasing channel length, improving floodplain connectivity, and increasing habitat complexity over the 10-year term of the lease. Specific and measurable goals might be to improve floodplain inundation from 12% to 30% of the valley bottom area, to increase channel length by 40%, and to increase the number of structural elements from 0 to 23.

Part g: Include a description of existing and planned roads, trails, routes, or other forms of access planned.

Part h: Describe the restoration or mitigation actions that will be implemented to achieve the stated goals and objectives, including as appropriate reasoning or citations indicating the

demonstrated efficacy of the proposed methods. For example, it may be helpful to include a brief description of other projects that have occurred in the region using similar methods, or if the method is experimental, the reasoning for the proposed approach as well as planned adaptive management if the proposed approach does not yield successful results.

Part i: If you are proposing a passive restoration project, such as fencing an area that experienced wildfire to limit disturbance and allow the native seed bank to regrow, include a justification for passive restoration (43 CFR 6102.4(c)(2)(iii)).

Part j: Identify any potential conflicts or incompatibility between the proposed lease activities and existing authorized land uses or casual/recreational use of the proposed lease area. If a proposed lease is determined by the BLM authorized officer to be incompatible with an existing authorized land use, the lease will not be approved. If a proposed lease is determined to be incompatible with an existing casual or recreational use, the lease may be approved, approved with modifications, or denied, depending on the nature of the incompatibility and the relative importance of the casual or recreational uses.

Part k-l: Identify any outreach you have conducted to date with existing permittees, lease holders, adjacent land managers or owners, and other interested parties (43 CFR 6102.4(c)(2)(viii)). The description of outreach should detail any discussions with existing permittees about the compatibility of the proposed lease with existing permitted activity, and any discussions with recreational user groups whose activities do not require a land use authorization (i.e., casual use).

Agreement with existing permittees and user groups about the relationship and compatibility of proposed lease activities will make the lease application more likely to be approved (43 CFR 6102.4(d)(3)). If you have not conducted outreach prior to submitting a lease proposal the authorized officer may require you to do so before accepting the application for processing.

To evaluate community support authorized officials may consider:

1. The presence of community support, including letters of support from governments or their representatives, individuals, businesses, or other organizations; editorials or articles in local news media or government or organizational websites; verbal support from elected officials; verbal public comment at public meetings.
2. Documentation of planned support from the community, either monetary or in-kind support.
3. Formalized relationships between applicants and the community. Is the application from an individual or entity based in the local area? Do they have project collaborators from the local area?
4. The presence of opposition to the project. Is there opposition? If so, does that opposition come from the local area? What is the content and form of the opposition?

5. If Environmental Justice populations are present or affected by the project, opposition or support from those populations and their representatives.

Part m-n: Include evidence of your technical capacity, which may include:

1. Prior experience implementing similar projects that were successful, including references for the completed work; or
2. Demonstration of the technical capability to develop, operate, and maintain the proposed restoration or mitigation project for the required duration of the lease.

The following factors may be used when the BLM determines whether an applicant has the technical capability to perform proposed restoration or mitigation work:

1. Who are the key personnel that will be doing the work?
2. What are their qualifications and prior experience managing projects of this type?
3. Will the applicant rely on contractors or sub-contractors, and if so, what are their qualifications?

Your application should include the resumes and qualifications of the key personnel conducting the lease activities. (43 CFR 6102.4(c)(4)(iii)).

Include evidence of your financial capacity to secure sufficient financial assurances for the restoration or mitigation work and, if required, long-term management of the restoration or mitigation site (43 CFR 6102.4(c)(4)(iii)).

For mitigation leases, you may be required to provide letters of credit or establish an escrow account for the full amount needed to ensure the mitigation project development plan can be successfully implemented (43 CFR 6102.4.2(a)(1)). Financial assurance instruments should identify a third-party beneficiary, approved by the BLM, that has the capacity to implement the development plan should you fail to meet performance criteria.

Part o: For applications for a mitigation bank or in lieu fee program, provide an analysis of the demand for the location and type of mitigation credits that will be produced by the lease activities.

Part p: Provide the BLM with a monitoring plan (43 CFR Section 6102.4(e)). For mitigation leases that have long-term management plans, the monitoring plan may be submitted as part of the long-term management plan. Monitoring plans for leases without a long-term management plan should be provided for BLM review as part of the lease application package and should include both implementation monitoring and effectiveness monitoring. Implementation monitoring assesses whether activities were carried out as designed and typically focuses on treatment types and areas. Effectiveness monitoring evaluates progress towards meeting restoration objectives and typically focuses on ecological resource condition and trend. The goals

of a lease monitoring plan are (1) to verify whether required and desired outcomes of the mitigation or restoration efforts are being achieved, and (2) to inform adaptive management adjustments.

Monitoring plans should include:

1. mitigation or restoration goals and planned activities including adaptive management;
2. specific, measurable monitoring objectives or performance criteria for evaluating whether each goal is achieved and making management adjustments;
3. monitoring indicators and methodologies;
4. reporting areas;²
5. a description of the process for selecting monitoring locations including planned timeframes;
6. documentation of data quality assurance and quality control procedures; and
7. any applicable monitoring requirements for adaptive management for mitigation leases (see 43 CFR 6102.5.1 and the DOI Adaptive Management Guidance).

You should employ BLM nationally standardized methodologies and indicators where available and relevant to the mitigation or restoration goals (e.g., [BLM AIM](#)) within their monitoring plan. Other peer-reviewed protocols, qualitative assessment approaches, and remote sensing information are additional sources of monitoring information. All monitoring data should meet the standards for objectivity, utility, and integrity set forth in the DOI and BLM Information Quality Guidelines. The BLM AIM program provides a [workflow and useful examples](#) for developing a monitoring plan.

² A reporting area is the geographic area that indicator estimates are to be calculated and reported for. It could be a single location, a treatment area, or the entire lease area.

Additional Information

Lease Application Process

Applicants for restoration or mitigation leases are encouraged to meet early in the process of preparing an application package with the appropriate BLM staff in the local BLM office to begin the process of applying for a lease. In addition to the information included in the lease application worksheet, the BLM may require clarification, additional information, or modifications of the lease proposal to complete processing of your application.

The process for applying for a restoration or mitigation lease may include the following steps:

1. You may contact the BLM field office having jurisdiction over the public lands in the proposed lease area to coordinate submittal of your lease application. Early coordination can help ensure a successful application process, including by addressing early questions like whether you are a qualified entity and whether your lease is proposed in an appropriate area.
2. You may submit a lease application using the lease application worksheet and instructions.
3. The BLM will review your application package to determine if it is sufficient or if clarification or more information is required before the application is considered complete.
4. Once a complete application has been accepted, the BLM will begin to process it, including by initiating compliance processes for applicable federal laws (e.g., National Environmental Policy Act (NEPA), National Historic Preservation Act, etc.). Restoration and mitigation leases may be subject to environmental analysis and review under the NEPA; this analysis may be completed by the BLM or by a third-party contractor hired by the lease applicant, pursuant to Council on Environmental Quality (CEQ) regulations. NEPA analysis and review may take up to two years to complete for lease applications that require an environmental impact statement. You may consult with the BLM office having jurisdiction over the public lands in the proposed lease area to get an estimate of the required level of NEPA analysis, options for completing the NEPA analysis, and an estimated timeline to make a leasing decision.
5. Once the review of the application, including relevant compliance processes, is complete, the BLM will issue a decision document to approve, approve with modifications, or deny the proposed lease.
6. If the lease is approved or approved with modifications, the BLM will enter into a lease agreement with the lease applicant and issue the lease.
7. Decisions on lease applications may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Instructions for filing an appeal are contained in Form 1842-1.

Rent, Fees and Waivers

Restoration and mitigation lessees generally must pay administrative costs for processing and compliance monitoring, and rent in accordance with 43 CFR 2920.6, 2920.8, and 6102.4(j). Administrative cost recovery may include the costs of compliance with many different laws, including the Endangered Species Act, NEPA and the National Historic Preservation Act, among others.

Rent for restoration and mitigation leases will be assessed based on the fair market value of the rights authorized in the lease.

The BLM will collect cost recovery in accordance with 43 CFR 2920.8 (and to the extent provided in that regulation, 43 CFR 2804.14 and 2805.16), including current fee schedules used for other types of applications.

Rent and cost recovery fees **for restoration leases only** may be reduced or waived if the restoration lease is not used to generate revenue or satisfy the requirements of a mitigation program and the restoration lease will enhance ecological or cultural resources or provide a benefit to the public (43 CFR 6102.4(j)). Applications for a restoration lease will automatically be considered for a rent and fee reduction or waiver.

When considering whether to reduce or waive rent and fees, the BLM may consider the following:

1. The cost to the applicant of completing the restoration work.
2. The benefits to the public derived from the project.
3. Siting of the proposed lease in a BLM priority restoration landscape and/or contribution to the BLM's restoration strategy/plan.
4. Cost to the BLM if it were to accomplish the proposed restoration work itself.

Annual Lease Activity Reports

A leaseholder must provide the BLM with annual Lease Activity Reports (43 CFR 6102.4(e)). The annual Lease Activity Report summarizes the progress made towards achieving the goals and objectives of the restoration or mitigation lease. All relevant monitoring data should be provided with the Lease Activity Report and must conform with the data standards outlined in the monitoring plan. The Lease Activity Report should include the following:

1. a summary of the restoration or mitigation activities taken as of the time of the report;
2. an assessment of achievement of restoration or mitigation goals based on a synthesis of monitoring data collected;
3. any barriers to meeting the stated goals and objectives of the lease;
4. proposed steps to resolve any identified barriers; and
5. other information required by the authorized officer to evaluate a lessee's progress towards achieving the goals and objectives of the lease.

Termination, Suspension and Relinquishment

Leases may be terminated by mutual agreement of the lessee and the BLM (43 CFR 6102.4.1(b)). Leases may be terminated or suspended for improper issuance of the lease, failure of the holder to use the lease for its intended purpose, non-compliance with applicable law, regulations or the terms and conditions of the lease, or impossibility of fulfilling the purposes of the lease (43 CFR 6102.4.1(c)). The authorized officer will monitor the performance of the lease holder through the monitoring plan and annual lease activity reports. During the mid-term evaluation of the lease and any other similar review, the authorized officer shall consider whether it is possible for the leaseholder to achieve the goals and objectives of the lease.