



APPENDIX O
ARIZONA LAND TENURE STRATEGY

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APPENDIX O

ARIZONA LAND TENURE STRATEGY

O.1 BACKGROUND SUMMARY

From 1995 to 2007, Arizona’s population increased by nearly two million residents, making it the second fastest growing State in the nation. The influx of new residents into Arizona has required housing and services, so the demands upon land for development have become significant. Likewise, growth and expansion strains a land manager’s capability for protecting and enhancing resource values for public benefit.

Privately owned land necessary to accommodate new growth constitutes only 17 percent of the land ownership in Arizona. Significant major land holdings in Arizona include Indian Reservations, Federal military installations, and State of Arizona trust lands. These ownerships are normally off limits for public uses. Other types of public ownerships include National and State Parks, National Forest lands, wildlife refuges, and county and city lands.

The Bureau of Land Management (BLM) in Arizona manages about 12.2 million acres, approximately 16 percent of the lands in the State for a variety of private and public demands. The table below illustrates the total acreage of land and interests in land managed by the BLM Arizona by District as of October 2008.

BLM Arizona Administered Lands	Arizona Strip District	Colorado River District	Gila District	Phoenix District
	3 million acres	4.9 million acres	2 million acres	2.3 million acres

The distribution of, and amount of acreage managed by the BLM, coupled with the explosive growth provide a challenge to BLM management of public lands for multiple-use management. Acquisition of lands that complement existing values, and disposal of lands that are no longer needed for Federal purposes, supports our multiple-use mission. BLM land tenure goals must be accomplished using a balanced array of disposal and acquisition management tools such as sales/auctions, donations, purchases, exchanges, and creative staffing options.

O.2 STRATEGIC GOALS AND OBJECTIVES

The primary goal of the Land Tenure Adjustment Strategy is to enhance the administration of public land ownership patterns through land tenure adjustments that acquire lands with high resource values and dispose of lands that are difficult and uneconomical to manage. To accomplish this objective, BLM Arizona will take action to provide the most effective configuration of lands and interests in land, consistent with land use plans developed through a full and open public involvement process, and to further the purposes of the Federal Land Policy and Management Act (FLPMA). The land tenure program will support local community needs, further the public interest, secure exceptional natural

values, and to the extent allowed by law, generate revenue from the enhanced management of the public land resources that remain in public ownership.

To meet Bureau land tenure adjustment objectives, the Arizona Land Tenure Adjustment Strategy will:

- Seek to **acquire** land and interests in land to complement and enhance resource values.
- Seek to **dispose** of land and interests in land that are difficult to manage, result in burdensome management costs, or are no longer needed for Federal purposes.

The strategic goals identified above will be accomplished using available land disposal and acquisition management methods or “tools.” The following brief descriptions cover the various types of actions that fall within each of the acquisition and disposal segments of the land tenure program.

O.3 ACQUISITION TOOLS FOR LAND TENURE

Objectives for acquisition management will be achieved by actively pursuing opportunities with willing sellers using the following sources:

Land and Water Conservation Fund (LWCF) Program Funding – Congressionally appropriated funds are provided for the acquisition and conservation of significant resources within designated project areas. The highest priority is placed on acquiring “inholdings,” consolidating Federal lands, and reducing management costs.

- LWCF project proposals are requested by the Washington Office each February, and submitted from each state in April. Approved project proposals are funded 2 years after.
- Successful project management includes highlighting past, present, and future leveraging accomplishments and opportunities. There is direct funding to active, ongoing projects where there is demonstrated staff and management commitment to accomplish the work.
- Appropriations for LWCF accounts have been decreasing in the past 3 years. Future funding is expected to be limited.

Federal Land Transaction Facilitation Act (FLTFA) Program Funding – Sometimes referred to as the Baca Bill, FLTFA is a Congressional bill enacted on July 25, 2000. It amended FLPMA to allow a percentage of receipts from qualifying public land sales, and equalization payments from qualifying exchanges, to be returned to the Department for acquisition purposes in that same state.

- Unless renewed, the Act will expire 10 years from the date of enactment on July 25, 2010.
- Acquisition of lands using FLTFA receipts is limited to “inholdings” and lands “adjacent to federally designated areas (as of July 25, 2000), that contain “exceptional resources.”
- Lands identified for disposal/sale must have been identified as such by a land use plan prior to July 25, 2000.

- Provides for the distribution of funds for land acquisition amongst four Federal land managing agencies, in proportionate amounts - BLM (60 percent), Forest Service (20 percent), National Park Service (10 percent), and Fish and Wildlife Service (10 percent).

Compensation Programs for Threatened and Endangered Species - The Arizona Sonoran Desert Tortoise policy allows for compensation in the form of money or land to be paid by a proponent seeking use or disposal of public lands containing important habitat. Mitigation funding has also been received for the Flat-tailed Horned Lizard.

- The rate of compensation to be paid is based on the quality of the habitat that will be lost by the proposed action. When compensation in the form of money is received, it is deposited in special project 7122 accounts. These funds are to be used to acquire high-quality habitat as mitigation for the affected species.

O.3.1 OTHER OPTIONS FOR LAND ACQUISITION

Donations - The land is accepted if the need for public ownership is identified in a land use plan, and if there are no hazardous materials issues. Acquiring land through donation may provide the landowner with an income tax deduction based on the appraised value of the donation.

- Property donation may also arrive into BLM administration by way of supplemented partnership dollars and other agency funding mechanisms.

Easements - The BLM acquires two basic types of easements, conservation easements for the protection of resources, and access easements to enhance the ability of the public to use and enjoy the public lands. The Government acquires only an interest in the land, not title to the land. By foregoing the full fee estate purchase, a conservation easement will use less acquisition funds.

- The purchase of a conservation easement normally involves restricting or eliminating development rights, and leaving for the property owner rural non-intensive uses, ie. livestock grazing.
- BLM has been designated a “public roads agency.” The designation allows the opportunity to receive funding from the Department of Transportation in support of a public road system. These funds can be used to acquire access easements.
- Conservation easement lands must be monitored for adherence to the conditions of the deed.

Exchanges - Land exchanges have been utilized extensively by the BLM in Arizona during the past 25 years. Land exchanges are generally undertaken at the request of an external customer, although the BLM can initiate exchanges. A “determination of public interest” must be performed prior to completing an exchange.

- Consolidates ownership of scattered tracts of land. Provides for more efficient and less costly management of resources.

- Exchanges are pursued with willing landowners. Lands proposed for exchange must be of equal value and located within the same state.
- The regulations stipulate that an exchange proponent should cover at least half of the processing costs of an exchange if the BLM decides to pursue the action; however, a higher percentage of contributed costs may be negotiated.

The Washington Office National Land Exchange Team reviews all exchange proposals. The review is done at the beginning and ending stages of each exchange. At any point within the review process, the exchange can be terminated by either party (based on the terms of the exchange agreement).

O.4 DISPOSAL TOOLS FOR LAND TENURE

Strategic goals and objectives for the management of land disposal actions will be achieved by utilizing tools and direction from the following methods.

FLPMA Sales - Sales are discretionary actions undertaken by the BLM either in response to a request from an external customer, or in furtherance of land use plan decisions to dispose of lands no longer needed by the Federal Government. In no case may the lands be sold for less than fair market value. Receipts from these types of sales are deposited into the General Treasury.

- Sales can be for the surface and/or subsurface estates.
- BLM policy requires the use of competitive sale procedures, unless the authorized officer determines the public interest would best be served by modified competitive bidding or direct (non-competitive) sale.

FLTFA Sales - Arizona FLTFA sales may be competitive, modified competitive, or direct, and are processed the same as FLPMA sales, but the FLTFA sale lands are only those that were identified for disposal in land use plans existing as of July 25, 2000.

Sales receipts are deposited into FLTFA accounts, and can be used by four Federal land managing agencies in Arizona for acquisition purposes and the associated processing costs (see page 3).

Land Exchanges - Priority properties are acquired, and lands with management deficiencies are moved out of Federal ownership. Federal lands to be traded include only those that have been identified as available for disposal in approved land use management plans.

O.5 IMPLEMENTATION GOALS AND MEASURES

The following measures will be implemented to ensure BLM Arizona meets the long-term goals of the Land Tenure Strategy. All are vital to the successful implementation of the program. The tasks listed can be undertaken concurrently.

I. Prioritization of lands to meet acquisition and disposal objectives utilizing the most efficient and cost effective acquisition tool available. Priority acquisition targets are parcels

identified in approved Resource Management Plans (RMPs), for the purposes of protection, conservation, or land consolidation. Properties must have willing sellers holding clear titles, and be proven to be environmentally compliant.

The Field Offices will thoroughly evaluate all internal and external proposals and consider the appropriate implementation and funding mechanism. Identification of the proper land tenure tool/methodology is critical for proposal analysis. The priority and focus of acquisition efforts will be as follows.

- Congressionally mandated and directed land tenure actions.
- Properties that qualify for time-sensitive funding mechanisms such as FLTFA and LWCF project funds. The acquisition targets consist of in holdings and edge holdings of the National Landscape Conservation System (NLCS). These federally designated lands include:
 - National Conservation Areas
 - National Monuments
 - Wilderness Areas
 - Wilderness Study Areas
 - Wild and Scenic Areas
 - National Historic and Scenic Trails
 - Wild and Scenic Rivers
- Areas of Critical Environmental Concern, and LWCF project areas (outside of the NLCS), that may also qualify for LWCF and FLTFA funding.
- Properties where timely response to donations, partnership dollars and other agency funding mechanisms are necessary.
- Habitat preservation acquisitions using monies that are readily available in mitigation compensation accounts. These discretionary funds are not normally time sensitive. The funds can be held, and then applied to the acquisition of sensitive species habitat in locations identified in RMPs.
- The consolidation of split estate ownerships. There are inherent issues that occur with less than fee estate ownership. The acquisition of partial ownerships will be elevated in priority for compelling environmental reasons only, such as in cases where the acquisition of development/water rights (conservation easements) enhances management efficiency within a NLCS unit or other specific areas identified in RMPs.
- The use of land exchanges for acquisition or disposal is a method to be considered when appropriate. Land exchanges are complicated, time consuming and expensive. Therefore,

the manager must give careful thought if this option is contemplated. The funding spent between the BLM and the proponent must be carefully considered.

Land disposal objectives will target Federal parcels that have been identified in approved RMPs.

2. Establishment of the Arizona Land Tenure Adjustment Steering Committee. The State Leadership Team will re-charter the Arizona Land Exchange Steering Committee to form one group called the Arizona Land Tenure Adjustment Steering Committee. The Steering Committee will be comprised of the Associate State Director, the Deputy State Director of Resources, and the four District Managers.

- The Arizona Land Tenure Steering Committee will review and approve a centralized list/map of priority properties identified for disposal and acquisition. The committee will recommend establishment or changes to policy on the prioritization of all acquisition, exchange, and disposal actions on a statewide basis.
- The Steering Committee will evaluate staffing needs for the skill positions/personnel statewide necessary to be made available to complete tasks specific to land tenure actions on a statewide basis.
- The Arizona Land Tenure Steering Committee will meet yearly prior to Washington Office LWCF submission deadlines (February), and will allocate time as needed to meet at State Leadership Team meetings to evaluate proposals that have been sent forward from the District Offices. Time sensitive proposals with urgency may require a more immediate Steering Committee conference. The Steering Committee will render approval/disapproval recommendations, or return the proposal to the originator for modifications. The Chairperson of the Steering Committee will submit completed proposals and Steering Committee recommendations to the State Director. The State Director will approve/disapprove the land tenure proposals.

3. Develop and maintain a skilled workforce sufficient to manage the land tenure program within Arizona.

- Where administrative monies are available from FLTFA generated land sales, the BLM will hire term/contract personnel to assist permanent staff with workloads.
- The Arizona State Director may authorize the establishment of an interdisciplinary team to process specific land tenure actions on a statewide basis. This team would be drawn from existing land tenure and resource expertise in BLM Arizona. Implementation will be contingent upon funding sources necessary to fill core positions critical to the successful management of the land tenure program. The core team will rely on at least four staffing components:
 - Arizona State Office Land Tenure Program Lead
 - Arizona State Office Operational Realty Specialist

- Arizona State Office Adjudication Specialist
- National Environmental Protection Act (NEPA) Coordinator

4. Use of partnerships and other cooperative efforts that support BLM land tenure actions.

BLM Arizona will continue to cultivate and develop partnership opportunities with Federal and State agencies, as well as with non-profit conservation minded organizations. Federal budget and staffing constraints require assistance from outside sources. A partnership often can move quickly to purchase lands and hold them until the BLM can later obtain the lands through purchase, exchange, or donation.

- BLM Arizona maintains joint efforts and ongoing relationships with non-profit conservation groups that assist in furthering the statewide land tenure strategy. Organizations such as The Nature Conservancy, The Trust for Public Lands, The Wilderness Land Trust, and The Conservation Fund are willing partners in priority land acquisition projects.
- BLM Arizona undertakes joint efforts with several Federal and State governmental entities. By pooling funding and staffing resources, otherwise unreachable land tenure targets may be secured.

5. Support Field/District Office direction to prioritize and process land tenure actions within their capabilities. Field Offices will take the initiative to identify and target land tenure opportunities. Land tenure proposals that originate at the Field Office level can be screened and evaluated immediately.

- The District Offices will annually consolidate and update a priority list of properties which meet priority acquisition and sale criteria, especially in regards to the LWCF and FLTFA programs.

6. Within the confines of law, explore land tenure adjustment opportunities with the State of Arizona .

- At this time, the State of Arizona does not have land exchange authority. In the event that the Arizona State Constitution is amended to authorize land exchanges, a pool of prospective trade lands would be evaluated.

7. Support military land ownership adjustments in Arizona. The Governor of Arizona established a Military Facilities Task Force by Executive Order on May 27, 2003. The purpose of the task force is to develop strategies for ensuring long-term retention of all premier military facilities in Arizona in their vital National defense missions.

8. Maximize the effectiveness of the land tenure program by optimizing budget allowances. Use the Budget Planning System (BPS) effectively to secure additional funding for BLM priority land tenure actions, realizing that the priority of statewide land tenure projects is directly proportionate to funding levels.

- Develop BPS projects within benefiting sub-activities to provide operational funding levels sufficient to implement land tenure actions.

- Ensure that externally generated actions are partially to fully funded by the applicants.
- Capitalize on the opportunities afforded by the funding provided in the administrative accounts of the FLTFA and LWCF programs.

O.6 LAND TENURE EVALUATION PROCESS

The land tenure project approval process will originate at the Field Office level. Acquisition, exchange, and sale proposals are initiated from BLM resource specialists realizing an opportunity for program enhancement, or from public/individual inquiry.

O.6.1 FIELD OFFICE LAND TENURE PROJECT ANALYSIS

BLM Initiated Proposals: Identification of the proper land tenure tool/methodology is critical for proposal analysis. The Field Office will strategize on the appropriate implementation and funding mechanism for viable proposals.

- Each year, Field Offices will prepare LWCF packages (if any) for approval by the Steering Committee for submission to the Washington Office.
- The Field Office can prepare and submit packages into the evaluation and approval process that qualify for FLTFA monies when a target acquisition opportunity arises. FLTFA nomination packages that are reviewed by the Arizona Land Tenure Steering Committee, and approved by the State Director, will be forwarded to the Arizona FLTFA Interagency Team. The Arizona FLTFA Interagency Team will then make the determination as to which Arizona acquisition proposals will be forwarded to the FLTFA Executive Committee for approval and processing.
- New land exchanges, and those that are in progress, will be reviewed for current status and evaluation processing.
- Based on lands identified for disposal in RMPs, examine land sale/auction options, especially those that may allow for the revenues to remain within the State for accomplishing acquisition goals.

Public Initiated Proposals: The Field Office will respond to written or verbal notification of an interest in a land tenure adjustment action from public and private venues.

- Land tenure proposals will be evaluated as per the measures established in the Land Tenure Strategy. Proposals with obvious fatal flaws will be terminated immediately. Preliminary screening meetings and decision making will involve broad scale consideration of the feasibility of the proposal. Proposals with merit will be examined further for potential submission to the Steering Committee.

The Field Office will screen feasible internal and external proposals by developing the “Land Tenure Project Evaluation and Nomination Table” with appropriate supporting narrative explanations for each

of the criteria. The Field Office will also prepare a preliminary “Proposed Staffing” worksheet. Both of these tables are located in Attachment A, Land Tenure Project Evaluation and Nomination Table, of this appendix. The completed evaluation worksheets cited above will constitute the proposal to be forwarded.

Those land tenure proposals that meet preliminary evaluation criteria will be approved by the Field Office Manager, and forwarded on to the District Office.

O.6.2 DISTRICT OFFICE LAND TENURE APPROVAL PROCESS

The District Office realty staff will evaluate and prioritize land tenure proposal packages that have been completed by the Field Offices.

- The District Office will review all Field Office submissions to verify completeness of the package and adherence to policy.
- The District Office will analyze the expected effect of proposals upon budget and staffing by evaluating the criteria from the “Proposed Staffing” worksheet.
- The District Manager either approves the package or sends it back to the Field Office with a disapproval decision or a request for further information.

Approved land tenure proposals with merit that meet workforce and budgetary constraints will be forwarded on to the Arizona Land Tenure Steering Committee for consideration.

O.6.3 ARIZONA LAND TENURE STEERING COMMITTEE EVALUATION

- The Arizona Land Tenure Steering Committee will allocate time as needed, to meet at each State Leadership Team meeting, or at other times to evaluate proposals that have been approved and sent forward from the District Offices. The Steering Committee will render approval/disapproval recommendations, or return the proposal to the originator for modifications. The Steering Committee will also evaluate and decide upon the extenuating circumstances of land tenure actions that may fall outside of the realm of the Implementation Goals.
- The Chairperson of the Steering Committee will submit completed proposals and Steering Committee recommendations to the State Director.
- The State Director will render an approve/disapprove decision to the land tenure proposal.

ATTACHMENT A

LAND TENURE PROJECT EVALUATION AND NOMINATION TABLE

Introductory Remarks

Project/Proponent Name	Proposal Date	Land Tenure Tool	Location	Property Size
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Evaluation of Alternative Land Tenure Tools	Acceptability (Yes/No/NA)	Narrative Commentary
Donation		
FLTFA funding		
LWCF funding		
Other funding source		
Land exchange		
Conservation easement		
Partner contribution		
Direct/competitive sale		

Evaluation of Alternative Land Tenure Tools	Acceptability (Yes/No/NA)	Narrative Commentary
Land use plan conformance		
Within NLCS system		
Willing seller/buyer		
Proponent has reasonable expectations of value		
Proponent cost sharing		
Proponent flexibility with land tenure process/methodology		
Involvement of third party conservation group		
Project has other agency partners		
Full estate being offered (surface and subsurface)		
Has clear title		
Resolve split estate		
Resolve checkerboard land pattern		

Evaluation of Alternative Land Tenure Tools	Acceptability (Yes/No/NA)	Narrative Commentary
Consolidation of land ownership patterns		
Existing funding source		
Concern for threat to property or to adjacent public lands		
Within recognized land tenure adjustment area		
Community and/or political support		
Recognized community value		
Meets an immediate demand for resource management		
High resource values		
Low maintenance/monitoring costs		
Environmentally clean property		
Negative impacts from not completing action		
In lieu benefits to County		
The proposal has met or exceeded the standards in ____ of the criteria established for acquisition/disposal approval.		
Standards for approval are not met for ____ of the criteria.		

A majority of “yes” answers in the Land Tenure Criteria column of the table indicates a favorable proposal. Depending upon the specific proposal, certain criteria may not have application (NA).

Proposed Staffing

Proposed Staffing	Source (BLM Office)	Estimated Time Commitment	Responsibilities
Project Manager			
Water Rights Specialists			
NEPA Spec.			
Realty Specialist			
Appraiser			
Wildlife Specialist			
Hazardous Materials Specialist			
Cultural Specialist			
Legal Instruments Examiner			
Mineral Specialist			
GIS Specialist			
Public Affairs Specialist			
Administrative Support			
Field/District Manager			
Other Specialists			
Proponent Workload Support			

ARIZONA LAND TENURE STEERING COMMITTEE CHARTER MEMBERSHIP

The Arizona Land Tenure Steering Committee will be chaired by the Associate State Director, and is comprised of the Deputy State Director of Resources, and the four District Managers.

Staff support for the Steering Committee will be provided by land tenure specialists in the Arizona State Office. The Steering Committee will support the implementation direction as developed in the Bureau of Land Management (BLM) Arizona Land Tenure Strategy.

Roles and Responsibilities

- The Arizona Land Tenure Steering Committee will review all land tenure proposals. The Steering Committee will render approval/disapproval recommendations, or return the proposal to the originator for modifications. The Chairperson of the Steering Committee will submit completed proposals and Steering Committee recommendations to the State Director. The State Director will approve/disapprove the land tenure proposals.
- The Steering Committee will hold an initial meeting for Field/District Offices to present their specific land tenure priorities for the purpose of establishing statewide land tenure priorities. Subsequent yearly land tenure meetings will be staged in February for evaluating

new priorities, and for reexamining prior proposals for their current validity and funding capabilities.

- The committee will review and approve a centralized database that includes a list and maps of priority properties identified for disposal and acquisition. The committee will establish/change policy on the prioritization of all acquisition, exchange, and disposal actions on a statewide basis.
- The Steering Committee will evaluate staffing and funding needs for the skill positions/personnel that are necessary for completing tasks specific to land tenure actions on a statewide basis.

Procedures for Proposal Reviews by the Steering Committee

The Steering Committee will allocate time as needed to meet at each State Leadership Team meeting to evaluate proposals that have been sent forward from the District Offices. Time sensitive proposals with urgency may require a more immediate Steering Committee conference. All land tenure proposals presented to the Steering Committee will be evaluated in a manner in accordance with the direction provided in the BLM Arizona Land Tenure Strategy.

The State Director may concur with the Committee recommendation to approve, disapprove, or modify presented proposals, or may request additional pertinent information.

When a final decision is reached, the State Director will sign a feasibility/proposal statement formalizing the decision. The signed statement will be returned to the Chairperson for record keeping, reproduction, and distribution to Committee members.

The approved proposals/nominations are either assigned to a statewide land tenure interdisciplinary team for action, or will be sent to the Field Office for processing.

PROCEDURAL GUIDANCE FOR LAND ACQUISITION AND LAND DISPOSAL ACTIONS IN THE STATE OF ARIZONA

Land acquisition targets will be linked with approved Resource Management Plans (RMP) for the purposes of protection, conservation, or land consolidation. The Bureau of Land Management Arizona Land Tenure Strategy prioritizes and focuses acquisition targets as follows.

- Congressionally mandated and directed land tenure actions.
- Properties that qualify for time sensitive funding mechanisms such as Federal Land Transaction Facilitation Act (FLTFA) and Land and Water Conservation Fund (LWCF) project funds. These funding sources will target the inholdings and edgeholdings of the National Landscape Conservation System (NLCS) primarily.
- Areas of Critical Environmental Concern, and LWCF project areas (outside of the NLCS), that may also qualify for LWCF and FLTFA funding.

- Properties where timely response to donations, partnership dollars and other agency funding mechanisms are necessary.
- Habitat preservation acquisitions using monies that are easily available in mitigation compensation accounts.
- The consolidation of split estate ownerships. The acquisition of partial ownerships, such as conservation easements, will be undertaken only for compelling environmental reasons.
- Land exchanges will be considered when appropriate.

Land disposal objectives will target Federal parcels that have been identified in approved RMPs. For budgeting purposes, BLM Arizona will determine a 3-year schedule of land tenure work for establishing acquisition/disposal priorities. Each District will annually consolidate a priority list of properties which meet priority acquisition and sale criteria, especially in regards to the LWCF and FLTFA programs. Districts will assess sale and acquisition opportunities that are consistent with approved RMPs. An initial meeting will provide an opportunity for offices to present their specific land tenure goals to the Arizona Land Tenure Steering Committee for the purpose of establishing statewide land tenure priorities. Subsequent yearly land tenure meetings will be staged for updating and reassessing priorities for validity and funding capabilities.

The BLM Arizona Land Tenure Strategy specifically identifies Arizona land tenure implementation goals, and land tenure proposal procedural steps. Included within the plan is an evaluation criteria worksheet for the Field/District Offices to complete and use as the format for proposals. Land tenure adjustment proposals will be submitted to the Arizona Land Tenure Adjustment Steering Committee.