**INFORMATION MEMORANDUM FOR THE DIRECTOR**

From: Jerome E. Perez, State Director, Oregon/Washington

Subject: Cascade-Siskiyou National Monument Land Exchange; Jackson County, Oregon; OR-66137 FD/PT

Date: October 16, 2015

I. INTRODUCTION/SUMMARY

The Bureau of Land Management (BLM) Medford District Office (MDO) and Donald E. and Jean Rowlett are ready to complete a single transaction, legislated land exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), as amended (FLPMA), and the Omnibus Public Land Management Act of 2009 (123 Stat. 1028) (the Act).

The exchange involves the conveyance of an isolated 46.39-acre tract of Federal land (surface and subsurface) within the boundaries of the Box R Ranch and the Cascade-Siskiyou National Monument (CSNM) for a 46-acre parcel of non-Federal land (surface and subsurface), also within the boundary of the CSNM. Both properties contain the intact mineral estate and do not have outstanding, third-party rights.

**Public benefits of this legislated land exchange include the following:**

Conveyance of Federal Land:

* Disposal of an isolated parcel of Federal land that is entirely surrounded by private land and does not have legal access. The surrounding private land is owned by one private landowner, the Rowletts;
* Resolution of an inadvertent trespass on public lands within the boundary of the CSNM; and
* Protection of a private cemetery.

Acquisition of non-Federal Land:

* Acquisition of valuable riparian habitat;
* Acquisition of valuable Jenny Creek sucker and redband trout habitat;
* Acquisition of mature forestland immediately adjacent to the CSNM resulting in maintenance and protection of late-successional and old-growth forest ecosystems;
* Additional habitat and connectivity for wildlife; and
* Enhanced public recreation opportunities (including hunting).

**Timing of the Review:** The appraisals and the Environmental Site Assessments/Preliminary Acquisition Surveys (ESA/PALS) have limited validity periods. We appreciate your timely review of the decision package so that the Binding Exchange Agreement can be signed as soon as possible to lock in the values and avoid additional costs and time delays in preparing new appraisals and/or ESA/PALS reports.

II. BACKGROUND

The Act provides for a series of land exchanges, including the Box R Exchange (now called the Rowlett Exchange). Subtitle E, Section 1403(a) of the Act states:

IN GENERAL – For the purpose of protecting and consolidating Federal land within the Monument, the Secretary—(1) may offer to convey to the Landowner the Bureau of Land Management land in exchange for the Rowlett parcel;

Section 1403(c)(4) of the Act requires the BLM to complete the land exchange subject to “any laws (including regulations) applicable to the conveyance and acquisition of land by the Bureau of Land Management.” The Department of the Interior, Office of the Solicitor, Pacific Northwest Region, advised that the land exchanges should be processed using the administrative procedures under Section 206 of the FLPMA and 43 CFR 2200.

The Principal Deputy Director approved the feasibility package for this exchange on June 21, 2013. The MDO completed all Federal processing steps and required documents up to the issuance of the decision. The parties to the land exchange, the BLM and the Rowletts, are eager to complete the exchange. Completion of this legislated land exchange is in the public interest.

**Valuation Summary**: On August 26, 2014, the U.S. Department of the Interior, Office of Valuation Services, concluded and approved a final value of $78,500, for both the Federal and non-Federal parcels. Therefore, there will be no cash equalization payment.

III. POSITION OF INTERESTED PARTIES

The MDO consulted with designated tribal representatives through letters to the Klamath Tribes and the Quartz Valley Indian Reservation Tribes and received no response or comments on the proposed exchange.

The BLM received notice dated April 21, 2015, from the Oregon State Historical Preservation Office (SHPO), which concurred with the BLM’s finding that the land exchange would have no adverse effect on the eligible sites or any known archaeological sites, provided that the exchange include a restrictive covenant in the deed to protect two archaeological/historical properties located on the Federal parcel in the exchange. These two sites include the Pinehurst Cemetery and a segment of the Applegate Trail. The restrictive covenant follows:

It is the intent of the Parties to this Quitclaim Deed that the two cultural sites identified by the United States as eligible for listing on the National Register of Historic Places (NHRP) on the Federal land to be conveyed will be afforded due consideration and protection in perpetuity from any undertaking or action that may alter, directly or indirectly, any of the characteristics of the sites that qualify the sites for inclusion in the NHRP. Therefore, the \_\_\_\_\_\_\_\_\_\_\_\_(Grantee), hereby covenants for itself, its successors and assigns in perpetuity that, conveyance of the property identified in this Quitclaim Deed is subject to the following restrictions which constitute a covenant running with the land:

The locations of an historic cemetery and a portion of the Applegate Trail are identified on the Exhibit A ‒ Deed Restriction Map, attached hereto and made a part hereof. No maintenance or development of any kind (including, but not limited to, building, farming, mining, etc.) shall occur within that portion of the Applegate Trail identified on the Exhibit A without further consultation and concurrence of the Oregon State Historical Preservation Officer. The blazed trees along the trail in the location shown on the attached Exhibit A shall not be disturbed. Use of the cemetery for burials by the Grantee or successors and assigns, including the burial of new remains is not considered “maintenance or development” as restricted above, provided that the existing gravesites and headstone markers are protected. If any remains are inadvertently disturbed during new burials, those remains shall be immediately re-interred into their original location.

The BLM also consulted and conducted field surveys with the Oregon Historic Trails Advisory Council, Oregon-California Trails Association, and Oregon Historic Cemeteries Commission. They all concurred with the exchange provided the Quitclaim Deed for the Federal land be conveyed with the above deed restriction. The Rowletts have agreed to this deed restriction.

No public, state, or local controversy is expected.

The BLM published a Notice of Exchange Proposal (NOEP) in the *Medford Mail Tribune* on September 10, 17, and 24, 2013, and October 1, 2013. The BLM also mailed the NOEP to the congressional delegation, state legislators, local government officials, authorized users, adjacent landowners, and other interested parties. The first publication of the NOEP initiated the public scoping period, which ended on October 25, 2013. The BLM released the Environmental Assessment (EA) for public review and posted it on the MDO’s website on April 16, 2014. The EA comment period ended May 16, 2014. The BLM received no comments.

The BLM published a Revised EA (REA) and Finding of No Signification Impact (FONSI) to disclose the new information regarding the eligibility of both the Applegate Trail and the cemetery as National Register of Historical Places sites with concurrence by the SHPO, contingent upon the deed restriction. The comment period for the REA ended June 16, 2015. The BLM received no comments.

IV. LEGAL STATUS

The regulations at 43 CFR 2201.7-1 require a 45-day protest period for the Decision during which time interested parties may submit written protests to the BLM Medford District Manager. The BLM Oregon/Washington State Director will consult with the Solicitor and address any protests received by the authorized officer.