

DOCUMENTATION IN LAND EXCHANGE CASE FILES

The official case file for a land exchange should contain the following documentation. Items are not necessarily in chronological order and the list is for a completed land exchange in which lands and/or interests in land are conveyed. The case file for a land exchange which is terminated during processing would not have all of the listed items. Original documentation should be filed to the extent possible, but some items, such as a patent with recording information, may necessarily be copies. Other documentation that is not listed may be necessary for a specific land exchange.

- Letter initiating the land exchange proposal.
- Request memorandum for segregation of the Federal land.
- Feasibility analysis package (version of the package submitted for formal review to the National Land Exchange Team (NLET)/Washington Office (WO) and the Solicitor's Office (Solicitor)).
- Maps and plats.
- Solicitor review/concurrence of feasibility package.
- NLET Feasibility Review Statement and Director concurrence memorandum.
- Substantive issues and resolutions from formal Solicitor and NLET/WO reviews.
- Executed Agreement to Initiate a Land Exchange (ATI) and any amendments.
- Notice of Exchange Proposal (NOEP) and newspaper affidavit of publication (supplemental NOEP and newspaper affidavit of publication if lands or interests in lands added to the land exchange proposal during processing).
- Notice of Intent (*Federal Register* publication and newspaper affidavit of publication) for land use plan amendment, if applicable (may be combined with the NOEP).
- Mailing list for public notices (updated as necessary throughout processing) and proof of mailing (e.g., certified mail return receipts), if applicable.
- Comments received in response to the NOEP.
- Formal notification of authorized users (grazing permittees and any waiver received, if applicable; right-of-way holders and potential conversion to easements; etc.).
- Congressional notification, if applicable.
- Resource Reports.
 - Mineral potential report (required for the Federal land; if done for the non-Federal land, should also be included).
 - Environmental site assessments for Federal and non-Federal lands (compliance with All Appropriate Inquiry (40 CFR 312) required for non-Federal lands and compliance with 40 CFR 373 required for conveyance of Federal lands) and supplements/updates, if applicable.
 - Biological assessments/biological opinions for threatened, endangered, and sensitive species if applicable.
 - Floodplains/wetlands, if applicable.
 - Archeological, historical, and paleontological.
 - Water rights, if applicable.
- Concurrence from State Historic Preservation Office, U.S. Fish and Wildlife Service, National Marine Fisheries Service, if applicable.

- Native American tribal consultation.
- Title Commitment/Binder for non-Federal land with copies of all encumbrances of record.
- Alternative ownership and title evidence for interests in land not insured by a title company (e.g., water rights, mineral interests), if applicable.
- Curative documents for unacceptable title encumbrances, if applicable.
- Documentation for relocation assistance, if applicable.
- Federal land title information (master title plats, LR 2000 reports, etc.).
- Options, contracts, or other arrangements with third parties affecting the Federal and/or non-Federal lands, if requested by the BLM.
- Legal description review request and response for the Federal and non-Federal lands (sample formats in H-2100-1 *Acquisition Handbook*, Chapter V, Illustrations 1 and 2).
- Certificate of citizenship or corporate papers for non-Federal exchange party and certification of standing from Secretary of State, if applicable (may reference to another file where located).
- Certificate of Inspection and Possession (initial and final) and any supplements.
- Request for Preliminary Title Opinion (PTO) and PTO from the Solicitor or the Department of Justice (DOJ).
- Administrative waiver for the non-Federal title encumbrances.
- Approved Asset Acquisition Business Plan for facilities and improvements on the non-Federal lands being acquired by the U.S., if applicable.
- Appraisal Request and Review Tracking System request (Federal and non-Federal title information supporting the request identified above).
- Appraisal reports or statement of value (Federal and non-Federal lands).
- Appraisal Services Directorate review and approval of appraisal reports.
- Acceptance of appraisals for agency use (may be included in the decision document for the land exchange).
- National Environmental Policy Act (NEPA) analysis (environmental assessment (EA) or environmental impact statement (EIS)).
- Decision package (version of decision package submitted for formal review to the NLET/WO and the Solicitor).
- Solicitor review/concurrence of decision package.
- NLET Decision Review Statement and Director concurrence memorandum.
- Public land order (*Federal Register* publication) for termination of segregation or withdrawal affecting the Federal land, if applicable.
- Signed Decision Record (EA)/Record of Decision (EIS).
- Signed Decision for land use plan amendment, if applicable (may be combined with the decision for the land exchange).
- Binding exchange agreement, if applicable.
- Notice of Decision (NOD) and newspaper affidavit of publication.
- Notice of Availability (NOA) for land use plan amendment, if applicable; newspaper affidavit of publication for all NOAs and *Federal Register* publication for EIS-level plan amendment (may be combined with the NOD).
- Protests received on land exchange decision and BLM responses, if applicable.
- Appeals received, and Interior Board of Land Appeals decisions, if applicable.
- Executed escrow instructions.

- Accounting advice for equalization payment received by U.S. or voucher certificate for equalization payment paid by the U.S., if applicable.
- Executed and recorded deed to the U.S. with recording information.
- Patent/quit-claim deed to the non-Federal party (recommend copy has recording information).
- Escrow closing statement.
- Title Policy for the non-Federal land (or Title Certificate/Statement of Encumbrances for State land).
- Request for Final Title Opinion (FTO) and FTO from the Solicitor or the DOJ.
- Opening Order (*Federal Register* publication) for any Federal lands excluded from the land exchange, if applicable.
- Invoices and other necessary documentation for services for compensation for assumption of costs, if applicable.
- Ledger for each transaction in a multiple phase exchange, if applicable (includes State Director's approval and justification for each posting, State Director's determination of need for security, copy of Personal Bond, Cash and Book Entry Deposits, accounting advices and decisions for establishment, modification, and release of the bond).
- Documentation, public notice (*Federal Register* publication), and consultation with the Attorney General required in 43 CFR 2203.2, 2203.3, and 2203.4 for an exchange involving Federal coal.
- Final LR 2000 serial register page with complete data entries consistent with data standards.