

BLM Land Exchange Feasibility Review Checklist

Send hard copy of the feasibility package to WO-350 (via FedEx to Branch Chief, Lands, Realty and Cadastral Survey WO-350; Bureau of Land Management; 20 M Street, SE; Washington D.C. 20003). Upload electronic copies of documents to DTS (<https://dts.fws.gov/dts/>) using the Create a New DTS Record instruction sheet.

Feasibility Package Contents

- Approval Request Memo
- Information Memorandum for the Director (Briefing/Issue Paper)
- Feasibility Summary
- Feasibility Report/Analysis
- Appraisal/Valuation Information
- Documentation of Solicitor review/concurrence
- Draft Agreement to Initiate a Land Exchange (ATI)
- Draft Notice of Exchange Proposal (NOEP)
- Maps (Federal land, non-Federal land, and one page map showing location of both)
- Land Surveyor Report (600 DM 5)
- Title/encumbrance information (Federal and non-Federal)
- Other supporting information (as needed)
- Note to Reviewer
- WO Feasibility Approval Memorandum
- WO Feasibility Review Statement

Review Factors

- Regulatory requirements
 - Required components in an ATI (43 CFR 2201.1)
 - Required components in a NOEP (43 CFR 2201.2)
- Discussion of sale and purchase alternatives vs. exchange
- Federal and non-Federal interest(s) (surface, surface and minerals, water rights, etc.)
- Existing and proposed title encumbrances/reservations on Federal and non-Federal lands
- Discussion of potential conversion of rights-of-way to perpetual rights-of-way/easements
- Discussion of expected resource benefits/issues/conflicts
- Discussion of grazing (grazing preference and improvements)
 - Permittees affected
 - Potential impacts on permittees
 - Support/objection to proposal
 - Notification requirement (43 CFR 4110.4-2)

- Discussion of minerals
 - Mineral ownership status on all lands and identification of any proposed reservation of minerals by either party or third-party mineral ownership on non-Federal land (should explore having exchange party consolidate ownership) or Federal land; should be mineral report on non-Federal land to evaluate mineral potential and risk if U.S. will not acquire all minerals.
 - Discussion of any segregation needed after closing (automatic opening after 90 days) and any withdrawals that would be automatically implemented
- Discussion of HazMat (including compliance with All Appropriate Inquiry regulations (40 CFR Part 312))
- Identification of extraordinary processing requirements (if applicable) (e.g., classification or withdrawal termination, mitigation of NRHP-eligible cultural sites, etc.)
- Discussion of constructed assets (structures or other improvements), and expected resolution, if any (compliance with EO 13327 and WO IM 2006-152)
- Discussion of floodplains and/or wetlands (if applicable) and compliance with EO 11988 and/or EO 11990 including public notice (incorporation in NOEP)
- Discussion of hunting heritage and wildlife conservation (if applicable) and compliance with EO 13443 (see WO IM 2008-006)
- Discussion of Native American tribal consultation and religious concerns, and expected resolution, if any
- Appraisal/valuation information
 - Estimated values and how derived (Federal and non-Federal)
 - Equalization strategy(ies)/priorities (requirements in 43 CFR 2201.6) (see WO IM 2010-122)
 - Need for Congressional notification (Federal land value greater than \$500,000) (see WO IM 2008-197)
- Discussion of facilitator involvement and third-party agreements and full disclosure requirement (see WO IM 2010-123)
- Discussion of wilderness and compliance with Secretarial Order 3310 and WO IM 2011-077
- Preliminary Public Interest Determination
- LUP Name(s) and Conformance (recommend addressing FLTFA eligibility)
- Schedule
- Cost sharing information; identify any proposed reimbursement for assumption of costs
- Expected level of support/opposition/controversy (identify any past coordination with Congressional delegation, State, local government; need for communication plan?)
- Segregation of Federal land and effective date
- Proposed closing (single transaction vs. multiple/phased closing); identify any proposed use of ledger (see WO IM 2010-122)
- Delegation of authority (especially if LUP amendment, assumption of costs, ledgering, or acquisition of constructed assets are proposed)
- Resolution of substantive issues identified during formal review by the Solicitor
- Consistency between documents