



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>



MAR 29 2016

In Reply Refer To:
2200 (350)
IDI-37603PT/FD

Memorandum

To: State Director, Idaho

From: Mike Pool
Acting Deputy Director, Operations

Subject: Approval to Issue the Decision on the Proposed Dewey-Levie Land Exchange;
IDI-37603PT/FD

In a memorandum dated December 9, 2015, you requested my approval to issue the decision and proceed with completion of the subject land exchange. On January 23, 2012, and November 10, 2015, the Office of the Solicitor, Pacific Northwest Region, provided its legal sufficiency review and concurrence for the proposed exchange.

The proposed Dewey-Levie Land Exchange is a single transaction land exchange between the Bureau of Land Management (BLM) and Don L. Dewey and Paul D. and Rae Levie, Trustees of the Paul D. and Rae Levie Trust in Ada and Gem Counties, Idaho. The proposed transaction involves the conveyance of an isolated 80-acre parcel of Federal land in exchange for a 78-acre parcel of non-Federal land, which would be managed as part of the adjacent Long-billed Curlew Area of Critical Environmental Concern (ACEC) upon acquisition. Surface and mineral estates would be conveyed on both the Federal and non-Federal parcels.

The draft Decision Record, draft Notice of Decision (NOD), and other documentation in the case file show that the land exchange is in the public interest. The non-Federal parcel to be acquired would protect and preserve a contiguous area of native sagebrush-grassland habitat important to nesting long-billed curlew populations, maintain opportunities for public recreation, and facilitate more efficient and effective management of the public lands. The Federal parcel to be conveyed is difficult and uneconomical to manage and has no public access. The consummation of the exchange would provide for more effective land management for both the BLM and the Proponents.

Given the public benefits in making the exchange, you have my approval to issue the decision and publish the required NOD in conformance with the attached Decision Review Statement. In the absence of any protests of the exchange in response to the NOD, you may complete the land exchange. If you receive any adverse comments or protests, please contact the Washington Office to coordinate your review of and responses to such comments or protests, and notify the Washington Office if there are any subsequent appeals to the Interior Board of Land Appeals. Please provide the Washington Office with the details of the closing of the exchange in accordance with the requirements outlined in the attached Decision Review Statement.

Please address any questions to Michael D. Nedd, Assistant Director, Energy, Minerals, and Realty Management (WO-300), at 202-208-4201. Your staff may also contact Michael Stiewig, Division Chief, Lands, Realty, and Cadastral Survey (WO-350), at 202-912-7350; Don Buhler, Branch Chief, Lands, Realty and Cadastral Survey (WO-350), at 202-912-7353; or Laurie Ford, Realty Specialist (WO-350), at 202-912-7337.

Attachment (2 pp)

WASHINGTON OFFICE
DECISION REVIEW STATEMENT

State: Idaho

Serial Number: IDI-37603PT/FD

Exchange Name: Dewey-Levie Land Exchange

Field Office: Four Rivers Field Office, Boise District

County: Ada and Gem Counties

Parties to the Exchange: Bureau of Land Management (BLM) and Don L. Dewey and Paul D. and Rae Levie

Federal Acreage Proposed for Disposal: 80 acres in one parcel (surface and subsurface)

Non-Federal Acreage Proposed for Acquisition: 78 acres in one parcel (surface and subsurface)

Summary of Proposal: Traditional two party, single-transaction land exchange wherein the United States would convey 80 acres of Federal land for 78 acres of non-Federal land, which would be managed as part of the adjacent Long-billed Curlew Area of Critical Environmental Concern (ACEC) upon acquisition.

Land Use Plan Conformance: Acquisition of the non-Federal land meets the 1988 Cascade Resource Management Plan (RMP) management objectives "...to protect and enhance the watershed resource, quality of wildlife habitat, variety of recreation opportunities, and scenic values." Following acquisition, the BLM would manage the non-Federal land as part of the adjacent Long-billed Curlew ACEC under guidelines contained in RMP. The proposed exchange also conforms to the 1983 Kuna Management Framework Plan, which identifies the Federal land as suitable for disposal.

Public Interest Determination: Sections 205 and 206 of the Federal Land Policy and Management Act of 1976, as amended, provides authority to the Secretary of the Interior to acquire lands or interests in lands by purchase, exchange, or donation and to dispose of Federal land or interests by exchange when a determination is made that the public interest would be well served. This exchange has been determined to be in the public interest.

Benefits of Conveyance of the Federal Land

- Disposal of an isolated parcel of Federal land without legal access and which is completely surrounded by private land ownership.
- Parcel contains no significant resources or values.

Benefits of Acquisition of the non-Federal Land

- Protect and preserve a contiguous area of native sagebrush-grassland habitat important to nesting long-billed curlew populations.
- Maintain opportunities for public recreation.
- Facilitate more efficient and effective management of the public lands.

Pursuant to 43 Code of Federal Regulations 2200.0-6(b)(1) and (2), the BLM finds that this exchange is in the public interest and that the net effect of the values being conveyed out of Federal ownership are not more than the values being acquired into Federal ownership.

Appraisal/Valuation Information: The Department of the Interior, Office of Valuation Services, reviewed Appraisal Reports prepared on September 12, 2013. A Consultation Memorandum issued July 13, 2015, regarding the value of the two exchange parcels states in pertinent part the following: “My understanding of 43 C.F.R. 2201.5 indicates it is reasonable and in the best interest of the U.S. Government to go forward with the proposed exchange based on an approximately equal value determination. Appropriate market data has been utilized in the 9/12/2013 reports. My analysis and gathering of data suggests that the same or similar values would likely be produced with new appraisal reports.” These conclusions were based, in part, on the fact that the Federal and non-Federal parcels have a number of important similarities:

- The parcels are similar in size
- Both parcels are vacant land in rural locations
- Both parcels are used for dry grazing
- Both parcels are land locked and have no legal access
- Neither parcel has active water rights

Based on the above analysis and conclusions, the Four Rivers Field Manager determined that the land exchange should be completed based on the approximately equal value provisions in 43 CFR 2201.5, and as such, the exchange will require no acreage adjustment or cash equalization.

Minerals Interest: The mineral estate would be conveyed with both the Federal and non-Federal lands. The BLM completed a Mineral Potential Report dated August 25, 2015, which concluded that the exchange should be consummated without mineral reservation on either parcel, since both exchange parcels have low potential for oil and gas, no potential for coal, minimal potential for saleable resources, little to no potential for locatable minerals, and low potential for geothermal resources.

Equal Value Requirements: No equalization payment would be required.

Land Exchange Issues: BLM has received no comments opposing the exchange proposal. The BLM Boise District has historically received general support from State and local governments and interest groups for land exchanges that consolidate Federal holdings and facilitate more efficient management, as does this exchange. The proposal was discussed on several occasions with Shoshone-Paiute tribal representatives, who have historically opposed land disposal actions that affect their aboriginal homelands. They gave grudging consent after they learned that a cultural resource survey located no cultural sites or artifacts on the Federal land being transferred into private ownership.

Congressional Notification: Congressional Appropriations Committee notification is not required since the value of the Federal land in this exchange is less than the \$500,000 threshold.

Solicitor’s Office Review: On January 23, 2012, the Office of the Solicitor, Pacific Northwest Region (Solicitor), reviewed the land exchange proposal and Feasibility Package, and concluded that the existing documentation was legally sufficient to support the proposed exchange. On November 10, 2015, the Solicitor reviewed and approved the Notice of Decision Package as sufficient to support the proposed title conveyances.

Summary: The BLM completed the required environmental analysis, appraisal consultation and review, environmental site assessment, mineral report, wildlife, and cultural studies. The exchange conforms to existing land exchange regulations and guidance. Completion of the proposed land exchange would be in the public interest.