

LAND EXCHANGE FEASIBILITY SUMMARY

State: Colorado
Serial Number: COC-76595
Exchange Name: Buffalo Horn
Field Offices: White River Field Office (Lead) and Little Snake Field Office
Counties: Rio Blanco and Moffat
Federal Acreage: 3,646 acres
Non-Federal Acreage: 4,035.77 acres
Exchange Proponent: Buffalo Horn Properties, LLC

Summary of Proposal

- Buffalo Horn Properties, LLC, is offering to exchange three non-Federal parcels totaling 4,035.77 acres for 16 Federal parcels estimated at 3,646 acres.
- Approximately 438 acres of Federal Parcel C-1 is within the Little Snake Field Office; the remaining acreage for the other parcels is within the White River Field Office (WRFO).
- The heart of the proposal is the exchange of Parcel C-1 for Parcel B which would exchange a Federal parcel with limited public access for a non-Federal parcel that would improve public access to two Wilderness Study Areas (WSAs).
- The exchange does not include mineral estate or water rights. All the parcels are Federal mineral estate with the exception of Parcel B which has 838.20 acres of non-Federal minerals.
- Encumbrances on the Federal parcels include grazing permits, special recreation permits, and pipelines.
- Encumbrances on the non-Federal parcels include pipelines, private minerals, and an access easement to the U.S.
- Disposal of isolated Bureau of Land Management (BLM) parcels by sale was not considered because the lands do not have significant potential market value, and the 1997 White River Resource Management Plan (RMP) states that exchange will be the preferred method of disposal in most cases.

Land Use Plan Consistency

- The proposed exchange is consistent with both the 1997 White River RMP and the 2011 Little Snake RMP. The exchange would not require a plan amendment.
- Nine parcels are specifically identified for disposal in the White River RMP. All other parcels are available for exchange on a case-by-case basis if it is determined to be in the public interest.

Public Interest Factors

- The proposed disposal of the Federal lands serves the public interest because the majority of the parcels have limited or no public access. Disposing of isolated tracts of public land will improve management of the public lands.
 - The Federal lands are not accessible by the general public except Parcel E-2 which is accessible by an existing road suitable for off-road vehicles.

- Parcel C-1 is very difficult for the public to access, but BLM law enforcement has had investigations in that area due to vandalism and suspected illegal outfitting.
- The proposed acquisition of the non-Federal lands is in the public interest because they would provide improved public access and would allow management of sensitive resources such as cultural sites and sage-grouse habitat.
 - While there is some public access to the Black Mountain WSA, it is difficult to access the Windy Gulch WSA. An existing road traverses Parcel B between the two WSAs that would provide not only improved public access but also an opportunity to develop a staging/parking area.
 - Parcels A-3 and A-5 contain approximately 1,300 acres of greater sage-grouse priority habitat and 200 acres of general habitat.
 - Due to other known sites within the general area, the BLM considers the Colorow Mountain/Indian Valley area an important cultural landscape.

Valuation Analysis

- Based on discussions with the Office of Valuation Services (OVS), the WRFO in April 2015 developed preliminary valuations of \$3,324,000 for the Federal parcels and \$4,191,000 for the non-Federal lands.
- The preliminary values for the non-Federal lands are 26 percent greater than the Federal lands. When the BLM receives the final appraisal, some non-Federal lands might be dropped from the exchange (i.e., Parcel A-3) or re-configured to a smaller size (i.e., Parcel A-5) in order to equalize values.
- Because the value of the Federal lands exceeds \$2,000,000, the BLM will be required to notify the House and Senate Appropriations Committees and provide for a 30-day period of review by the Committees before the exchange could be consummated.

Mineral Issues

- All the parcels are within an area identified as having a high potential for oil and gas occurrence.
- Oil and gas leases were not identified as encumbrances because mineral estate is not being exchanged.
- Federal Lands: The subsurface mineral rights for all minerals associated with the Federal lands are reserved to the U.S.
 - Portions of Parcel C-1 and all of Parcels D-3, F-1, and F-7 are currently encumbered by Federal oil and gas leases. There is one abandoned oil and gas well on Parcel C-1 and two abandoned locations on Parcel D-3.
 - There are no active mining claims or coal leases; however, Parcels D-3, F-1, F-3, F-4, F-7, and F-8 are in an area identified as suitable for coal development.
- Non-Federal Lands: The United States reserved all minerals associated with Parcels A-3 and A-5. Parcel B is split estate with 997.06 acres of Federal minerals and 838.20 acres of non-Federal minerals.
 - All of Parcel A-3 and a portion of Parcel A-5 are encumbered with Federal oil and gas leases. There are no oil and gas wells on either the Parcels A-3 or B, but there are 13 abandoned locations on Parcel A-5.
 - There are no active mining claims or coal leases.

- The BLM generally discourages creating split estates during land exchanges. While there are currently about 3,198 acres of split estate, there would be an increase of approximately 1,280 acres of split estate (including 832 acres of Federal surface/private minerals) under the proposed exchange.
 - o Any proposed future development associated with the mineral estate on Parcel B (e.g., well pads, roads, pipelines) would be processed by the BLM as a right of way.

Land Exchange Issues

- While the WRFO will not initiate public scoping for this project until the Notice of Exchange Proposal (NOEP) is published, the WRFO met with Rio Blanco County, Moffat County, Colorado Parks and Wildlife (CPW), and the U.S. Fish and Wildlife Service (FWS) in January 2015 to solicit their initial feedback on the proposed exchange.
- The FWS supports the exchange due to an increase in sage-grouse habitat managed by the BLM.
- Moffat County has no opposition to the exchange since there would be a decrease in public land within the county.
- CPW generally supports the exchange but not inclusion of Parcel E-2 because it acquired a new State Wildlife Area that improves access to this area which is popular with elk hunters.
- Rio Blanco County expressed the following concerns:
 - o increase in public land within the county and the uncertainty of continued funding of the Payment In Lieu of Taxes (PILT) program;
 - o increase in split estate;
 - o disruption to affected grazing and recreation permittees; and
 - o use of Parcel B to consolidate the two WSAs and potentially designate them as Wilderness.
- Opposition is also expected from affected grazing permittees and special recreation permit holders (big game outfitters).
- Tribal consultation has been initiated and is ongoing. Once the cultural resource survey is completed, further consultation and coordination will take place.

Solicitor's Office Review

The Regional Solicitor has reviewed the exchange feasibility package and found it to be legally sufficient. All comments have been addressed and documents revised.

Summary

The proposed Buffalo Horn land exchange is consistent with both the 1997 White River RMP and the 2011 Little Snake RMP and appears to be in the public interest. Most of the funding for processing the exchange would be provided by the Proponent. Disposal of the selected Federal lands and acquisition of the non-Federal lands would improve management efficiency of the public land resources, provide greater public access to recreational lands, and result in protection of important wildlife habitat and cultural landscapes.