

H-2200-1 LAND EXCHANGE HANDBOOK (Public)

Illustration 1-1 - Land Exchange Processing Steps

RESPONSIBLE OFFICIAL	PROCESSING STEP	REFERENCE CHAPTER	GENERAL TIME-FRAME ⁵
A. Developing Exchange Proposals			90 days ⁶
Field Manager	<u>Informal Discussions</u> Before submitting a formal proposal, potential nonfederal exchange parties should meet with BLM. This meeting provides a forum for discussing land exchange processing procedures, preliminary review of nonfederal land title and informally sharing ideas about proposed land exchanges. This informal discussion and preliminary screening can help identify proposals that have fatal flaws or are otherwise unacceptable. Preliminary screening of potential exchange opportunities may include broad scale consideration of land use plans, natural resources, land status, land values, funding capabilities, and manageability of nonfederal lands. These pre-proposal discussions should result in exchange proposals that are more complete.	Chapter 2 B&C	
Field Manager	<u>Developing land exchange proposals</u> The BLM and nonfederal exchange parties develop formal land exchange proposals through a series of meetings and correspondence.	Chapter 2 C&F	
B. Evaluating the Feasibility of Exchange Proposals			160 days
Field Manager	<u>Preparing the feasibility report</u> A feasibility analysis is required for every land exchange that advances for consideration past the preliminary evaluation stage. The report serves as a communication and coordination tool between staffs at all levels of the organization and to document the preliminary information and assess the entire land exchange processing work effort.	Chapter 2 E	
Field Manager	<u>Land Exchange Processing Cost</u> Land exchanges require a substantial multi-year commitment of both funding and staffing. The BLM and nonfederal exchange parties must complete an accurate projection of these funding and staffing commitments before beginning work on an exchange. This information represents an important part of the Feasibility Report and Agreement to Initiate.	Chapter 3	
Field Manager	<u>Agreement to Initiate an Exchange</u> The ATI documents the roles, responsibilities and timeframes for processing land exchange proposals.	Chapter 4	

5 Estimates shown are for an average 18 to 24 month land exchange processing time.

6 Actual time may vary from 60 days to several years.

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Field Manager	Establishing the serialized case file for the proposed land exchange, noting the public land records, and segregating the Federal lands.	Chapter 5	
State Office	State Office Feasibility Review requirements – State Offices must review all feasibility packages and requests Field/Regional Solicitor concurrence, Washington Office (WO-300) concurrence and Deputy Director approval to proceed.	Chapter 2 (E.11)	
Washington Office	Washington Office Feasibility Review and Approval requirements – The Washington Office (WO-300) must review all land exchange feasibility packages and respond to State Directors request for concurrence and approval to proceed.	Chapter 2 (E.11)	
C. Exchange Processing and Documentation			130 days ⁷
Field Manager	Executing an Agreement to Initiate (ATI) an exchange.	Chapter 4	
Field Manager	Publishing and mailing out the notice of exchange proposal (NOEP), an informational notice describing the exchange proposal and providing for public comment.	Chapter 5	
Field Manager	Requesting land exchange related appraisal services.	Chapter 7	
Field Manager	Conducting detailed resource analysis and environmental documentation, including: <ul style="list-style-type: none"> • Mineral potential report • Cultural and historic report • Wildlife and T & E report • Botanical and T & E report • Contaminant inventory and Environmental Site Assessments⁸ • Certification of Inspection and Possession • NEPA documentation 	Chapter 6	
DOI – ASD	ASD review and approval of appraisals for land exchange transactions.	Chapter 7	
State Director/ Field Manager	Acceptance of an ASD approved appraisal for Agency use.	Chapter 7	
Field Manager/State Director	BLM and the non-Federal exchange parties reach agreement on the relative values of the Federal and nonfederal lands and equalizing values.	Chapter 7	
Field Manager/ State Director	Use of arbitration, bargaining or other methods to resolve disputes over value ⁹	Chapter 8 (Reserved)	

⁷ Dependent upon field season and any critical timing associated with inventories and evaluations.

⁸ Varies by type of contaminant, location, responsibility, and whether indemnification language is included.

⁹ The BLM Deputy Director must approve use in advance.

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D. Decision Analysis and Approval			130 days
Field Manager	Content requirements for land exchange decision documents.	Chapter 9	
State Office	State Office reviews decision package and requests Field/Regional Solicitor concurrence, Washington Office (WO-300) concurrence and Deputy Director approval to proceed.	Chapter 9	
Washington Office	Washington Office Decision Review and Approval requirements – The Washington Office (WO-300) must review all land exchange decision packages and respond to State Director requests for concurrence and approval to proceed.	Chapter 9 (C)	
Field Manager	Publishing and mailing Notice of Decision (NOD) on the exchange. If a protest is filed the Field Manager will analyze the protest and forward a recommended response to the State Office. The State Office will issue a decision in response to the protest. The State Office protest response decision is appealable to IBLA in accordance with 43 CFR Part 4 and must contain an appeals paragraph.	Chapter 9	
E. TITLE TRANSFER			30 days
Field Manager	Executing a Binding Exchange Agreement - BLM must use a binding agreement when contaminants are present.	Chapter 10	
Field Manager	Sending case files to the State Office and requesting conveyance documents.	Chapter 10	
Field Manager/ State Director	Equalizing land exchange values.	Chapter 11	
State Office/ Regional Solicitor	Securing Solicitor approval of: <ul style="list-style-type: none"> • title evidence, • conveyance documents, • escrow and closing instructions, • binding exchange agreements, • other closing documents. 	Chapter 15	
State Office	Process for closing the land exchange transactions	Chapter 16	
State Office/Field Office	Completing Field Office and State Office post-conveyance actions and land status updates.	Chapter 17	

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Exhibit C: Exchange Processing Schedule, Cost and Responsibility Assignments

ACTION PLAN	Responsible Party		Cost Estimate		Start Date	Finish Date
	BLM	Non-Federal Party	BLM	Non-Federal Party		
FEASIBILITY AND SCHEDULING PHASE:						
Exchange title and survey information (Includes legal description review)	✓	✓				
Request Valuation Analysis	✓					
Prepare feasibility report	✓	✓				
Draft ATI and NOEP	✓	✓				
Develop mailing, consultation list of 3 rd party interests, adjacent landowners, other key constituents	✓	✓				
Prepare draft patent(s) and draft deed(s)	✓	✓				
Prepare appraisal request	✓					
Approve feasibility	✓					
EXCHANGE PROCESSING PHASE:						
Execute ATI	✓	✓				
Publish and mail NOEP	✓	✓				
Conduct consultations with Native American tribes, congressional delegations, state and local government, key constituents	✓	✓				
Environmental Site Assessment (Haz mat)	✓	✓				
Obtain approved appraisals from DOI ASD	✓	✓				
Resource assessment: Cultural/historic	✓	✓				
Resource assessment: T&E, biological, botanical, noxious weeds	✓	✓				
Resource assessment: Timber	✓	✓				
Resource assessment: Wetlands, floodplains, water resources	✓	✓				
Resource assessment: Recreation, Wilderness, Visual	✓	✓				

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ACTION PLAN	Responsible Party		Cost Estimate		Start Date	Finish Date
	BLM	Non-Federal Party	BLM	Non-Federal Party		
Resource assessment: Socio-economic and environmental justice	✓	✓				
Resource assessment: Minerals and mineral potential report for federal land	✓	✓				
NEPA documentation	✓	✓				
Certification of Inspection and Possession, and Preliminary Title Opinion	✓					
Accept appraisals for Agency use	✓					
DECISION PHASE:						
Agreement on value and equalization	✓	✓				
Prepare decision and Notice of Decision	✓					
Publish and mail Notice	✓					
Binding Exchange Agreement (optional)	✓	✓				
Prepare escrow instructions, final patent(s)/ deed(s) and assign closing costs	✓	✓				
CLOSING PHASE:						
Title policy to BLM and deed to escrow Equalization		✓				
Final Title Opinion	✓					
Patent to escrow	✓					
Certificate of Inspection and Possession	✓					
Protest resolution, if applicable	✓					
Closing	✓	✓				
COST ESTIMATE TOTALS						