NOTICE OF DECISION

EXCHANGE OF LANDS IN FREMONT COUNTY, COLORADO BUREAU OF LAND MANAGEMENT/COOPER MOUNTAIN EXCHANGE SERIAL NO. COC-64971

UNITED STATES DEPARTMENT OF THE INTERIOR, Bureau of Land Management, Royal Gorge Field Office, 3170 E. Main St., Canon City, Colorado 81212.

Notice is hereby given that on November 22,2006, Roy Masinton, Field Manager, Royal Gorge Field Office, Bureau of Land Management (BLM), issued a decision to approve a proposed land exchange with Robin L. Morley, and Phantom Canyon Ranch Land and Cattle Company, LLC, a Colorado Limited Liability Company (the proponents), 15 N. Nevada Avenue, Colorado Springs, Colorado 80903.

The following described federal lands, all of which are located in Fremont County, Colorado, have been determined to be suitable for disposal by exchange pursuant to Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716), as amended:

**Soda Springs Parcel:**

Sixth Principal Meridian. Colorado,

T. 17 S., R. 68 W.,

section 30, W½SE¼SW¼, S½SW¼SE¼, NW¼SW¼SE¼, and SE¼SE¼;

section 31, NE¼, S½NE¼NW¼, SE¼NW¼, NE¼SW¼, and W½SE¼;

section 32, NW¼NW¼.

**Penrose Commons Parcel:**

Sixth Principal Meridian. Colorado,

T. 18 S., R. 68 W.,

section 7, lots 1, 2, 3, and 4.

T. 18 S., R. 69 W.,

section 1, lots 7, 8, 9, 10, and SW ¼ SE ¼;IASEIA;

section 11, SE¼NW¼NE¼, SE¼SW¼NE¼, NE¼SE¼SW¼, and S½SE¼SW¼;

section 12, N½ and SE¼;

section 14, NE¼NW¼, and S½NW¼NW¼.

**Dakota Ridge Parcel:**

Sixth Principal Meridian. Colorado

T. 18 S., R. 69 W.,

section 17, SW¼SW¼NE¼, S½NE¼SW¼, SE¼SW¼, S½NE¼SE¼, NW¼NW¼SE¼, S½NW¼SE¼, and S½SE¼.

section 20, N½NE¼.

**Brush Hollow Parcel:**

Sixth Principal Meridian. Colorado,

T. 18 S.,R. 69 W.,

section 24, S½NW¼, W½SW¼, and W½SE¼.

The above-described federal lands contain 1,904.09 acres, more or less.

There are no unpatented mining claims, withdrawals, or oil and gas leases on any of the above-described federal lands. The patent for the above-described federal lands will reserve a right-of-way for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945). The patent will be subject to those rights for: 1) Fremont County road purposes recognized under Revised Statute 2477 (43 U.S.C. 932), by right-of-way Colorado 44142, across the W½SE¼SW¼ of section 30, T. 17 S.,R. 68 W., and the W½SE¼ of section 24, T. 18 S., R. 69 W., all in the Sixth Principal Meridian, Colorado; 2) electrical power transmission and access road purposes reserved to the Department of Energy, Western Area Power Administration, by right-of-way Colorado 0128242, under the Act of October 21, 1976 (43 U.S.C. 1767), across the NE¼NW¼ of section 14, T. 18 S., R. 69 W., Sixth Principal Meridian, Colorado; and 3) access road purposes as will be granted to Summit Pressed Brick and Tile Company, its successors and assigns, by nonexclusive road easement Colorado 69295FD under the Act of October 21, 1976 (43 U.S.C. 1715), across the W½SE¼SW¼, sec. 30, T. 17 S., R. 68 W., Sixth Principal Meridian, Colorado.

The federal lands consist of eight scattered and isolated parcels, totaling approximately 1,904 acres, located in Fremont County, Colorado along the U.S. Highway 50 corridor between Canon City and Penrose. Of the 1,904.09 acres, a total of 1084.09 acres were identified for disposal by exchange in the Royal Gorge Resource Management Plan (RMP) (May 1996). The remaining 820 acres were identified as available for general disposal under applicable authority in the RMP. The decision to exclude 150 acres of Federal land from the exchange was based on the need to transfer lands utilizing aliquot part legal descriptions and to minimize the equalization payment. The federal lands were determined to be difficult and uneconomical for the federal government to manage. The exchange would create a more coherent ownership pattern, eliminate management conflicts, and improve management efficiency and effectiveness.

In exchange, the United States will acquire approximately 2,242.43 acres of land from the proponents. The non-federal land consists of an inholding at the crest of Cooper Mountain, six miles north of Canon City, Colorado. The non-federal land is a private inholding that is generally surrounded by ELM-managed public lands and lands owned by the State of Colorado. The acquisition parcels are all located in Fremont County, Colorado, and are described as follows:

Sixth Principal Meridian. Colorado,

T. 17 S., R. 69 W.,

section 7, S½SE¼;

section 8, S½S½;

section 17, all;

section 18, lots 2, 3, 4, NE¼, E½SE¼, and E½W½;

section 19, lot 1, E½E½, SW¼NE¼, and NE¼NW¼;

section 20, SE¼NW¼, W½W½, and SE¼SW¼;

section 29, N½NW¼.

T. 17 S., R. 70 W.,

section 13, NE¼, and E½SE¼.

The offered non-federal lands total 2,242.43 acres, more or less.

The United States will acquire 1762.43 acres of surface estate on the above-described non-federal lands (the United States currently owns all of the minerals by virtue of prior patent reservations). The remaining mineral estate (480 acres) in the non-federal lands described as the S½SE¼ of section 7, the S½S½ of section 17, the N½NE¼ of section 18, and the W½NW¼, SE¼NW¼, and NW¼SW¼ of section 20, all in T. 17 S., R. 69 W., Sixth Principal Meridian, Colorado will be reconveyed to the United States along with the surface.

Acquisition of the non-federal lands will consolidate public land ownership to enhance the efficiency of land and resource management. The non-federal lands are important peregrine falcon habitat, a ELM sensitive species bird and Mexican spotted owl habitat, a Federally Threatened species. They also include the headwaters for Four Mile Creek, Felch Gulch, Six Mile Creek, and Eight Mile Creek; these perennial creeks support varying riparian, wetland and aquatic wildlife communities in an otherwise arid region. It is considered to be key winter range for deer and elk, prime wild turkey habitat and excellent bear and mountain lion habitat. The non-federal lands also provide significant public outdoor recreational opportunities. The acquired non-federal lands would be managed by ELM in accordance with the land use prescriptions established for adjacent public lands in the Royal Gorge RMP.

The federal and non-federal lands involved in the exchange have been appraised in accordance with the regulations in 43 CFR 2201.3. The approved appraised value of the non-federal land included in the exchange is $1,345,000. The approved appraised value of the federal land is $1,349,000. The proponents will make a cash payment to the United States in the amount of $4,000 to equalize values when the exchange is closed. This is an equal value exchange as defined in 43 CFR 2201.6.

The primary objective to be accomplished by the exchange is to consolidate federal and non-federal land ownerships for more efficient management and development. The acquisition of the non-federal lands would enhance public recreation opportunities and protect important natural resource values. The federal lands to be exchanged are, in general, smaller, inaccessible, isolated parcels, which are difficult and uneconomical to manage and have lower public resource values. The exchange will result in the transfer of these unmanageable parcels from federal ownership so they can be more appropriately used and developed in conjunction with the adjacent private lands. The public interest will be well served by completing this exchange.

The lands to be acquired by the United States and the public lands to be disposed of were evaluated and impacts associated with the exchange addressed in the environmental assessment prepared for the land exchange. A copy of the decision to approve the exchange and other information concerning the exchange may be obtained from the Royal Gorge Field Office, 3170 E. Main St., Canon City, Colorado, 81212, or by contacting Debbie Bellew at (719) 269-8514.

For a period of 45 days from the date of publication of this notice, interested parties may submit written protests to Roy Masinton, Royal Gorge Field Manager, at the above address. Please be specific to a parcel or specific to which aspect of the decision causes concern.

Dated: November 22, 2006

 *Linda McGlothlen*

Roy L. Masinton

Field Manager