



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




AUG 24 2016

In Reply Refer To:
COC-76595
2200 (300)

Memorandum

To: State Director, Colorado

From: Steven A. Ellis 
Deputy Director, Operations

Subject: Approval to Proceed with the Buffalo Horn Land Exchange, COC-76595

On April 21, 2016, you submitted a request for approval to proceed with the administrative processing and issuance of the Notice of Exchange Proposal (NOEP) for a proposed land exchange between the Bureau of Land Management (BLM) and Buffalo Horn Properties, LLC. The Office of the Regional Solicitor provided legal sufficiency review and concurrence, subject to comments/ edits on April 27, 2016. The Colorado State Office incorporated all suggested comments/edits into the feasibility documents.

Reviews of the Feasibility Report, Feasibility Summary, draft NOEP, and draft Agreement to Initiate a Land Exchange (ATI), indicate that the land exchange is in the public interest. Consummation of the exchange would result in the acquisition by the United States of valuable non-Federal land that would improve public access to two Wilderness Study Areas and allow management of sensitive resources such as cultural sites and sage-grouse habitat.

The Feasibility Report, ATI, and NOEP prepared for this land exchange are consistent with regulatory requirements and current exchanges policies. The BLM has considered the issues that it must address in processing the land exchange and timeframes for completion.

Given the potential public benefits in making the exchange, you have my approval to begin the administrative processing of the Buffalo Horn Land Exchange and publish the required NOEP in conformance with the attached Feasibility Review Statement.

Please refer any questions to Michael D. Nedd, Assistant Director, Energy, Minerals, and Realty Management, at 202-208-4201; Don Buhler, Branch Chief, Lands, Realty, and Cadastral Survey (WO-350), at 202-912-7353; or Laurie Ford, Land Exchange Program Lead (WO-350), at 202-912-7337.

Attachment

**WASHINGTON OFFICE
FEASIBILITY REVIEW STATEMENT**

State: Colorado

Serial Number: COC-76595

Exchange Name: Buffalo Horn Land Exchange

Field Office: White River Field Office (WRFO) (Lead) and Little Snake Field Office

County: Rio Blanco and Moffat Counties, Colorado

Parties to the Exchange: Bureau of Land Management (BLM) and Buffalo Horn Properties, LLC

Federal Acreage Proposed for Conveyance: Sixteen parcels of Federal land (surface estate) containing an estimated 3,646 acres.

Non-Federal Acreage Proposed for Conveyance: Three parcels of non-Federal land (surface estate) containing 4,035.77 acres.

Proposal: The proposed exchange would transfer approximately 3,646 acres of Federal land (surface) to Buffalo Horn Properties, LLC in exchange for up to 4,035.77 acres of non-Federal land (surface). Mineral estate and water rights are not included. Approximately 438 acres of Parcel C-1 are within the Little Snake Field Office; the remaining acreage is within the WRFO.

Approximately 1,789.33 acres of the Federal lands are in Rio Blanco County and 1,856.67 acres in Moffat County. Non-Federal lands surround the majority of the Federal lands. The Federal lands have limited or no public access and are difficult to manage. Approximately 3,755.77 acres of the non-Federal lands are in Rio Blanco County and 280 acres in Moffat County. The non-Federal lands are within an area of consolidated public lands and would provide improved public access to two Wilderness Study Areas (WSAs).

Land Use Plan Consistency: The proposed exchange is consistent with both the White River (1997) and Little Snake (2011) Resource Management Plans.

Public Interest Factors: The proposed land exchange would serve the public interest by:

- Improving public access to two WSAs and providing an opportunity to develop a staging/parking area.
- Acquiring approximately 1,300 acres of greater sage-grouse priority habitat and 200 acres of general habitat.
- Acquiring known sites within the important Colorow Mountain/Indian Valley cultural landscape area.
- Disposing of Federal lands that are not accessible by the general public.
- Disposing of isolated tracts of public land and improving management of the public lands by providing more contiguous land ownership.

Appraisal: Completion of the proposed exchange would be dependent on a determination of equal value between the Federal lands and non-Federal lands. An appraiser approved by the Department of Interior Office of Valuation Services (OVS) would conduct appraisals of the Federal and non-Federal interests in accordance with regulations found in 43 CFR 2201.6.

Based on discussions with the OVS in April 2015, the WRFO developed preliminary valuations of \$3,324,000 for the Federal lands 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, every effort would be made to minimize the value difference by dropping some non-Federal lands from the exchange (i.e., Parcel A-3) or re-configuring to a smaller size (i.e., Parcel A-5) in order to equalize values. Any cash equalization payment would not exceed 25 percent of the Federal land value.

Congressional Notification: The BLM expects the value of the Federal land to exceed \$1,000,000. Congressional notification, including a 30-day review period is required. The BLM Washington Office will initiate the notification upon the execution of the Agreement to Initiate a Land Exchange (ATI) and publication of the Notice of Exchange Proposal (NOEP).

Land Exchange Issues: Preliminary meetings have taken place 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. The CPW generally supports the exchange but not the inclusion of Parcel E-2 due to acquisition of a new State Wildlife Area improving access to this area that is popular with elk hunters. Rio Blanco County expressed concerns about an increase in public land within the county and the uncertainty of continued Payment In Lieu of Taxes funding, an increase in split-estate, disruption to affected grazing and recreation permittees, and use of Parcel B to consolidate the two WSAs and potentially designate them as Wilderness. Opposition is expected from affected grazing permittees and special recreation permit holders (big game outfitters).

The BLM will initiate public scoping and notify the State, Tribes, County Commissioners, and Congressional Representatives with publication of the NOEP in newspapers of general circulation, which is expected to generate interest in the community. Additional notification and/or consultation will be conducted as appropriate in accordance with 43 CFR 2201.2 and H-2200-1, Ch. 5, G. including outreach to hunters from out of the area who may have an interest.

As identified in the Land Surveyor Report, Federal parcels D-3 and E-2 require a land survey so that these parcels may be clearly described. This survey must be completed and appropriate updates to the legal description made prior to review and concurrence of any decision documentation.

Solicitor's Office Feedback: The Office of the Regional Solicitor conducted a review of the feasibility package for the proposed Buffalo Horn Land Exchange and provided a determination of legal sufficiency to the BLM on April 27, 2016. The BLM has incorporated recommended comments/edits from the Regional Solicitor into the documents.

WASHINGTON OFFICE FEASIBILITY REVIEW STATEMENT

In the review of the information provided by the WRFO in the Feasibility Report, Feasibility Summary, draft ATI, and draft NOEP, we conclude that the BLM has met all feasibility requirements and that the exchange processing should continue. The Feasibility Analysis should be updated to reflect the minor edits and additional information as noted. The required survey of Federal Parcels D-3 and E-2 as identified in the Land Surveyor Report must be completed and appropriate updates to the legal description made prior review and concurrence of any decision documentation. The BLM Washington Office will initiate the congressional notification when the ATI is signed. The WRFO will notify the Washington Office (WO-350) when the ATI is signed.