**Exchange**

**Feasibility Analysis Report**

Following initial development of a land exchange proposal and prior to signing an Agreement to Initiate an exchange, conduct a feasibility analysis of the proposed exchange as a first level screen and document the analysis in a report. The intent of the analysis is to ensure compliance with the Forest Plan, identify likely public benefits, ensure availability of resources to complete the proposed exchange, identify title and property description problems, and identify potential support and/or opposition.

**At a minimum, the feasibility analysis report should address:**

1. **Exchange Proposal** – Briefly describe the non-federal and federal lands proposed for exchange. In the report, include high-quality color maps that depict those lands and their relationship to the overall landownership pattern. (FSH 5409.13, 32.4)
2. **Forest Plan Compliance Review/Public Benefits Determination** – Document how the land exchange proposal conforms to the existing Forest Plan and how it contributes to meeting its goals and objectives. If the proposal in not in compliance with the Forest Plan, a determination will need to be made to either reject the proposal or amend the Forest Plan to accommodate the proposal. Provide information on the intended future use of the federal and non-federal lands involved in the exchange. (FSH 5409.13, 32.41)

Identify resources or programs that would benefit or could be adversely affected by the exchange, including threatened and endangered species, cultural and historic resource, American Indian issues, wetlands and floodplains, hazardous materials, and management efficiency associated with the proposal.

1. **Title Insurance Commitment** – Include a copy of the preliminary title evidence (e.g., title insurance commitment, abstract of title, etc.) for the non-federal land. Title evidence should reflect a reasonably diligent search of the records and disclose existing ownership rights and any encumbrances or restrictions that may make a proposal unacceptable. The form of title evidence used in over 95 percent of all Federal land acquisitions is title insurance. (FSH 5409.13, 32.42)
2. **Boundary Management Review** – Attach a copy of the Land Description Verification forms documenting the boundary management review, including legal descriptions, acreage verification, and land boundary locations, conducted by a Forest Land Surveyor for both the federal and non-federal lands. In some instances, the surveyor may determine that a formal survey will be needed to complete the transaction. If so, the surveyor will need to provide the best acre and legal description on the lands available at the time. This information is needed for the Agreement to Initiate and appraisals. (FSH 5409.13, 32.43)
3. **Federal Land Status Report** – Attach a copy of the Federal Land Status Report that documents the legal land status as either acquired or reserved public domain, and title and occupancy information. Use the land status records, master title plats, mining claim records, special uses database system (SUDS), and other automated record keeping systems to identify encumbrances on the federal land, including right-of-ways, mining claims, leases, withdrawals, grazing allotments, or special use permits. Address whether or not there is a need to reserve public access, easements, or other rights in the federal lands. (FSH 5409.13, 32.44)
4. **Water Rights Analysis** – Attach a copy of the water rights analysis that identifies any water rights associated with both the federal and non-federal lands. For water rights held by the U.S. on the federal land, determine whether the rights should be conveyed or reserved. For water rights on the non-federal land, provide copies of pertinent documents such as applications, permits, decrees, certificates, or other water rights documents. In most states, this will necessitate a record search with the appropriate state agency. Determine actions necessary to transfer, use, and preserve ownership of any water rights that the U.S. would acquire. A staff hydrologist will need to assist with this determination. (FSH 5409.13, 32.45)
5. **Value Consultation** – Attach a copy of the value consultation that discusses the likelihood that the exchange proposal is in compliance, or can be brought into compliance by adding or dropping lands, with the equal value requirement of the Federal Land Policy and Management Act of 1976 (FLPMA). The consultation must be prepared by a FS staff appraiser. (FSH 5409.13, 32.46)
6. **Structural Improvements on the Non-federal Land** – Document the size and type of structures, the purpose of acquiring the structures, how acquisition of the structures supports the Forest Plan, and their likely disposition if acquired by the United States. (FSH 5409.13, 32.5)
7. **Tribal Consultation** – Document initiation of government-to-government consultation with potentially affected Federally Recognized Tribes. (FSH 5409.13, 32.6)
8. **Issues, Concerns, and Support** – Document anticipated public reaction to the exchange proposal, including the position of local and state government officials and members of the congressional delegation. Consider potential costs to relocate tenants and their businesses, and/or costs to acquire, maintain, or remove improvements.
9. **Other** – Include any other information that may be useful in making a determination as to the feasibility of the proposal. This information could include addressing the adequacy of funding and staffing/skills to process the case in a timely manner.