

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Nevada State Office
P.O. Box 12000
Reno, Nevada 89520-0006

IN REPLY REFER TO:
2200 (NV-930) P

EMS TRANSMISSION 1-28-2000
Information Bulletin No. NV-2000-057

To: Field Offices, Nevada

From: Deputy State Director, Natural Resources, Lands & Planning,

Subject: IM-99-126 Land Exchange Processing

Instruction Memorandum-98-42 dated December 23, 1997, and Instruction Memorandum-99-045 dated January 8, 1999, addressing land exchange processing requirements have been replaced by WO-IM-99-126, Land Exchange Processing, dated May 18, 1999. The 1999 memorandum was uncustomarily sent to only State Directors and not all Field Offices as expected. Also, the WO Annual Work Plan Allocation Directives for Fiscal Year 2000 under 1430 inadvertently still references the replaced Instruction Memorandum for processing land exchanges. IM-99-126 outlines minor changes and clarifies the processing requirements in the original memorandums.

If you have any questions, please contact Jim Stobaugh, Nevada State Office 775-861-6478.

Signed By:
Margaret L. Jensen
DSD, NRL&P

Authenticated By:
Deborah Spitale
Staff Assistant

1 Attachment

1. WO-IM-99-126 (3 pp)

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
<http://www.blm.gov>

May 18, 1999

In Reply Refer To:
2200 (350) P

EMS TRANSMISSION 05/20/99
Instruction Memorandum No. 99-126
Expires: 09/30/00

To: All SD's

From: Assistant Director, Minerals, Realty and Resource Protection

Subject: Land Exchange Processing

This memorandum replaces Instruction Memorandum-98-42 dated December 23, 1997, and Instruction Memorandum-99-045 dated January 8, 1999, addressing land exchange processing requirements. The memorandum outlines minor changes and clarifies the processing requirements in the original memorandums.

The changes and clarification are intended to ensure that the review and concurrence process is effective, efficient and timely. State Directors are reminded that the responsibility for quality assurance in the land exchange process is the responsibility of the State and field office managers.

Exchange Feasibility Reports continue to be required for all land exchanges and should be completed prior to the publication of the Notice of Exchange Proposal (NOEP). The Feasibility Reports must be signed by the State Director. Field office managers and State Directors are encouraged to ensure that the exchange feasibility reports are the foundation for processing land exchanges consistent with regulations, policy and guidance. The feasibility report should also serve as a manager's tool for scoping the related National Environmental Protection Act and public involvement requirements for land exchange processing.

Generally, there are two places in the land exchange process where there is a requirement for technical review by the National Land Exchange Team and concurrence from the Washington Office (WO) prior to proceeding with exchange processing.

1. Approved Feasibility Reports for exchanges with values of the public land over \$500,000 continue to require technical review by the National Land Exchange Team and concurrence by the Assistant Director, Mineral, Realty and Resource Protection (AD-300). Forward the approved Feasibility Report, draft Agreement to Initiate, and draft NOEP to the National Land Exchange Team, WO-350, to effect the review. Field offices are encouraged to forward other supporting materials with the Feasibility package that will assist in the review process.

Following the review and concurrence, the Team will forward the NOEP to the Congressional Appropriations Committees. Please assure that a suitable copy of the NOEP is forwarded so it can be transmitted to the Committees.

2. A National Land Exchange Team technical review and AD-300 concurrence remains a requirement prior to making the decision and publishing a decision notice for all land exchanges in excess of \$500,000 in value. To initiate technical review, forward to the National Land Exchange Team, WO-350, a copy of the draft Decision Document, Notice of Decision, and a current issue paper regarding the exchange (see Attachment 1 for content requirements). Additional information may be included if you believe it will assist in effecting the review. Once concurrence is received at the decision stage of the exchange process, you may proceed with finalizing the exchange provided there are no unresolved protests or significant changes in the decision.

Additionally, AD-300 concurrence remains a requirement prior to the transmittal of any land exchange protest dismissal package from the State Director for Assistant Secretary consideration. Draft copies of the materials identified in Land Exchange Handbook H-2201 should be forwarded to WO-350. The National Land Exchange Team will assist with preparing the final materials for concurrence and in scheduling a briefing with the Assistant Secretary, Land and Minerals Management on the dismissal request.

Any pending title transfer for land exchanges in excess of \$500,000 value that have not previously been reviewed, consistent with this guidance, will also require review and concurrence. As originally indicated, exchanges required by Congressional legislation or resulting from Justice Department settlement actions do not require technical review and concurrence but do require congressional notification. Forward a copy of the NOEP to WO-350 for transmission to the Committees. The National Land Exchange Team is available to provide assistance for those legislative or settlement cases as needed.

With the continued scrutiny and criticism of our land exchange processes it is imperative that all levels of the organization adopt a more stringent role in the oversight and quality of the exchange process so that we can restore the level of public trust and confidence in the process that will be necessary for continued use of the land exchange process.

Signed by:
Bob Anderson
Acting Assistant Director
Minerals, Realty and Resource Protection

Authenticated by:
Robert M. Williams
Directives, Records
& Internet Group, WO540

1 Attachment
1 - Issue Paper Example (1 p)

ISSUE PAPER

Subject: Name of exchange, county and state

Issue Summary/Status: Brief description (if an assembled exchange, describe this transaction in the context of the big picture) and status of case processing (ie, ready to sign decision and publish Notice).

Background: Who are we exchanging with (explain relationship of various parties who may be involved, including other federal agencies), why are we exchanging (what are the resource values to be acquired and what objectives are being served that are the basis for our determination that the exchange is in the public interest), when have the key steps been completed (include a chronology, if helpful), and what type of interest has been expressed in the proposed exchange. Make sure to include a statement concerning Bureau of Land Management (BLM) land use planning conformance for both the offered and selected lands.

Appraisal Summary: Beyond identifying the approved fair market values of the offered and selected lands, this section also needs to address the following: who completed and reviewed the appraisal (BLM or contract appraisal, dates of approval, updates, etc.); the determination of highest and best use (HBU) of the properties (whether the existing use differs from the HBU on which the appraisal was based); and, as appropriate, the need for and source of equalization payments, explanation of related Land and Water Conservation Fund acquisition, and ledger management issues (a summary of previous transactions and values). For exchanges with multiple parcels, a table identifying acreage, values, and appraisal dates for each parcel would simplify some of this information.

Outreach Efforts/Position of Major Constituents: Who supports the exchange, who doesn't, the extent of public comment from the Notice of Exchange Proposal or other notices, and whether protests are anticipated. For large, controversial or sensitive exchanges where significant media attention has already been focused, it may be appropriate to develop a detailed communication plan which would establish proposed dates of news releases in conjunction with key exchange processing dates. In these instances, advance planning to clarify communication objectives and provide a framework for getting our message out would be helpful.

Contact: State Director, field office manager, realty specialist, as appropriate.