

Public Involvement

The BLM published the Notice of Exchange Proposal (NOEP) on October 14, 2022, initiating a 45-day public comment period. The public was also notified of the NOEP through a press release and interested party notification letters. The BLM received six comments, all via email, during the NOEP comment period, each of which was considered, analyzed, and if significant, was incorporated into the EA.

The Red Cliffs/Warner Valley Land Exchange Environmental Analysis was posted on the BLM's ePlanning site on November 15, 2024 (<https://eplanning.blm.gov/eplanning-ui/project/2022389/510>) for a 30-day comment period ending on December 16, 2024. Thirty-one comments were received on the BLM's ePlanning website. The BLM's responses to the comments are contained in Appendix J of the EA. There were no substantial changes to the EA as a result of the comments received.

See Section 4.2 of the EA for a detailed description of all public involvement.

Decision

It is my decision to approve the land exchange described in the Proposed Action of the EA. This decision shall take effect immediately upon the date it is signed by the Authorized Officer (43 CFR § 2201.7). I have determined the land exchange fulfills the public interest requirement, in accordance with 43 CFR § 2200.0-6(b).

My decision specifically includes the following components:

The BLM will acquire from WCWCD the surface estate only in an 89.43-acre parcel of non-Federal land, subject to valid existing rights. This parcel will become subject to the same management prescription of other lands within the Red Cliff NCA. In exchange, the BLM will convey to the WCWCD the surface and mineral estate in 929.14 acres of Federal land subject to valid existing rights. The legal descriptions are included in the attachments of this Decision Record and the encumbrances are listed in the EA in sections 2.2.1 and 2.2.3.

AUM losses

This Decision will result in the expected loss of Federal AUMs (21 from Fort Pearce Allotment and 119 from Warner Valley Allotment). The final AUM reductions will be determined through a site visit and forage analysis. Pursuant to 43 CFR 4110.4-2(b), affected permittees were provided a two-year notification of the potential reduction in permitted AUMs.

SRMA boundary

This Decision will result in the BLM conveying to the WCWCD 929.14 acres within the Special Recreation Management Area which includes 417 acres of BLM administered land in the Sand Mountain OHV Area.

Rights-of-Way (ROWS)

A perpetual ROW for the West Rim Trail will be issued to the BLM to provide for continued public access across the parcel. The details of the ROW are contained in

Section 3.5.6.1 of the EA. It was determined that the underpass access right-of-way would not be needed at this time, therefore, the BLM will be issuing a right-of-way for the West Rim Trail only.

Equal Value Requirements, Appraisal and Environmental Site Assessment

Completion of the proposed exchange is dependent on an equal value determination. An appraiser approved by the DOI Appraisal and Valuation Services Office (AVSO) conducted appraisals of the Federal and non-Federal interests in accordance with regulations found in 43 CFR § 2201.6. The appraisals indicated that the Federal lands were more valuable than the non-Federal lands, and as a result to equalize the value of the exchanged parcels, the WCWCD will issue to the BLM a cash equalization payment.

An Environmental Site Assessment (ESA) was completed with a viability date of March 1, 2021. The ESA did not find any Recognized Environmental Conditions (REC's). A new ESA will be completed within 90 days of closing to ensure that the ESA is up to date and no new RECs are present.

Public Interest Determination

The Federal Land Policy and Management Act, Section 206(a) directs:

"A tract of public land or interests therein may be disposed of by exchange...where the Secretary concerned determines that the public interest will be well served by making that exchange: Provided, That when considering public interest the Secretary concerned shall give full consideration to better Federal land management and the needs of State and local people, including needs for lands for the economy, community expansion, recreation areas, food, fiber, minerals, and fish and wildlife and the Secretary concerned finds that the values and the objectives which Federal lands or interests to be conveyed may serve if retained in Federal ownership are not more than the values of the non-Federal lands or interests and the public objectives they could serve if acquired."

Further, 43 CFR § 2200.0-6(b) states:

"The authorized officer may complete an exchange only after a determination is made that the public interest will be well served. When considering the public interest, the authorized officer shall give full consideration to the opportunity to achieve better management of Federal lands, to meet the needs of State and local residents and their economies, and to secure important objectives, including but not limited to: Protection of fish and wildlife habitats, cultural resources, watersheds, wilderness and aesthetic values; enhancement of recreation opportunities and public access; consolidation of lands and/or interests in lands, such as mineral and timber interests, for more logical and efficient management and development; consolidation of split estates; expansion of communities; accommodation of land use authorizations; promotion of multiple-use values; and fulfillment of public needs. In making this determination, the authorized officer must find that:

- The resource values and the public objectives that the Federal lands or interests to be conveyed may serve if retained in Federal ownership are not more than the