

## **APPENDIX 3**

### **DISPOSAL CRITERIA**

The Federal Land Policy Act of 1976 provides for retention of the public lands in federal ownership and management by BLM for multiple use and sustained yield of the lands and resources, with environmental integrity. Public lands may be transferred from BLM to other federal agencies for management. Disposal by sale, exchange or Recreation and Public Purpose patent remains an option if such an action will serve an important objective and have a public benefit.

Prior to any disposal, a site-specific analysis must determine that the lands considered contain no significant wildlife, recreation, or other resource values the loss of which cannot be mitigated; have no overriding public values; and represent no substantial public investments. Disposal must serve the public interest.

#### **EXCHANGES**

The policy is to promote land exchanges that serve the national interest and are beneficial to BLM programs or which support the programs of other agencies (reference Sections 102, 205, and 206 or FLPMA).

Transfer of leasable minerals out of Federal ownership should be avoided except where non-Federal leasable minerals of equal value are to be received in return. It is preferable to trade both surface and subsurface (mineral) estates.

Exchanges should involve lands similar in character and/or value. Proposals will not be considered where it is the intent to transfer acquired lands out of Federal ownership or control.

Exchanges should not be made solely for the purpose of blocking up Federal land ownership.

#### **SALES**

Public land sale proposals are the result of either a BLM initiative or in response to expressed public interest or need. Lands to be considered for disposal, at a minimum, must meet the following criteria as outlined in Section 203 of the Federal Land Policy and Management Act.

1. They are difficult and uneconomical to manage, and are not suitable for management by another Federal agency.
2. Disposal would serve important public objectives, including but not limited to community expansion or economic development that could not be achieved prudently or feasibly on land other than public lands and which outweigh other public objectives or values.
3. Such tract was acquired for a specific purpose, and the tract is no longer required for that purpose or any other Federal purpose.

## **SALES/EXCHANGES INVOLVING WETLANDS**

Bureau policy is to retain wetlands in Federal ownership unless Federal, State, public and private institutions, and parties have demonstrated the ability to maintain, restore, and protect wetlands and riparian habitats on a continuous basis (BLM Manual 6740). Sales/exchanges may be authorized when:

1. The tract of public wetlands is either so small or remote that it is uneconomical to manage.
2. The tract of public wetlands is not suitable for management by another Federal agency.
3. The patent contains restrictions of uses prohibited by identified Federal, State, or local wetlands regulations.
4. The patent contains restrictions and conditions that ensure the patentee can maintain, restore, and protect the wetlands on a continuous basis.

## **RECREATION AND PUBLIC PURPOSES LEASE/PATENT**

The objective of the R&PP act is to meet the needs of State and local governmental agencies and other qualified organizations for public lands required for recreational and public purposes. Use of the R&PP Act protects public values in the land through its reversionary provisions and helps qualified entities obtain the more liberal pricing authorized under the act.

Public lands shall be conveyed or leased only for an established or definitely proposed project for which there is a reasonable timetable of development and satisfactory development and management plans. No more land that is reasonably necessary for the proposed use shall be conveyed.