

**Decision Record**  
**Dewey-Levie Land Exchange IDI-37603**  
**Environmental Assessment DOI-BLM-ID-B010-2015-0036-EA**

**Decision**

It is my decision to approve the Proposed Action Alternative, implementing the land exchange considered in Environmental Assessment (EA) No. DOI-BLM-ID-B010-2015-0036-EA. The EA identified no significant effects to natural or cultural resources or values, nor any other issues requiring complex analysis.

Based on the environmental analysis, my decision is as follows:

1. The BLM parcel is hereby classified as suitable for disposal.
2. The BLM will acquire a Warranty Deed to the surface and mineral estate in the 78-acre non-Federal parcel subject to encumbrances that are acceptable to the Department of Interior Field Solicitor, as described in Exhibit B.
3. In exchange for the non-Federal parcel, the BLM will issue to the exchange proponents (Don L. Dewey, a married man dealing with his sole and separate property, as to an undivided one-half interest, and Paul D. Levie and Rae Levie, Trustees of the Paul D. and Rae Levie Trust, dated November 20, 1973, as to an undivided one-half interest) a United States patent to the surface and mineral estate in the 80-acre BLM parcel, as described in Exhibit A.
4. The acquired property will be managed according to Federal law and regulation, including the Federal Land Policy and Management Act of 1976 (FLPMA), the Endangered Species Act of 1973, and decisions in the 1988 Cascade Resource Management Plan (RMP). Multiple use management will apply pursuant to guidance in the Cascade RMP. Future management actions will be consistent with the Cascade RMP, specifically as it relates to the Long-billed Curlew Habitat Area of Critical Environmental Concern (ACEC).

**Appraised Values**

I have determined that the Federal and non-Federal properties are of approximately equal value, as provided for in 43 CFR § 2201.5(b). The approximately equal value determination is based on the following:

1. The Federal land value does not exceed \$150,000, as stated in the July 13, 2015, Consultation Memorandum prepared by Kent Stevens, Review Appraiser for the DOI Office of Valuation Services.
2. The parcels are similar in size.
3. Both parcels are vacant land in rural locations.
4. Both parcels are used for dry grazing.
5. Both parcels are land locked and have no legal access.
6. Neither parcel has active water rights.
7. There are no significant elements of value that require complex analysis.

Based on the above analysis, title to the respective properties will be exchanged without acreage adjustment or cash equalization.

### **Public Interest Determination**

Pursuant to FLPMA Section 206 and 43 CFR § 2200.0-6(b)(1) and (2), I have determined that the public interest will be well served by completing this land exchange because the resource values and the public objectives that the BLM parcel or interests to be conveyed may serve if retained in Federal ownership are not more than the resource values of the non-Federal parcel or interests and the public objectives they could serve if acquired. Further, the intended use of the conveyed BLM parcel will not significantly conflict with established management objectives on other Federal lands.

Acquisition of the non-Federal parcel will:

1. Protect and preserve a contiguous area of native sagebrush-grassland habitat important to nesting long-billed curlew populations;
2. Maintain opportunities for public recreation; and
3. Facilitate more efficient and effective Federal land management.

Based on the above, I have determined that acquisition of the non-Federal parcel meets FLPMA Section 205 criteria, in that it is consistent with BLM's mission and the applicable land use plan.

Analysis also confirmed that the public interest will be well served by disposing of the isolated BLM parcel because it:

1. Contains no significant resources or other values;
2. Is surrounded by private land; and
3. Lacks legal access.

### **Congressional Notification**

Congressional notification is not required since the Federal land value is less than \$500,000.

### **Rationale**

Public land management will be enhanced by disposing of an isolated parcel of Federal land without legal access.

The proposed exchange will enable BLM to acquire a 78-acre private edgeholding adjacent to BLM's 61,000 acre Long-billed Curlew ACEC. The property has habitat values consistent with ACEC management emphases stated in the 1988 Cascade RMP. Acquisition of the non-Federal parcel will consolidate Federal ownership within the ACEC and will enhance BLM's ability to protect its prime curlew nesting habitat by precluding adjacent development, as well as the resultant off-site impacts to the ACEC from development and use.

Recreation opportunities will be improved through a 78-acre increase in accessible public land. The property will provide more area for recreational uses such as hunting, hiking, horseback riding, and bird watching.

This exchange is consistent with current Bureau policy, as well as the land tenure adjustment provisions in the 1988 Cascade RMP and 1983 Kuna Management Framework Plan.

**Public Involvement**

Outreach by the BLM indicated this exchange is non-controversial. No comments were received in response to publication of the Notice of Exchange Proposal, which was mailed to interested parties and published once a week for 4 consecutive weeks in the Idaho Statesman newspaper.

**Implementation Period**

The land exchange will be completed following the expiration of the 45-day protest period and the 60-day Governor's review period, which will begin upon publication of the Notice of Decision, and resolution of any protests or subsequent appeals that may be received on the decision.

**Mitigation Measures:** No mitigation measures were identified in the EA that would become conditions for completing the exchange.

**Compliance Plan:** Not applicable.

**Signature of Preparer:** 

**Date Signed:** 3-29-16

**Signature of Environmental Coordinator:** 

**Date Signed:** 3-29-16

**Signature of Authorized Official:** 

**Date Signed:** 3/29/16

**Exhibit A**

**BLM parcel to be exchanged (surface and mineral estate):**

T. 1 N., R. 3 E., Boise Meridian, Ada County, Idaho  
Section 3: N½SW¼ (Map1).  
Containing 80 acres, more or less

**Excepting and Reserving to the United States** a right-of-way for ditches and canals constructed by the authority of the United States pursuant to the Act of August 30, 1890 (43 U.S.C. 945).

**Subject to Valid Existing Rights, Including:**

Those rights for livestock grazing purposes held by Murray Hansen in the Bryon's Run FFR Allotment (00881), under the authority of the Taylor Grazing Act and pertinent amendments thereto. Completion of the exchange would remove eight of 20 Animal Unit Months (AUMs) currently authorized in the allotment after a 2-year period (43 CFR § 4110.4-2), which expires on September 14, 2017.

## Exhibit B

### **Non-Federal parcel to be acquired (surface and mineral estate):**

That part of the S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 13 and that part of the N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 13 lying South of the Black Canyon Canal in T. 6 N., R. 3 W., Boise Meridian, Gem County, Idaho (Map 1).

Containing 78 acres, more or less.

**Subject to the following exceptions** noted in Schedule B of the Alliance Title & Escrow Corp. Title Commitment No. 288066, dated August 31, 2015.

1. Rights or claims of parties in possession not shown by the public record. **Note: This exception is acceptable since the landowner has stated that no parties reside on or possess the parcel. Inspections by BLM staff have corroborated that fact.**
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the land. **Note: This exception is acceptable as it will not interfere with management of the parcel.**
3. Easements, or claims of easements, not shown by the public records. **Note: This exception is acceptable as it will not interfere with management of the parcel.**
4. Any lien or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records. **Note: This exception is acceptable as it will not interfere with management of the parcel.**
5. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records. **Note: This exception is acceptable as it will not interfere with management of the parcel.**
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency, which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records. **Note: This exception will not appear on the title policy.**
7. General taxes for the year 2015 (or subsequent years), which are a lien not yet due and payable. **Note: This exception will not appear on the title policy.**
8. Right-of-way for the Black Canyon Canal, and the rights of access thereto for maintenance of said canal. **Note: This exception is acceptable as it will not interfere with management of the parcel.**

9. Ditch, road, and public utility easements as the same may exist over said premises. **Note: No known easements exist on the parcel; therefore, this exception is acceptable as it will not interfere with management of the parcel.**
  
10. Rights, interests, or claims, which may exist or arise by reason of fact(s) shown on a survey plat entitled Record of Survey of Don Dewey Property.  
Dated: January 26, 2006.  
Prepared by: J.J. Howard Engineering/Surveying.  
Recorded: March 8, 2006.  
Instrument No. 249900.  
**Note: This exception is acceptable as it will not interfere with management of the parcel.**
  
11. Notwithstanding paragraph 4 of the covered risks of this policy, this policy does not insure against loss arising by reason of any lack of access to and from the land. **Note: This exception is acceptable as it will not interfere with management of the parcel.**