

**United States Department of the Interior  
Bureau of Land Management**

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**Decision Record**

**Environmental Assessment  
DOI-BLM-UT-W010-2009-0026-EA**

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**July 2018**

**Skull Valley Land Exchange UTU-89605FD/PT**

(Note: Original BLM serial number UTU-81900FD/PT)

***Location:*** Skull Valley, Tooele County, Utah

***Applicant/Address:*** Castle Rock Land and Livestock Company, a Utah general partnership, and Skull Valley Company, Ltd., a Utah limited partnership

West Desert District Office  
Salt Lake Field Office  
2370 South Decker Lake Boulevard  
West Valley City, Utah 84119  
Phone: (801) 977-4300  
Fax: (801) 977-4397

West Desert District Office – Salt Lake Field Office



**DECISION RECORD**  
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**INTRODUCTION**

The Salt Lake Field Office (SLFO) of the Bureau of Land Management (BLM) has completed the Environmental Assessment (EA) for the Skull Valley Land Exchange (DOI-BLM-UT-W010-2009-0026-EA). This EA analyzes the potential environmental consequences that could result from implementation of the land exchange proposed by Christopher F. Robinson, who represents Castle Rock Land and Livestock Company, a Utah general partnership, and Skull Valley Company, Limited; a Utah limited partnership, hereinafter called the “non-Federal parties.” This EA was prepared to assist the BLM authorized officer in determining whether an approval of the land exchange would be in the public interest.

**DECISION**

It is my decision to select Alternative A from the Skull Valley Land Exchange EA (DOI-BLM-UT-W010-2009-0026-EA). In the Skull Valley Land Exchange, BLM will acquire 11,586.32 acres (33 parcels) of non-Federal land in exchange for 12,603.27 acres (33 parcels) of Federal land, which includes 553.51 acres valued at \$150,000 to be conveyed to the proponents as compensation for costs they assumed that are normally borne by the BLM. See attached Exhibit A, Exchange Map. The legal descriptions, reservations, and encumbrances are detailed in the attached Exhibits B and C. A patent will be issued to the non-Federal parties, subject to a reservation of a perpetual non-exclusive right-of-way to the BLM for the Hastings Cutoff on parcel 20. Encumbrances entering BLM administration will be entered into LR2000 and assigned a serial register number. All other Federal and non-Federal lands initially considered for exchange and identified in the Notice of Exchange Proposal (published in the Tooele Transcript-Bulletin four separate times: August 27, 2009; September 3, 2009; September 10, 2009; and September 17, 2009) have been removed from the proposal and will not be conveyed in this exchange. The parcel legal descriptions and corresponding acreages were adjusted downward from the Notice of Exchange Proposal.

My decision specifically includes the following components:

1. All acquired parcels will be managed in accordance with the existing management prescriptions on adjacent BLM administered land. These land use plan-level and implementation-level management prescriptions are detailed in the EA at Table 2-1. This table identifies the categories for leasing, salable and locatable minerals; livestock grazing allotments; visual resource management classes; rights-of-way; off-highway vehicle use designations; and wild horse herd area and herd management area boundaries for each parcel entering BLM administration.

2. All acquired parcels will be managed in accordance with the West Desert District Fire Management Plan (2016), which is based on the 1998 Decision Record and Fire Management Plan (EA UT-020-98-08), as revised by the 2015 Record of Decision and Approved Resource Management Plan Amendments for the Great Basin Region, Including the Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana; Nevada and Northeastern California; Oregon; and Utah. The BLM's responsibilities in the conveyed parcels that contain hazardous fuels treatments will cease. The BLM will continue to coordinate fire suppression activities with private, state and other Federal landowners as defined in the West Desert District Fire Management Plan.
3. The BLM and the non-Federal parties will each assume management and control of invasive/noxious weeds on the respective acquired parcels.
4. Livestock grazing permits and authorizations will be adjusted and re-issued for the balance of time remaining on the current grazing permits for the Skull Valley, South Skull Valley, Salt Mountain, Lost Creek, and Onaqui Mountain West allotments. Corresponding assignments of rangeland improvements will remain as currently approved because there are no changes needed to the rangeland improvements necessary for the effective management of the allotments. The permits will be adjusted consistent with the EA at Section 3.3.4 and Table 4-1 on the Skull Valley, South Skull Valley, Salt Mountain, Lost Creek, and Onaqui Mountain West grazing allotments. Available forage will remain the same as adjacent BLM land consistent with the proposed/final decisions or Rider/Federal Land Policy and Management Act permits last issued on the subject allotments and the Pony Express Livestock Trail. Adjustments in available forage will be considered at the next scheduled permit renewal process. Livestock trailing will be authorized on the parcel that is included within the Pony Express Livestock Trail. Livestock will be authorized on the Pony Express Livestock Trail consistent with the 2014 Decision Record issued for EA DOI-BLM-UT-W010-2013-0026-EA. There will be no grazing administration changes of the Riverbed allotment or the approved grazing permit due to this land exchange.
5. The exchange will include all the available surface and minerals on both the Federal lands and the non-Federal lands except for those held by the State of Utah (refer to Exhibits B and C). Patents, warranty deeds, and other legal instruments will show ownership of minerals being conveyed. Master title plats will be updated.
6. The Pony Express National Historic Trail Lookout Pass station site, monument, and pet/dog cemetery on non-Federal parcel 28 will received Federal protection under the National Trail System Act and National Historic Preservation Act. Federal parcels 19, 20, and 22 will come under private ownership. The BLM will reserve for itself a perpetual non-exclusive right-of-way of 220 foot width centered on the historic trace of the Hastings Cutoff on parcel 20. The trail right-of-way will not be developed or fenced. The BLM will maintain signage within the right-of-way indicating the location of the trail. The right-of-way will be reserved for public use and access to the trail resources from the BLM's Horseshoe Springs recreation site.
7. Federal parcels 27 and 31 will be retained because they contain habitat and populations of the Pohl's milkvetch (*Astragalus lentiginosus* var. *pohlii*), a BLM Sensitive Plant Species.

8. Acquisition of non-Federal parcel 6 will include a water right (#16-10) at Slater Springs. A change in beneficial use to wildlife and wild horses will be made with the State of Utah's Division of Water Rights.
9. Non-Federal parcels 30, 32, 38, and 39 will be incorporated into the Cedar Mountain Wilderness Management Plan EA (DOI-BLM-UT-W010-2011-0020-EA) that is under development. The portions of these parcels located within the exterior boundary of the Wilderness Area will automatically become part of the Wilderness Area, as described within the EA at Section 4.3.1.11.
10. Wild horse herd area and herd management area acreages for the Cedar Mountain and Onaqui Mountain herds will be changed consistent with the EA at Tables 3-8 and 3-9. Appropriate Management Levels will remain the same as adjacent BLM land and will not be increased. The herd management area and herd area boundaries will not be changed. Management of parcels entering BLM administration will be in accordance the 2003 Decision Record issued for the Wild Horse Appropriate Management Level and Herd Management Area/Herd Boundary Environmental Assessment (EA UT 020-2002-0100). Adjustments in available forage for wild horses and livestock will be considered after monitoring shows permanent water sources and forage are available to the wild horse herds. Cooperative agreements to provide water for wild horse use will not be pursued on the wells that are retained in private ownership.

BLM will inventory, monitor, and administer the resource programs on all acquired parcels.

## **AUTHORITIES**

My authority for exchanging these parcels is contained in the following:

Section 205 of the Federal Land Policy and Management Act of 1976 provides for the acquisition of lands or interest in land by purchase, exchange, or donation, when acquisition is consistent with the mission of the department and the approved land use plan. Section 206 provides for the disposal of public land or interests therein when it is determined that the public interest would be well served.

Section 7 of the National Trails System Act of 1968 outlines the United States' priorities for entering into written cooperative agreement and/or acquiring non-Federal land that is within the trail right-of-way for the use of the lands for trail purposes. Section f (1) (1) states: The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands. Section f (2) states: In acquiring lands or interests therein for a National Scenic or Historic Trail, the appropriate Secretary may, with consent of a landowner, acquire whole tracts notwithstanding that parts of such tracts may lie outside the area of trail acquisition. In furtherance of the purposes of this act, lands so acquired outside the area of trail acquisition may be exchanged for any non-Federal lands or interests

therein within the trail right-of-way, or disposed of in accordance with such procedures or regulations as the appropriate Secretary shall prescribe, including: (i) provisions for conveyance of such acquired lands or interests therein at not less than fair market value to the highest bidder, and (ii) provisions for allowing the last owners of record a right to purchase said acquired lands or interests therein upon payment or agreement to pay an amount equal to the highest bid price. For lands designated for exchange or disposal, the appropriate Secretary may convey these lands with any reservations or covenants deemed desirable to further the purposes of this Act. The proceeds from any disposal shall be credited to the appropriation bearing the costs of land acquisition for the affected trail.

Section 4(b) of the Wilderness Act of 1964 sets forth the agencies' responsibilities in administering wilderness areas and states that the preservation of wilderness character is the primary management mandate. As per BLM Manual 6340—Management of BLM Wilderness, acquisitions may also be made of lands within a wilderness area when the owner concurs in the acquisition and inholdings acquired through exchange or donation are automatically included in and managed as wilderness without further Congressional action.

Sections 381-384 of the National Defense Authorization Act of 2006 provides the following additional guidance related to the administration and management of the Cedar Mountain Wilderness at subsection (e) Land Acquisition - Any lands or interest in lands within the boundaries of the Cedar Mountain Wilderness Area acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of the Cedar Mountain Wilderness Area.

Section 3 of the Taylor Grazing Act of 1934 authorizes the issuance of grazing permits that specify the number and type of livestock and season of use within established grazing districts. In accordance with BLM Manual 4100 – Grazing Administration and BLM Handbook 4130 – Authorized Grazing, and the grazing regulations at: 43 Code of Federal Regulations (CFR) 4110.1-1 (Acquired lands), where lands have been acquired by the BLM through purchase, exchange, Act of Congress or Executive Order, and an agreement or the terms of the act or Executive Order provide that the Bureau of Land Management shall honor existing grazing permits or leases, such permits or leases are governed by the terms and conditions in effect at the time of acquisition by the BLM, and are not subject to the requirements of 43 CFR 4110.1.

Section 2 of the Wild Free-Roaming Horses and Burros Act of 1971 authorizes the protection and management of wild horses within specific ranges on the public lands in a manner designed to achieve and maintain a thriving natural ecological balance. BLM Manual 4700 – Wild Free-Roaming Horses and Burros Management at section .06 (Policy) (E) states: establish or adjust appropriate management levels for wild horses and burros through a site-specific EA and decision process (pursuant to the 1969 National Environmental Policy Act) which shall include an in-depth evaluation of resource monitoring data. Similarly, Manual 4710 – Management Considerations, states an objective to maintain current data about wild horse populations and their habitat. At section .2 (.23) (A), the authorized officer may adjust appropriate management levels based on an in-depth analysis of site-specific resource monitoring data.

## **LAND USE PLAN CONFORMANCE**

The proposed action is in conformance with the following decisions from the Record of Decision and Pony Express Resource Management Plan (RMP) approved January 1990 (as amended):

- Lands Program Decision 3 (Lands Available for Exchange) (pages 3 and 4).
- Minerals Program Decision 2 (Categorize Federal Mineral Estate) (page 23).
- Hazardous Waste Management Decision 1 (Evaluate Known Sites) (page 29).
- Soil, Water and Air Program Decision 2 (Acquire/Protect Water Rights) (page 30).
- Range Program Decision 1 (Forage Use) (page 32).
- Wildlife and Fisheries Program Decision 4 (Protect Wildlife Habitat) (page 37) as amended by the 2015 Record of Decision and Approved Resource Management Plan Amendments prepared for the Great Basin Region, Including the Greater Sage-Grouse Sub-Regions of Idaho and Southwestern Montana; Nevada and Northeastern California; Oregon; and Utah Environmental Impact Statement.
- Wild Horse Program Decision 1 (Continue to Manage AML) (page 34) as amended by the 2003 Decision Record prepared for the Wild Horse Appropriate Management Level and Herd Management Area/Herd Boundary EA (UT 020-2002-0100).
- Recreation Program Decision 1 (Manage Land as SRMA or ERMA) (page 40) and Decision 2 (OHV use Designation) (page 41) as amended by the 1992 Decision Record prepared for the Off-Highway Vehicle Designations EA (UT-020-90-11).
- Visual Resource Management Program Decision 1 (Designate VRM Classes) (page 41).
- Cultural Resource Program Decision 1 (Evaluate on Case-by-Case Basis) (page 49).
- Fire Management Program Decision 1 (Suppression) (page 56) as amended by the 1998 Decision Record prepared for the Salt Lake District Fire Management Plan EA (UT-020-98-08).

The proposed action is also consistent with or does not conflict with the goals/objectives of the following RMP program decisions: areas of critical environmental concern, forestry, and transportation/utility corridors.

## **PUBLIC INTEREST DETERMINATION**

In considering whether the public interest will be served by the exchange, Section 206(a) of the Federal Land Policy and Management Act directs the following: “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.” Additionally, the intended use of the conveyed Federal land will not significantly conflict with established management objectives on adjacent Federal land and Indian trust lands.

It is determined that the public interest is well served because it will facilitate better long-term management of the public lands as follows:

1. The exchange will consolidate both Federal and non-Federal lands and allow for more cost-effective and efficient management of both interests. Acquisition of the non-Federal parcels will reduce private inholdings within large blocks of Federal land making management on adjacent Federal lands more cost effective and efficient.
2. Transferring the Federal lands to the non-Federal parties will result in better management to meet the needs of a local community and residents. Many of the Federal land parcels are difficult and uneconomic for the Federal government to manage due to their isolation and lack of access. The non-Federal parties selected the Federal disposal parcels because they wish to consolidate their ownership and therefore improve and enhance the management potential of their ranching operations.
3. The proximity to Salt Lake City and communities along the Wasatch Front has made this Skull Valley area a popular destination area for hunting, off-highway vehicle use, hiking, camping, and other recreational pursuits. The public benefits from the acquisition of isolated private inholdings in order to consolidate ownership and simplify management and use of the public land.
4. Disposal of the Federal lands would reduce the BLM's management complexity and costs associated with hazardous fuel management in this area.
5. The Pony Express station, monument, and Dog/Pet Cemetery would come under BLM management. This is a specific recreation destination that is heavily utilized by the public. The BLM will gain control over use and preservation of these features and could improve overall visitor use management and service delivery to the public.
6. Except where owned by the State of Utah, the exchange will include all the available surface and minerals on both the Federal lands and the non-Federal lands. Acreages of split estate will not be created.
7. The BLM Mineral Report, approved on March 29, 2007, concluded that the proposed exchange would benefit the BLM generally by disposing of many isolated and difficult to manage parcels with low resource values, and allowing BLM to acquire high value resource lands and to consolidate BLM ownership for better management.
8. BLM will acquire non-Federal inholdings within the Cedar Mountain Wilderness Area. This acquisition is important for providing improved public access to an area that is popular with hunters, minimizing the complexity of BLM's fire suppression responsibility in a fire-prone area, and reducing the burden to a private landowner with inholdings in a Wilderness Area.
9. Grazing permittees have relinquished their grazing privileges and have waived their right to a two-year continuation of their privileges upon transfer of the Federal land out of Federal ownership.
10. The intended and most likely foreseeable future use of the Federal lands after they are transferred to the proponents is continuation of the existing ranching business, which will not conflict with management objectives on other Federal lands in the area. The resource values and the public objectives that the Federal land or interests to be conveyed may

serve if retained in Federal ownership are not more than the resource values of the non-Federal lands or interests and the public objectives they could serve if acquired.

11. To satisfy the reporting requirements for an All Appropriate Inquiries requirements under 43 CFR 312, an Environmental Site Assessment (ESA) was completed in February 2011 for the non-Federal lands proposed for acquisition. The ESA was conducted according to American Society for Testing and Materials (ASTM) Standard Practices using Phase 1 Environmental Site Assessment Process E 1527-05 for acquisition of real property. The Phase 1 report for the non-Federal lands was updated with a Pre-acquisition Liability Survey in 2017. The ESA did not reveal any evidence of hazardous substances or petroleum products, or recognized environmental conditions and/or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 120(h) concerns in connection with this real property. A determination was made that no further inquiry is needed and therefore these properties are suitable for acquisition.

An ESA was conducted in May 2013 for the Federal lands proposed for disposal under a third party contract following the procedures as required under the authorities and utilizing the same standard practices. The Phase 1 report for the Federal lands was updated with a Preliminary Analysis in 2017. The ESA did not reveal any evidence of hazardous substances or petroleum products, or recognized environmental conditions, and/or CERCLA 120(h) concerns, and satisfy 40 CFR part 373, in connection with this real property. A determination was made that no further inquiry is needed and therefore these properties are suitable for disposal.

## **APPRAISAL AND EQUAL VALUE REQUIREMENTS**

In May 2017, the Department of the Interior, Office of Valuation Services (OVS) reviewed and approved the appraisal reports prepared under contract by Kim Frome, Accredited Rural Appraiser (ARA) and John Frome, Member Appraisal Institute, ARA of Frome and Associates. The appraisals established the values for each parcel with an effective date of valuation of March 2, 2017. The highest and best use for both the Federal and non-Federal parcels is agriculture/grazing.

By execution of this Decision Record, the BLM accepts the above-referenced appraisals for use in completing this exchange. Based on consultation with the OVS, parcel valuations typically remain valid for a period of 12 months from the effective date of valuation. In January 2018, the OVS confirmed that market conditions for the appraised area have been stable, and the BLM can continue to use the 2017 appraisal in the near term to complete this exchange.

The appraisals determined the value of the non-Federal lands to be substantially higher than the Federal lands. As agreed in the Amended Agreement to Initiate (ATI), the exchange values will be equalized by eliminating non-Federal parcels and compensating the non-Federal parties for costs they incurred in the cultural survey, appraisal, and other costs involved in the exchange that are normally borne by BLM.



Based on the appraisals, BLM will acquire 11,586.32 acres of non-Federal land in exchange for 12,603.27 acres of Federal land, which includes 553.51 acres valued at \$150,000 to be conveyed to the proponents as compensation for costs they assumed that are normally borne by BLM. As a result, a cash equalization payment in the amount of \$3,240.00 will be made to the United States by the non-Federal parties. As required in the regulations at 43 CFR 2201.1-2(3), the value difference between the Federal and non-Federal lands represented by the cash equalization payment in this exchange does not exceed 25 per cent of the total value of the Federal lands.

## **PUBLIC INVOLVEMENT AND COMMENTS**

The proposed exchange was posted on the Utah BLM's Environmental Notification Bulletin Board on September 29, 2009. The public was informed of the proposed exchange by publications of a Notice of Exchange Proposal in the local newspaper in August and September 2009. The Notice of Exchange Proposal was mailed to an extensive interested parties list. A 30-day scoping period was offered from October 31, 2011, to November 30, 2011.

Two responses were received in conjunction with the Notice of Exchange Proposal – one from the U.S. Air Force at Hill Air Force Base and the other from the Utah Geological Survey. Both responses were informational and neither raised any issues that would affect the exchange proposal.

As part of the public scoping period, a Notice of an Open House Meeting was sent to local news media in November 2011. Copies of the notice were also mailed to the parties on the mailing list. This public scoping meeting/open house was held at the Tooele County Courthouse on November 7, 2011. Approximately 20 individuals attended this open house. Although written comment forms were provided, no written comments were received at that time. Five scoping comments were received from (1) Western Lands Project, (2) Bill Lee Johnson, (3) James and Christina Wheeler, (4) the Iosepa Historical Society and (5) the Southern Utah Wilderness Alliance. These comments were used in identifying issues and alternatives in the EA.

All public scoping comments were considered by the BLM's Interdisciplinary Team (ID) in defining the issues and alternatives addressed in this EA. Public scoping comments dealt mainly with road access and general accessibility for the parcels including access for recreation; control of off-road vehicle use on private lands not held by the parties to the exchange; impacts on the National Historic Trails; assessment of potential future use and development potential; livestock grazing and potential for toxic and hazardous materials. All of the identified issues are addressed in the EA and ID Team Checklist and are on file with the BLM.

Notice of availability of the 2012 EA for public comment was sent to the news media on June 12, 2012 and posted to the Environmental Notification Bulletin Board June 18, 2012. A copy of the notice was also mailed to the parties on the mailing list. The BLM offered a 30-day public comment period on the EA from June 18, 2012, to July 17, 2012. Information about the proposed land exchange and the EA comment period was published on the KUER webpage on June 22, 2012, and in the Desert News on July 16, 2012.

The BLM received eight (8) comments on the 2012 EA from (1) Wild Utah Project, (2) Oregon California Trail Association, (3) Kevin Biddle, (4) Southern Utah Wilderness Alliance, (5) Marybeth Devlin, (6) United States Fish and Wildlife Service, (7) Ron Tolman and (8) the State of Utah's Public Land Policy Coordinating Office. A summarization and responses to these comments are contained in Appendix E of the EA. Some of the comments required edits or clarifications to be made in the EA.

## **CONSULTATION AND COORDINATION**

The BLM consulted and/or coordinated with multiple interested individuals, companies, organizations and governments:

- Congress (Senate and House of Representatives), through their staff;
- State of Utah (Governor, Public Lands Policy Coordinating Office, Resource Development Coordination Committee, Division of Water Rights, Department of Transportation, Division of Oil Gas and Mining, Division of Wildlife Resources, Utah State History Antiquities Section, and School & Institutional Trust Lands Administration);
- Tooele County Commission;
- Federal Agencies (U.S. Fish and Wildlife Service, U.S. Air Force, U.S. Forest Service and Director Office of Federal Agency Programs);
- Organizations (Southern Utah Wilderness Alliance, Wild Utah Project, Western Lands Project, Montgomery Archaeological Consultants, National Pony Express Association, Oregon and California Trails Association, and Lincoln Highway Association. Wild horse advocacy groups and individuals have been added to the mailing list since the EA comment period.);
- University (Brigham Young University, Utah Professional Archaeological Council);
- Industry and Companies (holding rights-of-way or grazing permits); and
- Native American Tribes and Hawaiian Organizations (Iosepa Historical Association, Confederated Tribes of the Goshute Reservation, Skull Valley Band of Goshute Indians, Ute Indian Tribe, Northwestern Band of Shoshoni Nation, and Pueblo of Jemez).

The results of the consultation and coordination processes are summarized in the EA at sections 5.2 through 5.3.1, specifically Table 5-1.

## **IMPLEMENTATION PERIOD**

Following publication of the Notice of Decision (NOD) in the Tooele Transcript newspaper, the BLM and the non-Federal parties will enter into a binding exchange agreement pursuant to 43 CFR 2201.7-2. Implementation of the decision (i.e., conveyance of the exchange parcels) will occur following the completion of the 45-day protest period and 60-day Governor's review period. If the BLM receives any protests during the 45-day protest period, the decision will be implemented following the favorable resolution of the protests, or upon favorable resolution of any appeals made under 43 CFR Part 4 of the decision(s) on the protest(s) received.

## PROTEST PROVISIONS

In accordance with 43 CFR 2201.7-1, this decision will be open for a 45-day protest period beginning the day after publication of the NOD<sup>1</sup> in the Tooele Transcript newspaper. As provided in 43 CFR Part 4, written protests may be submitted to the West Desert District Manager, Bureau of Land Management, Salt Lake Field Office, 2370 South Decker Lake Blvd., West Valley City, Utah 84119. Protests may be mailed or hand delivered to the above address, or faxed to 801-977-4397. The BLM will not accept telephone calls or electronic mail. **Written protests must be received on or before Friday, September 14, 2018 (4:30 pm Mountain Time).** Please include in your protest the following: (1) Contact information of the person filing the protest; (2) A statement of the issue or issues being protested; (3) A statement of the part or parts of the decision being protested; (4) Present all relevant facts supporting your protest, including applicable sections of the EA and reference to or citing the associated documents; and (5) A concise statement explaining why you believe the authorized officer's decision is in error.

## SIGNATURE

*/s/ Kevin E. Oliver*

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Kevin E. Oliver  
West Desert District Manager

*30 JUL 2018*

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Date

## Attachments:

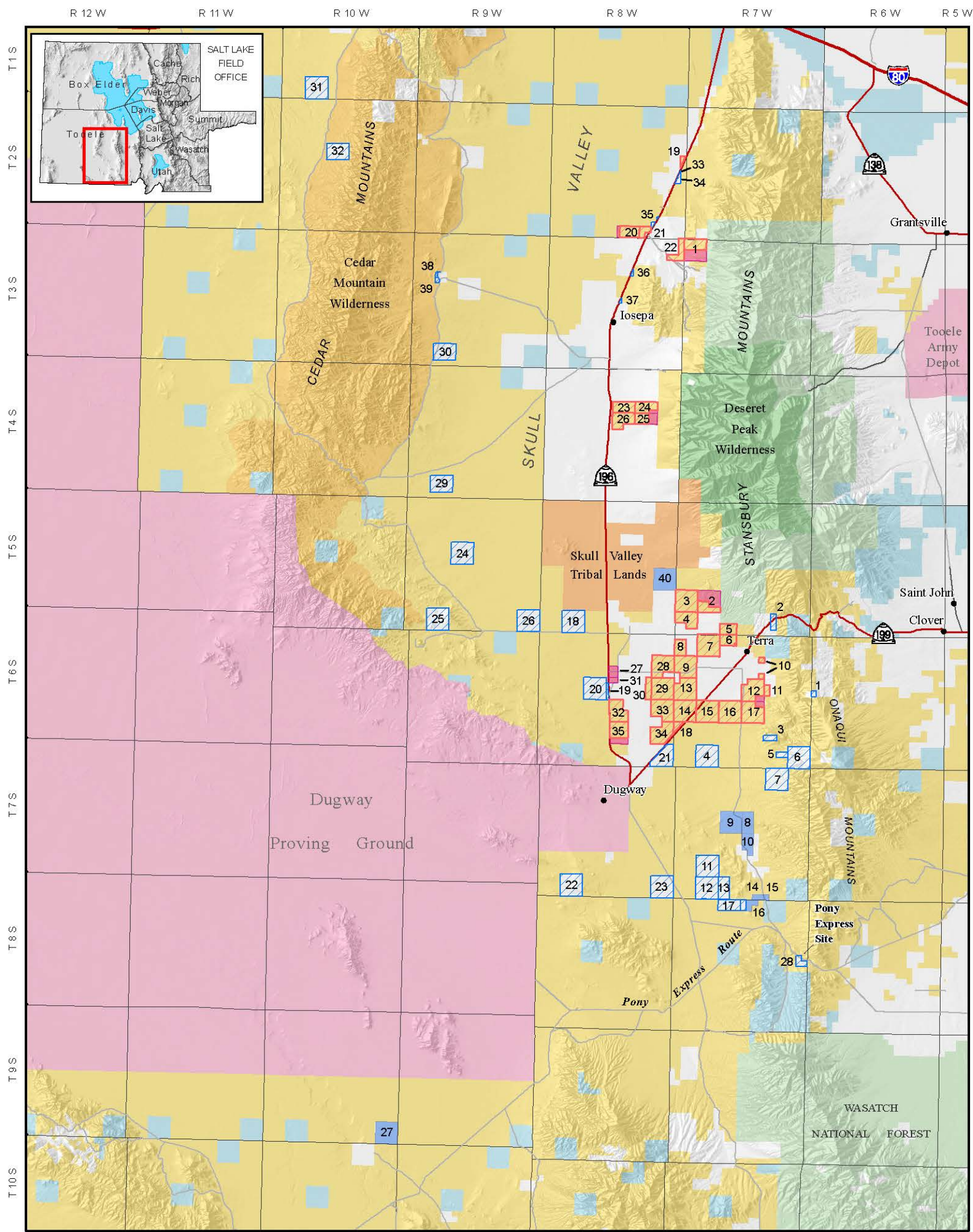
1. Exhibit A – Exchange Map
2. Exhibit B – Federal Land to be Exchanged
3. Exhibit C – Non-Federal Land to be Exchanged

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<sup>1</sup> A copy of the NOD will be posted to the project's NEPA Register page. The NOD is also distributed to those on the project mailing list.

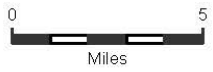
## **Exhibit A – Exchange Map**

SKULL VALLEY LAND EXCHANGE PARCELS



- Federal Land (Selected Land)
- Federal Land Removed From 2012 Proposal
- Non-Federal Land (Offered Land)
- Non-Federal Land Removed From 2012 Proposal
- Interstate Highway
- Principal Highway
- Other Paved Road
- Graded Road

- Land Status
- BLM Wilderness Area
  - Bureau of Land Management (BLM)
  - Indian Reservation (IR)
  - Military Reservations and Corps of Engineers
  - Private
  - State
  - US Forest Service (USFS)
  - USFS Wilderness Area



BUREAU OF LAND MANAGEMENT  
WEST DESERT DISTRICT  
2017

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.





**Exhibit B – Federal Land to be Exchanged:**

Legal Description of Federal Parcels		Original Parcel Number	Original Acreage	Final Acreage
<b>T. 3 S., R. 7 W., SLM</b>				
<b>1*</b>	sec. 6, lots 1, 4 thru 7, S1/2NE1/4, and SE1/4NW1/4.	1	640.96	318.64
<b>T. 5 S., R. 7 W., SLM</b>				
<b>2*</b>	sec. 29, SW1/4, S1/2SE1/4;	2	640.00	240.00
<b>3</b>	sec. 30; all;	3	642.72	642.72
<b>4</b>	sec. 31, lots 1 and 2, NE1/4, E1/2NW1/4, and N1/2SE1/4;	4	401.44	401.44
<b>5</b>	sec. 33, SW1/4 and W1/2SE1/4.	5	240.00	240.00
<b>T. 6 S., R. 7 W., SLM</b>				
<b>6</b>	sec. 4, lots 2 thru 4, N1/2SW1/4NE1/4, SW1/4SW1/4NE1/4, E1/2SE1/4SW1/4NE1/4, and S1/2NW1/4;	6	234.92	234.92
<b>7</b>	sec. 5, lots 1 thru 4, S1/2NE1/4, S1/2NW1/4, and S1/2; (Surface Only)	7	637.28	637.28
<b>8</b>	sec. 6, lots 5 thru 7, SE1/4NW1/4, and E1/2SW1/4;	8	241.35	241.35
<b>9</b>	sec. 7, lots 1 thru 3, E1/2, E1/2NW1/4, and E1/2SW1/4;	9	602.16	602.16
<b>10</b>	sec. 10, NE1/4NE1/4, and SE1/4SE1/4;	10	80.00	80.00
<b>11</b>	sec. 14, SW1/4NW1/4, and NW1/4SW1/4;	11	80.00	80.00
<b>12*</b>	sec. 15, NE1/4, NE1/4NW1/4, S1/2NW1/4, SW1/4, N1/2SE1/4, and W1/2SW1/4SE1/4;	12	600.00	540.00
<b>13</b>	sec. 18, E1/2, E1/2NW1/4, and E1/2SW1/4;	13	480.00	480.00
	sec. 18, lots 2 thru 4; (13 and 13a are one parcel, acreages split for analysis purposes)	13a	120.21	120.21
<b>14</b>	sec. 19, lots 3 and 4, E1/2, E1/2NW1/4, and E1/2SW1/4;	14	560.14	560.14
	sec. 19, lots 1 and 2; (14 and 14a are one parcel, acreages split for analysis purposes)	14a	79.62	79.62
<b>15</b>	sec. 20, all;	15	640.00	640.00
<b>16</b>	sec. 21, all;	16	640.00	640.00
<b>17*</b>	sec. 22, W1/2NW1/4NE1/4, S1/2NE1/4, NW1/4, and S1/2;	17	640.00	580.00
<b>18*</b>	sec. 30, lots 6, 8, 9, and 12.	18	105.26	77.52
<b>T. 2 S., R. 8 W., SLM</b>				
<b>19*</b>	sec. 13, lots 2, 3, and 6;	19	47.50	37.49
<b>20*</b>	sec. 34, E1/2SW1/4, E1/2NW1/4SW1/4, E1/2SW1/4SW1/4, and SE1/4;	20	320.00	280.00

Legal Description of Federal Parcels		Original Parcel Number	Original Acreage	Final Acreage
21	sec. 35, N1/2SW1/4, and SW1/4SW1/4.	21	120.00	120.00
<b>T. 3 S., R. 8 W., SLM</b>				
22	sec. 1, lot 1, SE1/4NE1/4, SE1/4SW1/4, NE1/4SE1/4, S1/2SE1/4.	22	239.93	239.93
<b>T. 4 S., R. 8 W., SLM</b>				
23	sec. 10, S1/2;	23	320.00	320.00
24*	sec. 11, SW1/4, N1/2SE1/4, N1/2SW1/4SE1/4, SW1/4SW1/4SE1/4, and N1/2SE1/4SE1/4;	24	320.00	290.00
25*	sec. 14, W1/2NW1/4NE1/4, W1/2SW1/4NE1/4, and NW1/4;	25	320.00	200.00
26	sec. 15, N1/2 and N1/2SW1/4.	26	400.00	400.00
<b>T. 6 S., R. 8 W., SLM</b>				
*	sec. 10, lots 1, 4, E1/2SW1/4;	27	140.00	0.00
27	sec. 12, N1/2, SW1/4, and N1/2SE1/4;	28	560.00	560.00
28	sec. 13; all;	29	640.00	640.00
29	sec. 14, E1/2NE1/4 and E1/2SE1/4;	30	160.00	160.00
*	sec. 15, lot 1, NE1/4NE1/4;	31	65.00	0.00
30*	sec. 22, lots 1, 4, 5, and 8, W1/2NE1/4, E1/2NW1/4, E1/2SW1/4, and SE1/4;	32	480.00	464.29
31	sec. 24, SW1/4NE1/4, NW1/4, N1/2SW1/4, and SE1/4;	33	440.00	440.00
	sec. 24, N1/2NE1/4 and SE1/4NE1/4; (33 and 33a are one parcel, acreages split for analysis purposes)	33a	120.00	120.00
32*	sec. 25, lots 2, 3, and 5, NE1/4, S1/2NW1/4, SW1/4, and NW1/4SE1/4;	34	520.00	503.32
33*	sec. 27, lots 1, 4, and 5, NE1/4, E1/2NW1/4, NE1/4SW1/4, and N1/2SE1/4.	35	540.00	392.24
<b>Aggregating approximately 12,603.27 acres on 33 parcels</b> *Parcels that have an asterisk were either removed entirely or acres were modified.				

**Interests to be Conveyed or Reserved:** Conveyance of the Federal land would include the surface and mineral estate of all parcels except for parcel 7. This parcel was re-conveyed to the United States with a reservation of all minerals. There is no water, timber, or other rights associated with the property.

Surface Ownership		Acres
	U.S	12,603.27
Mineral Ownership		Acres
	U.S.	11,965.99
	Private	637.28
	<b>Total</b>	12,603.27

**Interests to be Conveyed or Reserved:** All parcels will be conveyed with a reservation to the United States of a right-of-way thereon for ditches or canals constructed by the authority of the United States under the Act of August 30, 1890 (43 U.S.C. 945).

The following parcels will be conveyed with a reservation to the United States for the following rights-of-way:

Parcel Number	Right-of-Way	Serial Number	Holder
1 & 3	Access Road	UTU-18471	U.S. Forest Service
2, 5, & 6	Access Road	UTU-23300	U.S. Forest Service
12, 16, 17, 22	Water Pipeline	UTU-80753	BLM
20	Public Access right-of-way to Hastings Cutoff\California National Historic Trail	UTU-91650	BLM

**Existing Encumbrances:** Patent to the Federal lands in the exchange shall be issued subject to all valid existing rights, including land use authorizations granted by the United States, under the terms and conditions in existence at the time of patent. Subject to limitations prescribed by law and regulation, prior to patent issuance, the following Holders of rights-of-way within the Federal land may be given the opportunity to amend the right-of-way for conversion to a new term, including perpetuity, if applicable, or to an easement.

Parcel Number	Right-of-Way	Serial Number	Holder
8, 9, 23, 26, & 28	Powerline	UTU-046101	Rocky Mountain Power Company
14 & 15	Powerline	UTU-64758	Rocky Mountain Power Company
14, 15, 18, & 34	Powerline	UTU-02933	Rocky Mountain Power Company
9 & 34	Telephone Line	UTU-51503	Beehive Telephone Company
21	Telephone Line	UTU-63224	Skyline Telecom Company
32 & 35	Fiber Optic Line	UTU-80434	Skyline Telephone Company



**Rights to be Relinquished Prior to Conveyance:** The following rights-of-way (or portions thereof) are held or controlled by the non-Federal parties and will be relinquished prior to conveyance of the Federal land:

Parcel Number	Right-of-Way	Serial Register	Holder
5 & 6	Irrigation Pipeline	UTU-21911	Castle Rock Land & Livestock
10, 16, & 17	Water Pipeline	UTU-80753	Castle Rock Land & Livestock
20	Irrigation Ditch	UTSL-07348	Skull Valley Corporation
20	Irrigation Ditch	UTSL-07349	Skull Valley Corporation

**Parcels within Federal Grazing Allotments:** The parcels noted below are within Federal grazing allotments. In 2017 Skull Valley Company, and Castle Rock Land and Livestock, and Brown's Diamond J waived their two-year notification required under 43 CFR 4110.4-2, so the respective parcels will be conveyed unencumbered.

Parcel Number	Allotment	Permittee
1, 19, 20, 21, & 22	Salt Mountain	Skull Valley Company/Brown's Diamond J
23, 24, 25, & 26	Lost Creek	Castle Rock Land and Livestock
2-10, 12-18, & 28-35	South Skull Valley	Castle Rock Land and Livestock
11	Onaqui Mtn West	Castle Rock Land and Livestock

**Parcels Encumbered with Mining Claims:** The following parcels were encumbered with mining claims held by Castle Rock Land and Livestock. These claims have been allowed to lapse and no longer encumber the parcels as listed below and previously identified in the 2011 EA.

Parcel Number	Mining Claim	UMC Number	Claimant
13	Diatomics #1	362247	Castle Rock Land and Livestock
13	Diatomics #2	362248	Castle Rock Land and Livestock
13	Diatomics #3	362249	Castle Rock Land and Livestock
9	Diatomics #4	362250	Castle Rock Land and Livestock
9	Diatomics #5	362251	Castle Rock Land and Livestock
9	Diatomics #6	362252	Castle Rock Land and Livestock
9	Diatomics #7	362253	Castle Rock Land and Livestock
8	Diatomics #8	364711	Castle Rock Land and Livestock

The community rock pit UTU-75275 previously encompassed parcel 19. BLM has amended the pit boundary to exclude parcel 19 to eliminate this encumbrance.

**Exhibit C – Non-Federal Land to be Exchanged:**

Legal Description of Non-Federal Parcels		Original Parcel Number	Original Acreage	Final Acreage
<b>T. 6 S., R. 6 W., SLM</b>				
<b>1</b>	sec. 18, lot 3.	1	33.74	33.74
<b>T. 5 S., R. 7 W., SLM</b>				
<b>2</b>	sec. 35, E1/2NW1/4; (2 and 2a are one parcel, acreages split for analysis purposes)	2	80.00	80.00
	sec. 35, NE1/4NW1/4.	2a	40.00	40.00
<b>T. 6 S., R. 7 W., SLM</b>				
<b>3</b>	sec. 26, lot 3 and NE1/4SW1/4;	3	96.51	96.51
<b>4</b>	sec. 32, all;	4	640.00	640.00
<b>5</b>	sec. 35, S1/2NE1/4;	5	80.00	80.00
<b>6</b>	sec. 36, all.	6	640.00	640.00
<b>T. 7 S., R. 7 W., SLM</b>				
<b>7</b>	sec. 2, all;	7	638.79	638.79
<b>*</b>	sec. 15, W1/2;	8	320.00	0.00
<b>*</b>	sec. 16, all;	9	640.00	0.00
<b>*</b>	sec. 22, NW1/4, N1/2SW1/4, SE1/4SW1/4;	10	280.00	0.00
<b>8</b>	sec. 29, all;	11	640.00	640.00
<b>9</b>	sec. 32, all;	12	640.00	640.00
<b>10</b>	sec. 33, W1/2;	13	320.00	320.00
<b>*</b>	sec. 34, S1/2SE1/4;	14	80.00	0.00
<b>*</b>	sec. 35, SW1/4SW1/4.	15	40.00	0.00
<b>T. 8 S., R. 7 W., SLM</b>				
<b>11*</b>	sec. 3, lot 4 and SW1/4NW1/4;	16	200.38	79.86
<b>12</b>	sec. 4, lots 1 thru 4, S1/2NE1/4, and S1/2NW1/4;	17	317.04	317.04
<b>13</b>	sec. 13, W1/2SE1/4 and SE1/4SE1/4.	28	120.00	120.00
<b>T. 2 S., R. 8 W., SLM</b>				
<b>14*</b>	sec. 13, parcel 1 as shown on the Department of Interior Bureau of Land Management plat of survey dated June 11, 2010;	33	2.41	2.54
<b>15*</b>	sec. 24, parcel 2 as shown on the Department of Interior Bureau of Land Management plat of survey dated June 11, 2010;	34	90.36	51.28

Legal Description of Non-Federal Parcels		Original Parcel Number	Original Acreage	Final Acreage
16*	sec. 35, parcels 3 and 4 as shown on the Department of Interior Bureau of Land Management plat of survey dated June 11, 2010.	35	20.09	19.90
T. 3 S., R. 8 W., SLM				
17*	sec. 10, parcel A as shown on the Department of Interior Bureau of Land Management plat of survey dated November 18, 2011;	36	19.28	15.33
18*	sec. 15, parcel B as shown on the Department of Interior Bureau of Land Management plat of survey dated November 18, 2011.	37	10.68	11.91
T. 5 S., R. 8 W., SLM				
*	sec. 24, all;	40	640.00	0.00
19	sec. 32, all;	18	640.00	640.00
T. 6 S., R. 8 W., SLM				
20*	sec. 15, parcels 1 and 2 as shown on the Department of Interior Bureau of Land Management plat of survey dated May 9, 2011;	19	47.73	42.85
21	sec. 16, all;	20	640.00	640.00
22*	sec. 36, parcels 3 thru 5 as shown on the Department of Interior Bureau of Land Management plat of survey dated May 9, 2011, and SE1/4.	21	471.27	478.06
T. 7 S., R. 8 W., SLM				
23	sec. 32, all	22	640.00	640.00
24	sec. 36, all	23	640.00	640.00
T. 3 S., R. 9 W., SLM				
25*	sec. 8, parcel A as shown on the Department of Interior Bureau of Land Management plat of survey dated June 24, 2013;	38	23.00	13.70
26*	sec. 17, parcel B as shown on the Department of Interior Bureau of Land Management plat of survey dated June 24, 2013;	39	30.00	24.81
27	sec. 32, N1/2, N1/2SW1/4, and N1/2SE1/4.	30	480.00	480.00
T. 4 S., R. 9 W., SLM				
28	sec. 32, N1/2, N1/2SW1/4, and N1/2SE1/4.	29	480.00	480.00
T. 5 S., R. 9 W., SLM				
29	sec. 16, all;	24	640.00	640.00
30	sec. 32, all;	25	640.00	640.00
31	sec. 36, all.	26	640.00	640.00

Legal Description of Non-Federal Parcels		Original Parcel Number	Original Acreage	Final Acreage
<b>T. 9 S., R. 10 W., SLM</b>				
*	sec. 36; all	27	640.00	0.00
<b>T. 1 S., R. 10 W., SLM</b>				
<b>32</b>	sec. 32; all.	31	640.00	640.00
<b>T. 2 S., R. 10 W., SLM</b>				
<b>33</b>	sec. 16, N1/2, N1/2SW1/4, and N1/2SE1/4.	32	480.00	480.00
<b>Aggregating approximately 11,586.32 acres on 33 parcels</b>				
*Parcels that have an asterisk were either removed entirely or acres were modified.				

### Summary of Ownership:

Surface Ownership		Acres
	CRLLC	9,246.85
	SVC	<u>2,339.47</u>
	<b>Total</b>	11,586.32
Mineral Ownership		Acres
	U.S.	499.90
	State	8,687.10
	SVC	104.24
	U.S.(OG)/SVC(rest)	15.33
	Castagno	79.86
	Weber River (1/2)/SVC(1/2)	120.00
	Anschutz/CRLLC Diatomaceous Earth (150 ft)	<u>2,079.89</u>
	<b>Total</b>	11,586.32

**Interests to be Conveyed or Reserved:** Conveyance of the non-Federal land would include the surface and all mineral interests owned by the non-Federal parties, as summarized above, in addition to the diatomaceous earth from the surface to a depth of 150 feet on 2,079.89 acres, and the sand and gravel resources on 11,586.32 acres. Conveyance would also include the following water right:

Parcel Number	Water Right	Holder
6	Water right #16-10	CRLLC

The non-Federal parties would reserve the following water rights:

Parcel Number	Water Right	Holder
9	Water right #16-37	CRLLC
18	Water right #16-43	CRLLC
23	Water right #16-39	CRLLC
24	Water right #16-28	CRLLC
30	Water right #16-635	SVC
29	Water right #16-94	SVC
32	Water right #16-801	SVC

The non-Federal parties would reserve a utility easement for access to and maintenance of the well and storage tank associated with water right #16-801, on Parcel 32.

**Encumbrances:** The applicable non-Federal parcels would be conveyed subject to the listed encumbrances and water rights:

Parcel Number	Encumbrances	Holder
7	Pipeline easement	USA
9	Powerline easement	Pacificorp
21	Powerline easement	Pacificorp
32	Powerline easement	Pacificorp
32	Water well agreement	USPCI
Parcel Number	Water Right	Holder
6	Water right #16-162	USA
28	Water right #16-775	USA
32	Water right #16-800	Clean Harbors