

**RECORD OF DECISION
FOR THE
BLUE VALLEY RANCH LAND EXCHANGE
FINAL ENVIRONMENTAL IMPACT STATEMENT**

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
KREMMLING FIELD OFFICE
GRAND COUNTY AND SUMMIT COUNTY, COLORADO**

JANUARY 2023

DOI/BLM/CO/PL-18/001

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TABLE OF CONTENTS

BACKGROUND.....	1
PURPOSE AND NEED FOR THE BLM ACTION.....	1
STATUTORY AND REGULATORY BACKGROUND	1
Project Overview	2
Decision to be Made.....	2
LEGAL DESCRIPTION	2
DECISION.....	8
Land to be Acquired by the Forest Service	9
DECISION RATIONALE AND MANAGEMENT CONSIDERATIONS	9
Response to BLM Purpose and Need.....	9
Meeting the Applicant's Interests and Objectives	10
Consideration of the Issues Relevant to BLM's Decision	10
Consideration of Public Comments and Concerns	11
Statement of No Unnecessary or Undue Degradation.....	11
<i>Connected Actions</i>	12
MITIGATION AND MONITORING	12
ALTERNATIVES	12
Alternatives Considered in Detail	12
<i>Alternative 1 – No Action Alternative</i>	12
<i>Alternative 2 – Proposed Action</i>	12
<i>Alternative 3</i>	12
Alternatives Considered but Not Studied in Detail	13
ENVIRONMENTALLY PREFERABLE ACTION ALTERNATIVE.....	13
COOPERATING AGENCIES	14
PUBLIC INVOLVEMENT.....	14
PUBLIC INTEREST DETERMINATION.....	15
EQUAL VALUE REQUIREMENTS	17
IMPLEMENTATION PERIOD.....	19
AUTHORITY	19
PROTEST PROCEDURE.....	19

LIST OF TABLES

Table 1. Legal Description of the Land Exchange Parcels to be Conveyed from Federal Ownership	3
Table 2. Legal Description of the Land Exchange Parcels to be Conveyed to Federal Ownership	4
Table 3. Federal Lands Appraisal.....	17
Table 4. Non-Federal Lands Appraisal	18

LIST OF FIGURES

Selected Alternative Figure

ACRONYMS AND ABBREVIATIONS

BLM	Bureau of Land Management
BVR	Blue Valley Ranch
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
DOI	Department of Interior
EA	Environmental Assessment
EIS	Environmental Impact Statement
FLPMA	Federal Land Policy and Management Act
IBLA	Interior Board of Land Appeals
KFO	Kremmling Field Office
NEPA	National Environmental Policy Act
NFS	National Forest System
RMP	Resource Management Plan
SH	State Highway
SRMA	Special Recreation Management Area
WRNF	White River National Forest

BACKGROUND

In 1998 the Bureau of Land Management (BLM) and Galloway, Inc. (owner of Blue Valley Ranch) completed the Eagle Pass Ranch Land Exchange (COC 58589). Refer to Appendix K of the Final Environmental Impact Statement (EIS) for a parcels map and Notice of Decision for this exchange. The land exchange achieved the objectives of consolidating Federal and non-Federal lands for more effective management for both parties, enhancing public access along the Blue River, and bringing several large tracts of big game winter range into federal ownership.

In 2001 Blue Valley Ranch (BVR) approached the BLM to discuss a second land exchange in order to continue the consolidation of Federal and non-Federal lands in the area. Over the next several years, BVR and the BLM collaboratively developed the current proposed land exchange. In June 2005 the BLM issued its Notice of Exchange Proposal for the Blue Valley Ranch Land Exchange and initiated the required environmental analysis and appraisal processes. However, the exchange process was placed on-hold in 2006 pending completion of the revised Resource Management Plan (RMP). Work on the proposed land exchange was reinitiated upon completion of the BLM Kremmling Field Office (KFO) 2015 Record of Decision and Approved Resource Management Plan (2015 RMP) in July 2015.¹

This Record of Decision (ROD) documents the decision of the BLM to authorize the Proposed Action to exchange lands between the BLM and Proponent (Galloway, Inc.). The BLM has prepared this ROD based on consideration of the information in the Final EIS and related documents. The Selected Alternative involves the exchange of nine parcels of Federal lands in Grand County, Colorado, five non-Federal Parcels also in Grand County, Colorado, and four non-Federal Parcels in Summit County, Colorado. The Final EIS also analyzes Alternative 3, which was incorporated into the analysis following the comment period on the Draft EIS. More details about the action alternatives that were considered can be found within the following *Alternatives* section.

PURPOSE AND NEED FOR THE BLM ACTION

The Purpose and Need for this federal action is to respond to the Proponent's application for a land exchange. The parties initiated this exchange to accomplish land adjustment objectives of the BLM and the Proponents, including consolidation of land ownership boundaries; improving access to and enhancing recreational opportunities on public lands; and meeting the objectives of the 2015 RMP for wildlife, recreation, public access, and scenic values. More details about the Purpose and Need for the Proposed Action can be found within Chapter 1, Section C of the Final EIS.

STATUTORY AND REGULATORY BACKGROUND

The Proposed Action is to complete a land exchange pursuant to the Sec. 205 and Sec. 206 of the Federal Land Policy and Management Act of 1976, as amended (FLPMA). Under FLPMA and the BLM's implementing regulations, the BLM is responsible for managing public lands for multiple uses, including recreation, public access, scenic values, and wildlife habitat. Under this multiple use management direction, the Proposed Action has been determined to be in conformance with FLPMA, the BLM Land Exchange Handbook and the 2015 RMP. For details on the Proposed Action's conformance with the 2015 RMP, please refer to Appendix F of the Final EIS.

The Proposed Action is also compliant with issue-specific laws and regulations—including, but not limited to, the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act—and relevant local county land use and zoning regulations.

¹The KFO RMP was originally approved in 1984 and subsequently revised and released in 2015 through a Record of Decision adopting the Approved Resource Management Plan. It is referred herein as the 2015 RMP.

PROJECT OVERVIEW

The Proposed Action is a land exchange involving nine Federal parcels and nine non-Federal parcels. The Federal lands are identified as parcels BLM-A, BLM-B, BLM-C, BLM-F, BLM-G, BLM-H, BLM-I, BLM-J, and BLM-K. The non-Federal lands are identified as parcels BVR-1, BVR-2, BVR-3, BVR-4, BVR-5, BVR-7, BVR-8, BVR-9, and BVR-10.² Although they are not a direct participant in the exchange, the United States Forest Service (Forest Service) will acquire approximately 300 acres of non-Federal lands as a result of the Proposed Action. Approximately 300 acres of the non-Federal lands will automatically become National Forest System (NFS) lands because they are within the White River National Forest (WRNF) administrative boundary and will be transferred to the Forest Service for management.

DECISION TO BE MADE

The decision to be made by the BLM is whether to approve the Proposed Action, approve with modifications, or deny the Proposed Action to exchange the nine parcels of Federal land (totaling 1,489 acres) for nine parcels of non-Federal land (totaling 1,830 acres).

LEGAL DESCRIPTION

The legal descriptions of each of the parcels to be conveyed from federal ownership are included in Table 1. The parcels to be conveyed to federal ownership are provided in Table 2.

² The description of BVR-8 does not include the approximately 7-acre “Chevron Parcel” that is being donated to the BLM by BVR. As the Chevron parcel has been considered a donation since the initiation of the proposed land exchange it is not included in the scope of the appraisal. The donation of other parcels to reach equalization in appraised values is separate from the donation of the Chevron parcel.

Table 1. Legal Description of the Land Exchange Parcels to be Conveyed from Federal Ownership

Parcel	County	Legal Description	Acres
Federal Parcels			
BLM-A	Grand	(NW Sheephorn Mountain) T. 1 S., R. 81 W., Sixth Principal Meridian sec. 9, S½SW¼	80
BLM-B	Grand	(North Sheephorn Mountain) T. 1 S., R. 81 W., Sixth Principal Meridian sec. 15, SE¼NW¼, NE¼SW¼, and NW¼SE¼	120
BLM-C	Grand	(SW Sheephorn Mountain) T. 1 S., R. 81 W., Sixth Principal Meridian sec. 15, SW¼ SW¼, sec. 21, lots 1-6, inclusive, and NE¼NE¼; sec. 22, NW¼NW¼	330
BLM-D		Removed by BLM July 2015	0
BLM-E		Removed by BLM July 2015	0
BLM-F	Grand	(Southern Parcel) T. 1 S., R. 80 W., Sixth Principal Meridian section 26, S½SE¼	80
BLM-G	Grand	(East Blue River) T. 1 S., R. 80 W., Sixth Principal Meridian section 28, lot 5, SE¼NE¼	79
BLM-H	Grand	(West Blue River) T. 1 S., R. 80 W., Sixth Principal Meridian sec. 28, lot 11, lot 12, SE¼NW¼, and E¼SW¼; sec. 33, lot 6, lot 7, SW¼NE¼, and E¼NW¼.	273
BLM-I	Grand	(Blue River North) T. 1 N., R. 80 W., Sixth Principal Meridian sec. 29, Lots 1, 4, 5 and 8; sec. 30, Lot 6; sec. 31, E½SE¼, SE¼NE¼, Lots 5, 7, 10 and 12, sec. 32, NE¼NW¼ and W¼NW¼	397
BLM-J	Grand	(Palmer Meadows) T. 1 N., R. 79 W., sec. 7, Parcel B sec. 8, Parcel F, Parcel B, and Parcel C. sec. 17, Parcel B	90
BLM-K	Grand	(Blue Valley Metropolitan District) T. 1 S., R. 80 W., sec. 34, SE¼NW¼	40
Total – Federal Parcels			1,489

Table 2. Legal Description of the Land Exchange Parcels to be Conveyed to Federal Ownership

Parcel	County	Legal Description	Acres
Non-Federal Parcels			
BVR-1	Grand	Township 1 North, Range 80 West, Sixth Principal Meridian Section 30, Lot 4 Section 31, Lots 1 and 2, NE1/4NW1/4 Except that portion of the NE1/4NW1/4 of said Section 31 conveyed to The County of Grand by deed recorded November 22, 1913 in Book 50 at Page 193 Township 1 North, Range 81 West, Section 36, All	657
BVR-2	Summit	Township 2 South, Range 80 West, Sixth Principal Meridian Section 3, Lot 1, Lot 2, SW1/4/NE1/4, SE1/4NW1/4, E1/2SW1/4, W1/2SE1/4 Section 10, E1/2E1/2, NW1/4NE1/4, NE1/4NW1/4 Section 11, W1/2 of Lot 9 Section 14, Lot 4	622
BVR-3	Summit	Township 2 South, Range 80 West, Sixth Principal Meridian Section 2, S1/2NE1/4, and that part of the SE1/4 lying Northerly and Easterly of the Right of Way of Colorado State Highway No. 9 as disclosed by Deed recorded September 11, 1958 in Book 153 at Page 14.	187
BVR-4	Grand	Township 1 South, Range 80 West, Sixth Principal Meridian Section 35, SE1/4.	160
BVR-5	Grand	Township 1 North, Range 79 West, Sixth Principal Meridian Section 7, that portion of Lot 3 and the NE1/4SW1/4 lying north of U.S. Highway 40, and known as Parcel A, North of 40 Outright Exemption, according to the plat recorded October 31, 2000 at Reception No. 2000-010217.	2
BVR-6		Removed by BLM July 2015	0
BVR-7	Grand	A perpetual, non-exclusive, 30-foot-wide access easement located in the N1/2NE1/4 of Section 8, Township 1 South, Range 81 West of the 6th P.M., for ingress and egress purposes, being further described as follows: A 30 Foot easement, being 15 feet on either side of the centerline of an existing traveled way, lying in Section 8, Township 1 South, Range 81 West of the 6th P.M., and beginning at a point, whence the NW corner of said Section 8, bears S 89°45'13" E" for a distance of 1333.69 feet; Thence South 47°51'37" East for a distance of 366.10 feet, to a point; Thence South 42°59'42" East for a distance of 184.10 feet, to a point; Thence South 58°25'58" East for a distance of 227.84 feet to the POINT OF TERMINUS.	1

Table 2. Legal Description of the Land Exchange Parcels to be Conveyed to Federal Ownership (cont.)

Parcel	County	Legal Description	Acres
BVR-8	Grand	<p>A tract of land located in the NE1/4 of Section 19, Township 1 North, Range 80 West of the 6th P.M., known as YUST TRACT 1, as shown on the survey plat by Henry Broadhurst, Jr., Professional Land Surveyor 18974, dated June 9, 2002, deposited on January 24, 2006, in Grand County, Colorado, and being more particularly described as follows:</p> <p>Beginning at the North 1/16 corner between Sections 19 and 20 of said T1N, R80W, from which the ¼ corner between said Sections 19 and 20 bears S 02°09'33"W, a distance of 1326.35 feet (basis of bearing); thence S 02°09'33" W along the Section line between said Sections 19 and 20 for 892.00 feet to a point on the right bank of the Blue River;</p> <p>Thence S 02°09'33" W and continuing along said Section line for 79.14 feet to a point on the median line of said Blue River;</p> <p>Thence along said median line for the following courses:</p> <p>Thence N 55°01'17" W for 51.42 feet;</p> <p>Thence N 52°29'02" W for 53.67 feet;</p> <p>Thence N 47°54'29" W for 60.64 feet;</p> <p>Thence N 50°46'13" W for 27.23 feet;</p> <p>Thence N 55°38'44" W for 89.27 feet;</p> <p>Thence N 58°42'53" W for 32.37 feet;</p> <p>Thence N 61°03'45" W for 64.01 feet;</p> <p>Thence N 86°11'19" W for 31.56 feet;</p> <p>Thence N 80°11'20" W for 18.11 feet;</p> <p>Thence S 88°35'38" W for 53.11 feet;</p> <p>Thence S 86°16'54" W for 12.31 feet;</p> <p>Thence S 86°17'51" W for 55.38 feet;</p> <p>Thence S 81°31'47" W for 19.08 feet;</p> <p>Thence S 68°56'55" W for 69.26 feet;</p> <p>Thence S 44°48'54" W for 65.63 feet;</p> <p>Thence S 36°20'14" W for 23.15 feet;</p> <p>Thence S 32°59'38" W for 13.90 feet;</p> <p>Thence S 04°21'52" E for 11.71 feet;</p> <p>Thence S 08°07'16" E for 60.57 feet;</p> <p>Thence S 11°30'04" E for 8.95 feet;</p> <p>Thence S 10°36'06" E for 75.23 feet;</p> <p>Thence S 15°33'15" E for 43.01 feet;</p> <p>Thence S 08°12'53" E for 117.94 feet;</p> <p>Thence S 08°37'21" E for 109.00 feet;</p> <p>Thence S 02°51'09" E for 34.90 feet to a point on the east-west centerline of said Section 19;</p> <p>Thence N 88°38'12" West along said east-west centerline for 69.07 feet to a point on the right bank of said Blue River;</p> <p>Thence N 88°38'12" W and continuing along said east-west centerline for 731.69 feet to the center-east 1/16 corner of said Section 19 and being a standard U.S.B.L.M. aluminum pipe and cap;</p> <p>Thence N 88°42'37" W and continuing along said east-west centerline for 92.90 feet to a point on the right bank of said Blue River;</p>	67

Table 2. Legal Description of the Land Exchange Parcels to be Conveyed to Federal Ownership (cont.)

Parcel	County	Legal Description	Acres
BVR-8 (cont.)	Grand	<p>Thence N 88°42'37" W for 78.28 feet to a point on the median line of said Blue River;</p> <p>Thence along said median line for the following courses:</p> <p>Thence N 32°10'41" W for 68.93 feet;</p> <p>Thence N 32°52'28" W for 97.07 feet;</p> <p>Thence N 31°28'58" W for 55.68 feet;</p> <p>Thence N 35°31'14" W for 165.10 feet;</p> <p>Thence N 30°29'39" W for 146.44 feet;</p> <p>Thence N 28°11'39" W for 34.06 feet;</p> <p>Thence N 29°48'17" W for 105.79 feet;</p> <p>Thence N 43°12'58" W for 175.37 feet;</p> <p>Thence N 42°32'07" W for 48.87 feet;</p> <p>Thence N 24°23'45" W for 86.42 feet;</p> <p>Thence N 01°31'40" E for 34.73 feet;</p> <p>Thence N 02°02'17" W for 76.82 feet;</p> <p>Thence N 08°55'41" E for 71.50 feet;</p> <p>Thence N 15°33'21" E for 53.96 feet;</p> <p>Thence N 22°34'36" E for 61.79 feet;</p> <p>Thence N 25°26'34" E for 95.02 feet;</p> <p>Thence N 29°31'22" E for 38.94 feet;</p> <p>Thence N 34°32'47" E for 47.33 feet;</p> <p>Thence N 35°41'05" E for 58.18 feet;</p> <p>Thence N 39°38'35" E for 113.71 feet;</p> <p>Thence N 47°25'29" E for 86.48 feet;</p> <p>Thence N 55°19'51" E for 45.25 feet;</p> <p>Thence N 61°10'49" E for 68.71 feet;</p> <p>Thence N 64°31'39" E for 61.71 feet;</p> <p>Thence N 68°46'54" E for 49.00 feet;</p> <p>Thence N 73°53'06" E for 101.69 feet;</p> <p>Thence N 78°36'06" E for 162.35 feet;</p> <p>Thence N 81°01'47" E for 86.79 feet;</p> <p>Thence N 89°58'27" E for 79.51 feet;</p> <p>Thence N 87°39'42" E for 49.59 feet;</p> <p>Thence N 81°46'26" E for 44.06 feet;</p> <p>Thence N 75°21'48" E for 68.71 feet;</p> <p>Thence N 67°49'18" E for 30.91 feet;</p> <p>Thence N 65°48'11" E for 56.10 feet;</p> <p>Thence N 39°55'33" E for 25.46 feet;</p> <p>Thence N 35°46'58" E for 23.07 feet;</p> <p>Thence S 66°00'47" E for 77.98 feet to a point on the right bank of said Blue River;</p> <p>Thence S 66°00'47" E for 927.60 feet to a point on the section line between said Sections 19 and 20;</p> <p>Thence S 02°09'33" W along said section line for 32.67 feet to the point of beginning.</p> <p>Yust Tract 2:</p> <p>A tract of land located in the NW1/4SW1/4 of Section 20, Township 1 North, Range 80 West of the 6th P.M., and being described as follows:</p>	

Table 2. Legal Description of the Land Exchange Parcels to be Conveyed to Federal Ownership (cont.)

Parcel	County	Legal Description	Acres
BVR-8 (cont.)	Grand	<p>Commencing at the W1/4 corner of said Section 20, a standard U.S.B.L.M. pipe and brass cap, thence S 84°14'37" E for 1332.99 feet (basis of bearings) to the center-west 1/16 corner of said Section 20, a standard U.S.B.L.M. aluminum pipe and cap and the point of beginning for this description;</p> <p>Thence S 04°38'59" W for 630.97 feet to a U.S.B.L.M. Witness Point Marked "WP-3 S20" from which the SW 1/16 corner of said Section 20 bears S 04°52'14" W for 656.73 feet;</p> <p>Thence S 04°52'14" W for 50.28 feet to a point on the right bank of the Blue River;</p> <p>Thence S 04°52'14" W for 192.31 feet to a point on the median line of said Blue River; Thence along said median line for the following courses:</p> <p>Thence N 10°30'14" W for 9.03 feet;</p> <p>Thence N 13°33'20" W for 139.20 feet;</p> <p>Thence N 17°56'54" W for 56.56 feet;</p> <p>Thence N 11°46'10" W for 47.01 feet;</p> <p>Thence N 17°47'32" W for 46.49 feet;</p> <p>Thence N 30°38'47" W for 16.25 feet;</p> <p>Thence N 34°20'56" W for 128.13 feet;</p> <p>Thence N 34°05'57" W for 28.74 feet;</p> <p>Thence N 42°54'03" W for 68.63 feet;</p> <p>Thence N 44°40'13" W for 194.32 feet;</p> <p>Thence N 44°26'36" W for 73.95 feet;</p> <p>Thence N 40°55'51" W for 24.45 feet;</p> <p>Thence N 43°19'23" W for 72.17 feet;</p> <p>Thence N 21°53'05" W for 30.87 feet;</p> <p>Thence N 40°38'01" W for 39.32 feet;</p> <p>Thence N 50°11'55" W for 74.98 feet;</p> <p>Thence N 47°12'44" W for 65.44 feet;</p> <p>Thence N 56°02'32" W for 94.49 feet to a point on the east-west centerline of said Section 20;</p> <p>Thence S 84°14'37" E and leaving said median line for 116.96 feet along said east-west centerline to a point on the right bank of the Blue River;</p> <p>Thence S 84°14'37" E for 652.60 feet to the point of beginning.</p> <p>TO BE KNOWN AS THE FOLLOWING: YUST-BLUE VALLEY RANCH OUTRIGHT EXEMPTION, according to the plat recorded February 14, 2006 at Reception No. 2006-001504.</p>	
BVR-9	Summit	Township 2 South, Range 80 West, Sixth Principal Meridian Section 3, SE1/4NE1/4 and E1/2SE1/4	120
BVR-10	Summit	Township 2 South, Range 80 West, Sixth Principal Meridian Section 3, a metes and bounds description of a parcel to be created out of lot 3	15
Total – Non-Federal Parcels			1,830

Notes:

Parcel acreages are rounded to the nearest whole number. Numbers may not total due to rounding.

All other Federal and non-Federal lands initially considered for exchange and identified in the Notice of Exchange Proposal, published in June 2005 have been deleted from the proposal and will not be conveyed in this exchange.

DECISION

It is my decision to select the Proposed Action in the Final EIS (DOI/BLM/CO/PL-18/001) and to approve a land exchange between the Proponent (Galloway, Inc.) and the BLM pursuant to FLPMA. I have determined that the exchange of land will well serve the public interest (refer to the Selected Alternative Figure in this ROD for a map of the Proposed Action).

The Proponent will convey nine parcels of non-Federal lands (identified above) totaling 1,830 acres, subject to existing rights, to the United States. In order to exchange parcels of equal value, the Proponent has offered to donate a portion of BVR-2 totaling 165.3 acres plus a cash equalization check payable to the United States Treasury for \$5,000 to make up the difference in appraisal values. 43 U.S.C. § 1715 (a) authorizes agencies to acquire new public lands, “by purchase, exchange, donation, or eminent domain.” Approval of the exchange is premised on the fact that BVR will convey all of the offered non-federal lands. The BLM will convey nine parcels of Federal lands (also identified above) totaling 1,489 acres. Additionally, the Proposed Action includes conveyance of the surface and mineral estates of the Federal and non-Federal lands, subject to valid existing rights, to avoid creating split estates. BVR will convey water rights associated with BVR-1 and BVR-8 to the United States. The BLM will convey water rights on BLM-J to BVR. In addition, BVR will convey a perpetual, non-exclusive access easement across private land on BVR-7 to the United States. Administrative jurisdiction to approximately 300 acres of the non-Federal lands (southern half of BVR-2) will be transferred to the WRNF immediately upon closing of the exchange because it lies within the WRNF administrative boundary. The remainder of lands will be managed by the BLM KFO.

To facilitate the realization of certain opportunities for enhanced public recreation, BVR has proposed a number of Recreation Design Features, which are focused in the following four areas: the Confluence Recreation Area, the Green Mountain Recreation Area, the Spring Creek Bridge Area, and the Pump Station Rest Stop. I am specifically approving these Recreation Design Features because of the public benefits they will provide. Construction of the Recreation Design Features would occur once the exchange closes. Funding for the construction and future management of these features would be provided by BVR; however, future management of these features, once implemented, would be the responsibility of BLM in the case of the Confluence Recreation Area, the BLM in cooperation with the WRNF in the case of the Green Mountain Recreation Area, and BLM in conjunction with either an existing governmental entity or a not-for-profit entity in the case of the proposed Spring Creek Bridge Recreation Design Feature and the Pump Station Rest Stop (a perpetual easement located on private lands). The Confluence Recreation Area will include implementation of in-stream river and riparian habitat improvements, a new take-out for floaters, construction of wheelchair accessible and other fishing access points, and day-use recreational amenities like picnic benches and parking lots. The Green Mountain Recreation Area will include: the one-time maintenance of an existing road across BLM lands; construction of a parking lot, trailhead, and hiking trail (subject to Forest Service review); the development of fishing and pedestrian access easements across BVR property providing continuous fishing access from the existing BLM lands to the north to the National Forest System lands to the south; and a pedestrian-only access easement from the western boundary of BVR-10 along an existing BVR ranch road and continuing via a new trail to the high-water mark of the Blue River to provide an alternative route for anglers to reach the fishing easement from BVR-10. The Spring Creek Bridge Area will include the establishment of a permanent take-out and rest-stop with the right to re-entry for floaters with picnic tables, toilet facilities, informational signage, and parking improvements. The Pump Station Rest Stop will include the establishment of a permanent rest-stop with the right to tie up watercrafts, use of the rest-stop, and with the right to re-entry to the river for floaters with a seasonal toilet (portable restroom with enclosure), and informational signage (one sign).

To ensure that the Recreation Design Features would be implemented, the closing of the land exchange would be conditioned on certain measures specific to each Recreation Design Feature being in place. In general, the provision for construction and operation of the Recreation Design Features would be part of a binding exchange agreement, with the assured construction of the proposed improvements covered by a bond that BVR will have to provide; and funding for future management of the proposed improvements set aside in the nature of an endowment funded by BVR.

LAND TO BE ACQUIRED BY THE FOREST SERVICE

In accordance with FLPMA Sec. 206 (c) *Status of lands acquired upon exchange by Secretary of the Interior*, lands acquired by the Secretary by exchange under this section which are within the boundaries of any unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or any other system established by Act of Congress, or the boundaries of the California Desert Conservation Area, or the boundaries of any national conservation area or national recreation area established by Act of Congress, upon acceptance of title by the United States shall immediately be reserved for and become a part of the unit or area within which they are located, without further action by the Secretary, and shall thereafter be managed in accordance with all laws, rules, and regulations applicable to such unit or area. This applies to the approximately 300 acres of land in the southern half of BVR-2 that is within the WRNF administrative boundary as result of the exchange. Accordingly, this acquisition of land by the WRNF does not require specific analysis as the agency is only receiving, rather than exchanging land.³ The WRNF's specific role in contributing to the process and reviewing materials has been focused on resources and impacts associated with the Green Mountain area, the Lower Green Mountain Canyon, and consistency of the exchange with the 2002 Revision of the WRNF Land and Resource Management Plan (2002 Forest Plan).

DECISION RATIONALE AND MANAGEMENT CONSIDERATIONS

The decision to exchange 1,489 acres of Federal lands for 1,830 acres of non-Federal lands is consistent with FLPMA and the 2015 RMP. FLPMA authorizes the BLM to complete land exchanges and to acquire land when it determines the actions are in the public interest and consistent with applicable land use plans. I have determined that the actions are both of the above as outlined in the following sections.

The Proposed Action best meets the BLM's purpose and need for the federal action, as well as attains the Proponent's interests and objectives for the land exchange while protecting sensitive resources within the project area.

In consideration of the resource impacts identified in the Final EIS, it is my decision to select and approve the Proposed Action. Alternative 3 would not consolidate land ownership, resolve conflicts, nor improve recreational opportunities and public lands access in the area to the same degree that the Proposed Action would. Further, the No Action Alternative does not meet the purpose and need and will not consolidate land ownership, resolve conflicts, nor improve recreational opportunities and public lands access in the area.

RESPONSE TO BLM PURPOSE AND NEED

I believe the exchange will meet the objectives set forth in the 2015 RMP for wildlife, recreation, public access, and scenic values. Under the exchange 341 acres of land would be transferred to Federal management. Specifically, this will result in the acquisition of land that is valuable for wildlife habitat, recreation (including boating and hunting), access points to public lands, and provide additional scenic lands within the KFO planning area.

Furthermore, the exchange will consolidate the boundaries of Federal land (BLM and National Forest System) and Summit County Open Space Lands in the Lower Blue River Valley, between the north face of Green Mountain and the confluence of the Blue and Colorado rivers; an area north of Trough Road, along the Colorado River Headwaters Scenic Byway and within the Upper Colorado River Special Recreation Management Area; and parcels east of Kremmling adjacent to the Colorado River. This will reduce management costs on behalf of the BLM and the other governmental agencies as well as minimize and reduce conflict over public land access and private land trespass.

³ BLM, 1976 p. 689

The Proposed Action will also improve access to recreation opportunities and enhance those opportunities on public lands through consolidation of these public lands and the specific Recreation Design Features identified in the Final EIS.

MEETING THE APPLICANT'S INTERESTS AND OBJECTIVES

The Proposed Action would also satisfy the following objectives of BVR:

- Consolidate private land ownership patterns to minimize conflicts with users of public lands and reduce potential for trespassing; and
- Improve management on private lands by facilitating consistent management practices to be applied across ecosystems under common ownership.

Overall, the Proposed Action would support the mission of BVR for land preservation, wildlife conservation, and agricultural operations.

CONSIDERATION OF THE ISSUES RELEVANT TO BLM'S DECISION

In approving the Proposed Action, the BLM carefully considered the effects of the alternatives on the human environment and physical/biological resources. Based on the results of public scoping, the BLM identified and classified specific areas of concern as being either *issues* or *non-issues*. *Issues* may warrant the generation of an alternative, can be addressed by design criteria or mitigation, or generally require in-depth analysis and disclosure. *Non-issues* are beyond the scope of the proposed land exchange, are already decided by law, regulation or policy, or are not relevant to the decision. The relevant human environment issues included:

- Land and Realty
- Access and Traffic
- Recreation
- Social and Economic Resources
- Livestock Grazing Management
- Paleontological Resources

The relevant physical/biological resource issues included:

- Wildlife
- Vegetation
- Water Quality, Surface and Ground
- Wetlands and Riparian Habitats
- Floodplains

The evaluation of potential impacts to these resources and the human environment was integral to the selection and approval of the Proposed Action. This analysis can be found in Chapter 3 of the Final EIS. Resources that were determined to have no or negligible impacts are included in Appendix G of the Final EIS.

CONSIDERATION OF PUBLIC COMMENTS AND CONCERNS

For discussion on how the BLM addressed public comments and concerns, refer to Appendix L of the Final EIS.

The public was able to submit comments during two separate periods of the land exchange process: the scoping period and the Draft EIS period. The scoping period allowed the BLM to identify public concerns over issues, resources, and potential impacts that require detailed analysis. The BLM received approximately 68 comment letters, and extracted 104 substantive comments from these letters. Many public comments focused on land use and future management of the exchange parcels; impacts to recreation and the social and economic resources of the region; and impacts to wildlife and aquatic resources of the region. Other comment topics included requests for additional disclosure or alternatives in the NEPA process and described potential impacts to water, wetlands, and scenic resources. The BLM addressed comments submitted during this period by either performing analysis on an issue that was raised or by providing information that dismissed certain concerns in the Draft EIS.

The BLM used the Draft EIS comment period to solicit feedback on the published Draft EIS prior to the release of the Final EIS. The BLM addressed these comments by performing additional analysis and making clarifications in the Final EIS as suggested by commenters or in a response to the commenter, as provided in Appendix L – Response to Comments. The BLM received a total of 52 comment letters which contained 152 substantive comments. Commenters focused on whether the exchange would be in the public interest, how the exchange would impact recreation on the Blue River, the valuation process of the parcels, and recommended covenants, deed restrictions, and/or future management on certain parcels. Specific resource issues that the public focused on included wildlife, recreation, and water use and wetlands.

To address public comments that expressed concern around the loss of BLM-G and BLM-H and the opportunities these parcels provide to floaters of the Blue River, an easement for a 0.5-acre site on the east bank of the river, to provide a floater rest stop downstream of BLM-H (on BVR private lands), was added to the Proposed Action following the close of the Draft EIS comment period. This easement is referred to as the Pump Station Rest Stop and has been incorporated as a Recreation Design Feature to augment the rest stop benefits provided by the Spring Creek Bridge Take-Out and Rest Stop. The Pump Station Rest Stop was proposed to be located approximately 3.1 miles downstream of the Spring Creek Rest Stop and about 6.8 miles upstream of the Lower Blue River Take-Out near the confluence of the Blue and Colorado Rivers. The Pump Station Rest Stop and Spring Creek Bridge Take-Out and Rest Stop are intended to provide floaters desiring a rest stop with similar, if not more frequent rest stop opportunities, than the existing conditions, given the float times between rest stop opportunities. The Pump Station Rest Stop would provide a seasonal toilet and trash receptacle.

Comments received on the Draft EIS allowed the BLM to better understand public concerns, which resulted in the creation of Alternative 3 that was included in the Final EIS. Alternative 3 includes a reconfigured boundary for BLM--I to retain public riverfront access and associated walk-in fishing opportunities on this parcel. To equalize the land exchange without this portion of BLM-I, BVR-3 and BVR-4 are not included in Alternative 3. Additionally, Alternative 3 does not include donations from BVR of land or Recreation Design Features included in the Proposed Action.

Most recently, the BLM published a Notice of Availability in the *Federal Register* announcing the BLM had prepared a Final EIS for the proposed land exchange between the BLM and BVR. The notice informed the public that the BLM would issue a final decision on the proposal a minimum of 30 days after the date of Notice of Availability publication. The KFO received 43 comments during this 30-day period and has reviewed and considered all comments in preparing this final decision. A comment matrix describing how comments were addressed, by previous analysis or otherwise, is available in the project record. In response to certain public comments, an errata sheet has been included in this document as Appendix A to clarify text and mapping that was included in the Final EIS.

STATEMENT OF NO UNNECESSARY OR UNDUE DEGRADATION

Congress declared that it is the policy of the United States that the public lands be managed for multiple use and sustained yield, in a manner to protect certain land values, to provide food and habitat for species, and to provide

for outdoor recreation and human occupancy and use (43 U.S.C. § 1701(a)(7)(8)). Multiple use management means that public land resources are to be managed to best meet the present and future needs of the American public, balanced to take into consideration the long-term needs of future generations without permanent impairment of the lands (43 U.S.C. § 1702(c)). The BLM manages public land through land use planning, acquisition, and disposition, and through regulation of use, occupancy, and development of the public lands (Subchapters II and III, respectively, 43 U.S.C. §§ 1711-1722, and 1731-1748).

FLPMA specifically provides that in “managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands” (43 U.S.C. § 1732(b)). The process for siting and evaluating the proposed land exchange has involved extensive efforts on the part of the BLM and cooperating agencies, local governments, public commenters, and other organizations. This process identified a Proposed Action that accomplishes the BLM’s purpose and need while preventing any unnecessary or undue degradation of the lands.

Connected Actions

For discussion on the connected actions relevant to the Proposed Action, refer to Chapter 2, Section C of the Final EIS.

MITIGATION AND MONITORING

Federal regulations require that in reaching its decision an agency is to state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted and if not, why they were not (40 CFR § 1505.2(c)). Environmental harm under the Proposed Action is not anticipated; hence, means to avoid or minimize environmental harm are not necessary.

ALTERNATIVES

ALTERNATIVES CONSIDERED IN DETAIL

The BLM considered three alternatives in detail in the Final EIS: the No Action Alternative, the Proposed Action, and Alternative 3.

Alternative 1 – No Action Alternative

A No Action Alternative is analyzed alongside the Proposed Action (40 CFR § 1502.14(d)). By definition, the No Action Alternative represents a continuation of existing management practices without changes, additions, or upgrades to existing conditions. As a result, the No Action Alternative provides a baseline for comparing the effects of the Proposed Action (refer to the Selected Alternative Figure).

Under this alternative, the proposed land exchange would not occur and ownership and management of the Federal parcels would not change. The non-Federal parcels would remain in private ownership and would be used consistent with County zoning regulations. The Federal parcels would continue to provide for livestock grazing, wildlife habitat, recreation uses, and other multiple uses consistent with BLM policy.

Alternative 2 – Proposed Action

The Proposed Action is to complete a land exchange pursuant to the FLPMA. Refer to the previous description provided in this document and to the Final EIS (Chapter 2, Section B – Alternatives Considered in Detail) for an in-depth discussion of the Proposed Action.

Alternative 3

Alternative 3 is the same as the Proposed Action with the following exceptions. Alternative 3 includes a reconfigured boundary for BLM-I that would retain public access to the riverfront and associated walk-in fishing opportunities on this parcel. To equalize the land exchange without this portion of BLM-I, BVR-3 and BVR-4 are not included in Alternative 3. Additionally, Alternative 3 does not include donations from BVR of

land or Recreation Design Features included in the Proposed Action. Refer to the Final EIS (Chapter 2, Section B – Alternatives Considered in Detail) for an in-depth discussion of Alternative 3.

ALTERNATIVES CONSIDERED BUT NOT STUDIED IN DETAIL

Section 6.6.3 of BLM NEPA Handbook H-1790-1 (BLM 2008) provides that a suggested alternative to a proposed action may be considered but eliminated from detailed analysis if:

- It is ineffective (it would not respond to the BLM’s purpose and need).
- It is technically or economically infeasible.
- It is inconsistent with the basic policy objectives for the management of the area (such as not conforming to the BLM’s 2015 RMP or the WRNF’s 2002 Forest Plan).
- Its implementation is remote or speculative.
- It is substantially similar in design to an alternative that is analyzed.
- It would have substantially similar effects on an alternative that is analyzed.

The BLM and the public identified multiple alternatives during scoping and internal interdisciplinary meetings that the BLM eliminated from further analysis. The alternatives identified but eliminated include:

- Use of the Land and Water Conservation Fund to Meet BLM’s Purpose and Need for the Land Exchange
- Use of the Federal Land Transaction Facilitation Act
- Use of Alternative Methods Aside from a Land Exchange to Resolve Stated Conflicts
- Use of Conservation Easements on Federal Land to be Exchanged
- Inclusion of only BLM parcels that are solely of interest to BVR
- Alternate Exchange of BLM-D and BLM-E, and BVR-6
- Alternate Exchange of BVR-10
- Alternate Exchange Options of Parcels abutting Blue Valley Acres
- Alternate Recreation Design Features
- Potential Trails in the Green Mountain Area
- Future Management of Spring Creek Take-Out Area
- Alternate Exchange Options of River Frontage Parcels

For more details on each alternative, see Appendix E – Alternatives and Design Components Considered But Eliminated from Detailed Analysis of the Final EIS.

ENVIRONMENTALLY PREFERABLE ACTION ALTERNATIVE

The Council on Environmental Quality (CEQ) regulations require the ROD to identify one or more environmentally preferable alternative(s) (40 CFR § 1505.2(b)). The alternative route that results in the least impact on the natural, human, and cultural environment and best protects, preserves, and enhances historic, cultural, and natural resources is the environmentally preferable action alternative. *Environmentally preferable* relates to the human environment, which is interpreted comprehensively to include the natural and physical environment, and the relationship of people with that environment (40 CFR § 1508.14).

The Final EIS analyzed the resource value of each alternative as they relate to the human environment. Therefore, the pertinent questions for this Decision are: 1) do the alternatives differ substantially from each other in the way they affect Federal land resources; and 2) if so, which of the alternatives are deemed environmentally preferable?

The resource values that may be potentially impacted by the proposed land exchange are lands and realty, access and traffic, recreation, social and economic resources, livestock grazing management, paleontological resources, wildlife, vegetation, water quality (surface and ground), wetlands and riparian habitats, and floodplains.

For the following reasons, the Proposed Action was determined to be environmentally preferable:

- All the parcels included in the analysis are consistent with the disposal criteria outline in the 2015 RMP and the Proposed Action would enhance the manageability of the remaining BLM lands.
- The Proposed Action would enhance public access to BLM lands.
- The Proposed Action would benefit the recreation resource by improving access to public lands.
- The Proposed Action would positively contribute to local social and economic resources, through recreation, tourism, and visitation.
- The proposed land exchange is not likely to adversely affect paleontological resources on the BLM lands that would be transferred to BVR because there is a low probability that significant paleontological resources exist in the area and there is generally not development proposed in those areas with high potential for fossil yield.
- It is reasonably foreseeable that BVR would continue existing grazing practices on the acquired Federal Parcels, as would Skylark Ranch, while the BLM would evaluate which acquired non-Federal parcels should be grazed based on vegetation condition and compatibility with other land uses as per the RMP.
- The change in ownership associated with the Proposed Action would not have a significant effect on wildlife habitats or vegetation types, as the parcels entering federal ownership would be protected by BLM management and the acres removed from federal management would be managed in a similar manner to existing management practices.
- The Recreation Design Features, as part of the Proposed Action, would improve stream quality through in-stream developments.
- While the Proposed Action would result in a net loss in acres of wetlands under BLM management, these wetlands are protected by other national, state, and local laws that would prevent the deterioration of their condition.
- The Proposed Action would not result in discernable impacts to floodplains.

Overall, the Proposed Action has been identified as the Environmentally Preferable Action Alternative because it either improves the resource in question or is equivalent to Alternative 3 and the No Action Alternative in terms of impacts to the resource. For more detail on impacts to each specific resource, see Chapter 3 of the Final EIS.

COOPERATING AGENCIES

For a discussion on the cooperating agencies for the Blue Valley Ranch Land Exchange, see Chapter 1, Section F of the Final EIS.

PUBLIC INVOLVEMENT

The Notice of Exchange Proposal was originally released in June 2005 and work on an Environmental Assessment (EA), including public scoping, began. However, work on the exchange was suspended in 2006 pending completion of revisions to the KFO RMP, which was completed in July 2015 (the 2015 RMP).

Upon resumption of the exchange process, the KFO released a Notice of Intent to prepare an EIS in the *Federal Register* on April 19, 2016, initiating the scoping period that was open from April 19, 2016 to June 8, 2016.

During the scoping period, the BLM held two public meetings. The BLM hosted the first public meeting on May 23, 2016 at the Summit County Library in Silverthorne, Colorado and the second public meeting on May 24, 2016 at the Grand County Extension Office of the Fairground in Kremmling, Colorado. During the scoping

period, the KFO received 68 comment submittals. Of the 68 comment submittals received during the scoping process the vast majority were from residents of Grand and Summit counties. The BLM used scoping comments to inform the resource analysis that ultimately led to the preparation of a Draft EIS.

On May 11, 2018, the BLM published a Notice of Availability in the *Federal Register* announcing the BLM had prepared a Draft EIS for the proposed land exchange between the BLM and BVR and the opening of the 45-day comment period on this document. During the Draft EIS comment period, the BLM held two public open houses. The BLM held the first public meeting on June 4, 2018 at the Summit County Library in Silverthorne, Colorado and the second public meeting on June 6, 2018 at the Grand County Extension Office of the Fairgrounds in Kremmling, Colorado. The BLM received 52 comment letters and, from these letters; extracted 152 substantive comments. For more detail on the public involvement in the EIS process, refer to Chapter 1, Section H. To view the agency responses to the comments received on the Draft EIS refer to Appendix L of the Final EIS.

On July 2, 2021, the BLM published a Notice of Availability in the *Federal Register* announcing the BLM had prepared a Final EIS for the proposed land exchange between the BLM and BVR. The notice informed the public that the BLM would issue a final decision on the proposal a minimum of 30 days after the date of Notice of Availability publication. The KFO received 43 comments during this 30-day period and has reviewed and considered all comments in preparing this final decision. A comment matrix describing how comments were addressed, by previous analysis or otherwise, is available in the project record. In response to certain public comments, an errata sheet has been included in this document as Appendix A to clarify text and mapping that was included in the Final EIS.

PUBLIC INTEREST DETERMINATION

Ultimately, I have determined that the resource values of the current non-Federal lands are greater than the resource values of the Federal lands. The non-Federal lands provide more recreational opportunities and public benefits than the Federal lands, which are limited due to challenging access that results from existing land ownership patterns. In reaching this determination I have considered all public comments that have been submitted throughout this process. Many of your comments spoke to public interest directly and highlighted specific resources, opportunities, uses and private interests that may be affected by the selection of the Proposed Action.

Specifically, I acknowledge that the limited legal public access associated with BLM parcels A, F, G, H, I and J would be lost. Generally, the impacts associated with this loss of public access are expected to be minimal due to the limited access to these parcels in their existing state; however, certain members of the public will no longer be able to access specific opportunities and experiences they currently enjoy on these lands. While specific opportunities may be lost, I believe that the additional access and resource values on the current non-Federal lands are greater and will serve the interest of a broader public.

The exchange will result in public access to an additional 341 acres of land and will create additional recreation opportunities that will be realized through the proposed Recreation Design Features. Additionally, the public would gain additional access on previously inaccessible public lands suitable for recreation through the consolidation of land ownership boundaries. While the proposed Recreation Design Features would facilitate the realization of recreational opportunities on the non-Federal parcels, I would like to make it clear that these features are not critical to my determination of the land exchange being in the public interest and are not considered in the appraisals. In other words, with or without the proposed Recreation Design Features, the resource values of the non-Federal lands are still greater than the resource values of the Federal lands.

That being said, as a result of the proposed Recreation Design Features, beneficial effects for trail connections will occur, particularly as it relates to public lands in the Green Mountain area that will benefit from the construction of a short hiking/access trail on NFS lands providing access to the bank of the Blue River and additional easements that would provide increased public access in the area. As it relates to BLM-I, which currently has legal, motorized access to walk-in fishing opportunities on a stretch of the Blue River designated

as “Gold Medal” trout fishing, public access would be lost. My decision will result in BLM-I becoming private property, restricting any use by the general public other than floating through the 0.3-mile segment of the river that flows through the parcel when the flows support lawful access (i.e., rafts and other crafts do not touch the bottom of the river channel). Despite the change in ownership of this parcel, and others along the Blue River, float traffic is not anticipated to be impacted, as that is determined by flows of the Blue River, which are not impacted by the Proposed Action. Additionally, I believe the transfer of BVR-8 into federal ownership will reduce the loss of fishing access on BLM-I and have a positive impact on the existing Confluence Recreation Area and the adjoining Upper Colorado SRMA as a whole. Associated Recreation Design Features and donation of the 7-acre “Chevron Parcel” in this area will facilitate the realization of new recreation experiences and provide greater walk-in fishing opportunities in-terms of the amount of access when coupled with the fishing easement adjacent to BVR-10. Further, the Spring Creek Bridge take-out and rest stop, and the Pump Station rest stop would augment the opportunity to stop and get out of a watercraft that is currently experienced by floaters of the Blue River.

The Federal lands described in Table 1 are irregularly-shaped, difficult to manage, isolated, tracts with limited public access. In 1998 the BLM and Galloway, Inc. completed the Eagle Pass Ranch Land Exchange (COC 58589). That land exchange achieved the objectives of consolidating Federal and non-Federal lands for more effective management for both parties, enhancing public access along the Colorado River and the Blue River, and bringing several large tracts of big game winter range into federal ownership. The Proposed Action is a continuation of this consolidation of Federal and non-Federal lands and will: consolidate land ownership boundaries and reduce conflict; provide public access; protect and enhance wildlife habitat and species; and minimize public trespass on adjacent private lands.

Selection of the Proposed Action will support overall goals from the 2015 RMP to, “produce a diversity of quality recreational opportunities that support outdoor-oriented lifestyles and add to participants’ quality of life while, at the same time, contributing to the local economies.” By consolidating boundaries and providing additional recreation opportunities it is also anticipated that Use/User Conflict objectives will be met, “Achieve a minimum level of conflict between recreation participants to: 1) allow other resources and programs to achieve their RMP objectives; 2) curb illegal trespass and property damage; and 3) maintain a diversity of recreational activity participation.” Effectively, the KFO will be managing a slightly larger area of public land (an additional 41 acres, considering the transfer of approximately 300 acres in southern half of BVR-2 to the WRNF), with increased recreation opportunities; however, these lands will also be more consolidated/accessible and capable of accommodating increased demands for recreation in the KFO. Specifically, the BLM expects the exchange to enhance recreational opportunities for the public with improved access to public lands.

In addition, the exchange will result in a net gain of approximately 341 acres of habitat resources for the United States (BLM and Forest Service). There will be a net gain of mixed conifer forest, mixed conifer forest with aspen, aspen forest, sagebrush shrubland, barrenlands, grass dominated meadows, and irrigated agricultural meadows habitats. However, there will be a net loss in mountain shrubland, riparian habitat and wetland habitats under Federal management. Although there will be a reduction in some habitat types on BLM lands, this change will be minor as these parcels and their habitats represent only a small fraction of the entire lands managed by the KFO.

The Final EIS discusses the direct, indirect and cumulative impacts of the Proposed Action on a resource-by-resource basis. I have found the Final EIS and its supporting documents to be thorough, and believe that it appropriately addresses and responds to comments received during the various public involvement periods. Based on this analysis, as well as the supporting documentation in the Final EIS, the resource values and public objectives of the non-Federal lands are greater than the resource values and public objectives that the Federal land may serve if retained in Federal ownership.

The exchange will provide for improved management of the Federal and non-Federal parcels. As there is no development proposed on the Federal lands subsequent to the exchange, and use will largely resemble current land use practices. I am confident that the intended use of the conveyed Federal land will not significantly

conflict with established management objectives on adjacent Federal land. Based on the environmental analysis, I have determined that approval of the land exchange will well serve the public interest. As discussed in the EIS, implementation of the Proposed Action will protect public values and enhance recreation and access on both the Federal and non-Federal lands, overall. Public access and recreational opportunities gained through the BLM's acquisition of the non-Federal lands will be superior to the access and recreational values on the Federal lands.

EQUAL VALUE REQUIREMENTS

Appraisals of the federal and non-federal lands were prepared by Chandler Consulting and were directed, reviewed, and approved by the Office of Valuation Services. The parcels were valued at their highest and best value as of June 3, 2021, and the values for each individual parcel are presented in Table 3 (Federal lands) and Table 4 (non-Federal lands).

Table 3. Federal Lands Appraisal

Subject Parcel	Larger Parcel	Acres	Highest and Best Use Conclusion	Market Value Conclusion	Dollars per Acre
BLM-A, B & C	Sheephorn Mountain	530.36	Assemblage, agriculture, and/or recreation (no access)	\$530,000	(\$1,000/acre)
BLM-F	East of SH 9	80	Assemblage, agriculture, and/or recreation (no access)	\$80,000	(\$1,000/acre)
BLM-G & H	Blue River South	352	Assemblage, agriculture, and/or recreation (no access)	\$1,670,000	(\$4,750/acre)
BLM-I	Blue River North	396.94	Year-round homesites with agriculture and recreation	\$1,490,000	(\$3,750/acre)
BLM-J	Palmer Meadows	89.72	Year-round homesites with agriculture and recreation	\$335,000	(\$3,750/acre)
BLM-K	Blue Valley Acres	40	Assemblage, agriculture, and/or recreation (no access)	\$60,000	(\$1,500/acre)

Table 4. Non-Federal Lands Appraisal

Subject Parcel	Larger Parcel	Acres	Highest and Best Use Conclusion	Market Value Conclusion	Dollars per Acre
BVR-1	San Toy Mountain	656.58	Seasonal use homesites with agriculture/recreation	\$1,100,000	(\$1,675/acre)
BVR-2A & 10	Green Mountain	470.96	Year-round homesites with agriculture/recreation	\$1,295,140	(\$2,750/acre)
BVR-2B	Proposed Donation	165.3	Year-round homesites with agriculture/recreation	\$454,575	(\$2,750/acre)
BVR-3	SH 9 South	187.39	Year-round homesites with agriculture/recreation	\$515,000	(\$2,750/acre)
BVR-4	Haystack Mountain	160	Seasonal use homesites with agriculture/recreation	\$270,000	(\$1,675/acre)
BVR-5	North of 40 Exemption	2.05	Assemblage and/or agriculture (no residential use)	\$20,000	(deed restricted)
BVR-7	Trough Road Easement	0.54	Ingress/egress easement only along private roadway	Zero	(easement interest)
BVR-8	River Confluence	67.32	Year-round homesites with agriculture/recreation	\$640,000	(\$9,500/acre)
BVR-9	Summit County Option	120	Seasonal use homesites with agriculture/recreation	\$330,000	(\$2,750/acre)

The exchange parcels (nine non-Federal Parcels and nine Federal Parcels) have been appraised at their fair market value and as if they are available for sale on the open market. 43 CFR Part 2200 defines “market value” as:

“[T]he most probable price in cash, or terms equivalent to cash, that lands or interests in lands should bring in a competitive and open market under all conditions requisite to a fair sale, where the buyer and seller each acts prudently and knowledgeably, and the price is not affected by undue influence.”⁴

The Proposed Action meets the equal value requirements. Based upon appraisal reports reviewed and approved by the Office of Valuation Services for the Blue Valley Ranch Land Exchange, the value of the non-Federal lands exceeds the value of the Federal lands by \$460,000. In order to create an equal value land exchange, \$460,000 of non-Federal land value must be deleted from the exchange and instead conveyed to the United States via separate donation deed.

The June 3, 2021, supplemental appraisal report prepared by Kevin Chandler of Chandler Consulting, which was reviewed and approved by Michael Hastings, Office of Valuation Services, concludes a per acre value of \$2,750 for BVR-2A, BVR-2B, and BVR-10, which were combined for appraisal purposes to constitute one larger parcel. For the purposes of donation BVR-2 was split into two parcels, BVR-2A and BVR-2B. BVR-2A and BVR-10 will remain in the exchange; however, BVR-2B was separated out to facilitate donation. Thus, donation rather than exchange of the 165.3-acre BVR-2B, together with a cash equalization check payable to the United States Treasury for \$5,000, result in a donation of BVR land with a value of \$460,000 to the United States.

⁴ 43 CFR § 2200.0–5(h) to 2200.0–5(n)

With this reduction in non-Federal land within the exchange, and the resulting decrease in the value of the non-Federal parcels, the land exchange meets the equal value requirements. Excluding the donation of a portion of BVR-2, the BVR lands are valued at approximately \$4,165,000 and the BLM lands are valued at approximately \$4,165,000.

BLM's Land Exchange Handbook H-2200-1 states that appraisals generally only remain accurate for 6 to 12 months; however, the Interior Board of Land Appeals (IBLA) has upheld that the need to update appraisals is dependent on the type of property, location, and market conditions. Appraisals for exchanges "concerned the relative value of two sets of property rather than the absolute value of one or either property... it is not generally necessary to update appraisal reports concerning exchanges as often since market conditions affect properties similarly."⁵

IMPLEMENTATION PERIOD

Implementation of the Decision occurs only upon expiration of the 45-day protest period initiated by the publication of a Notice of Decision (43 CFR § 2201.7-1) and the resolution of any protests. The Notice of Decision will be published upon the BLM Director's approval to issue the decision.

AUTHORITY

FLPMA and the regulations at 43 CFR Part 2200 authorizes the BLM to complete exchanges of Federal lands for non-Federal lands where the BLM determines it to be in the public interest.

PROTEST PROCEDURE

There will be a 45-day protest period, starting on the date of the signing of the ROD and issuance of the Notice of Decision, where the public can submit protests against the Decision. If no protest is filed, the decision is final.

If a protest is filed, the decision is stayed until the resolution of the protest. Any action on a protest, such as the State Director dismissing it, is appealable to the IBLA. If the appellant files a request for stay, the decision is not in effect until IBLA rules on the stay request, or 45 days passes without a ruling from IBLA. In that case, the stay is denied and the decision is in effect and the BLM can proceed to closing in the absence of a stay during the pendency of an appeal.

Elijah Waters, District Manager
Northwest District, BLM Colorado

January 16, 2023
Date

⁵ *Colorado Wild Public Lands Inc.*, IBLA 2015-65

Selected Alternative Figure

Appendix A: Errata Sheet

This appendix reflects revisions made to the 2021 *Final Environmental Impact Statement for the Blue Valley Ranch Land Exchange* (2021 Final EIS) to clarify statements based on comments that were received during the 30-day review period that followed publication of the Notice of Availability in the Federal Register. New text is indicated by grey highlighting (e.g., new text), while deleted text is struck through (e.g., ~~deleted text~~).

2021 FINAL EIS – PAGE 45

An analysis of float times shows that under various flow regimes the proposed Spring Creek Bridge Take-Out and Rest Stop and BLM-G and BLM-H are approximately fifteen to ~~twenty~~ minutes away from one another.⁸⁴

2021 FINAL EIS – PAGE 121

As summarized in Table 3K-3 in Appendix A, the exchange would result in a net loss of approximately 0.03 acre of fens under BLM management. It is important to note that, USACE affords jurisdictional fen wetlands special protections and rigorous permitting is needed for activities that could impact these resources ~~classifies fens as “Resource Category 1” and that destruction and mitigation of fens is not allowed~~; therefore, even after transfer into private ownership, ~~there would be no~~ direct impact to fens, should they be determined to be jurisdictional, would be subject to permitting and appropriate mitigation as required in these subsequent processes.

2021 FINAL EIS – FIGURE 2, LEGEND NOTE

² The BLM-I configuration that was developed for Alternative 3 was based on the acreage needed to balance the exchange. Although a corner-to-corner connection between public lands is depicted at the scale of this figure, the analysis assumes the final configuration would provide walk-in public access to the Blue River.