

NOTICE OF DECISION
TO EXCHANGE LANDS IN WHEELER AND WASCO COUNTY, OREGON
BETWEEN THE BUREAU OF LAND MANAGEMENT
AND
H. KELLY AND ROSEMARY MCGREER
OR-65927

United States Department of the Interior, Bureau of Land Management, Prineville District Office, 3050 N.E. Third Street, Prineville, Oregon 97754.

Notice is hereby given that on January 8, 2016, Carol Benkosky, Bureau of Land Management (BLM) Prineville District Manager, issued a decision to approve a land exchange with H. Kelly and Rosemary McGreer (the McGreers) of Clarno, Oregon. The BLM completed all environmental analyses and appropriate documentation, appraisals, and other supporting studies. Based on these analyses, the BLM determined this land exchange to be in the public interest and in compliance with applicable law and regulations. The subject lands are within and adjacent to the Spring Basin Wilderness Area (SBWA) and along the middle segment of the John Day Wild and Scenic River (JDWSR). The Federal lands are on the west side of the river in Wasco County, and the McGreer lands are along the east bank of the river in Wheeler County.

The BLM determined that the Federal land, including both the surface and mineral estates, is suitable for disposal and the non-Federal land is suitable for acquisition pursuant to Section 206 of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1716), as amended, and Public Law 111-11, the Omnibus Public Land Management Act of 2009 (Omnibus Act). Title I, Subtitle J, of the Omnibus Act provided for a series of land exchanges, including the McGreer land exchange, as well as the designation of the SBWA.

Following the passage of the Omnibus Act, the McGreers submitted a land exchange proposal to the Prineville District Office offering 26.47 acres of non-Federal land for 344.31 acres of Federal land. The non-Federal land included two lots with frontage on the middle segment of the JDWSR. McGreer tax lot 700 contains 11.04 acres and tax lot 902 contains 15.43 acres.

The BLM coordinated with the Office of Valuation Services (OVS) to contract with an independent fee appraiser, as required by Section 1754(f)(2) of the Omnibus Act. Stillman & Associates, Inc., Carl N. Stillman, ARA, MAI, Oregon State Certification No. C000273, completed a market value appraisal of the Federal and non-Federal land.

The OVS administered the contract, prepared an Appraisal Review Report, and approved the values for agency use on January 11, 2012. The approved market value for the Federal land was \$95,000. The approved market value for the non-Federal land was \$120,000 and included an individual value of \$40,000 for tax lot 700 and \$80,000 for tax lot 902. A recent consultation with the OVS confirmed that the approved values remain valid.

Based on the approved values, the BLM and the McGreers agreed upon an equalization strategy that would meet both the requirements of Section 206(b) of the FLPMA and the intent of Subtitle J, Section 1754(b), of the Omnibus Act. The strategy divided the transaction into two separate

components, a land purchase and a land exchange. The intent was to allow for the equalization of values within regulatory limits. To support this approach, the McGreers offered to sell all right, title, and interest in tax lot 700 to the United States. The BLM purchased tax lot 700, as a separate transaction, for the approved market value of \$40,000 with funding from the Emergency account of the Land and Water Conservation Fund.

In this transaction, the BLM will exchange the Federal parcel, including the mineral estate and subject to reservations and exceptions of record, valued at \$95,000 for the McGreer tax lot 902 valued at \$80,000. This would include a cash equalization payment of \$15,000 from the McGreers to the United States, which is within the regulatory allowance of 25 percent of the value of the Federal lands.

The non-Federal land is comprised of 15.43 acres along the east bank of the Middle Segment of the JDWSR. The entire parcel lies within the JDWSR corridor and provides approximately 1,320 feet of river frontage with a public access point to the river from a county road.

The Federal parcel has no public access and is predominantly rangeland in character with approximately 15.7 irrigated acres. The Federal lands are included in the Spud (#2588) grazing allotment, leased to H. Kelly McGreer. Currently, the allotment contains 608 acres of Federal land. Following the exchange, 263.59 acres of Federal land would remain in the allotment.

The BLM considers this exchange to be in conformance with land use planning objectives in accordance with 43 CFR 2200.0-6(g). The land acquired by the exchange will automatically become public land as defined in 43 USC 1702. The BLM will manage the land in conformance with the John Day Basin RMP, approved April 2015.

LEGAL DESCRIPTION OF THE FEDERAL LAND

T. 8 S., R. 19 E., W.M. (Wasco County)

Section 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;200.00 acres

Section 9, Lots 5, 6, 9 and 10;144.31 acres

Total Federal Acres: 344.31 acres

Together with the following water rights included under Certificate numbers 53715, 65824, 83272, and 83294 that comprise 15.7 acres.

The United States would convey the Federal land subject to a reservation of ditches and canals pursuant to the Act of 1890 (43 U.S.C. 945) and the encumbrance listed below:

A perpetual right-of-way for an irrigation canal granted in 1964 to Arthur McGreer, serialized OR-015772, being 20 feet wide and affecting lots 9 and 10 of Section 9, T. 8 S., R. 19 E., W.M.

LEGAL DESCRIPTION OF THE NON-FEDERAL LAND

T. 8 S., R. 19 E., W.M. (Wheeler County)


Township 8 South, Range 19 East, Willamette Meridian, Section 10, Southeast 1/4 of the Northwest 1/4 lying South and East of the John Day River; excepting the County Road. Also known as: T8S R19E TL902.

Total Non-Federal Acres: 15.43

The BLM, Prineville District Office, conducted an environmental assessment (EA), DOI-BLM-ORWA-P000-2010-0021-EA, to analyze the environmental effects and document the findings for this land exchange in the Spring Basin area. The Finding of No Significant Impact/ Decision Record and information concerning each exchange is available from the Prineville District Office, 3050 N.E. Third Street, Prineville, Oregon 97754, or by contacting H. F. "Chip" Faver, Field Manager, at 541-416-6731, hfaver@blm.gov.

For a period of 45 days from the date of publication of this notice, interested parties may submit written protests to Carol Benkosky, Prineville District Manager, at the above address. Please be specific to a parcel or specific to which aspect of the decision causes concern. Facsimiles, telephone calls, and electronic mail are unacceptable means of submission. Before including an address, phone number, e-mail address, or other personal identifying information in your comment; you should be aware that the BLM may make your entire comment—including your personal identifying information—publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 8, 2016



Carol Benkosky
Prineville District Manager