

APPENDIX F LANDS AND REALTY

Section 101(a)(1) of FLPMA provides that Congress declares that it is the policy of the United States that... “the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest;...”

GENERAL INFORMATION PERTAINING TO LAND OWNERSHIP ADJUSTMENTS

LAND EXCHANGES

This type of real estate transaction is typically processed under the authority of FLPMA and involves the discretionary, voluntary exchange of lands or interest in lands between the Federal government and a non-Federal party. It is required that:

- the Federal and non-Federal lands involved be located in the same state
- the Federal and non-Federal lands be of equal value, or in certain circumstances, approximately equal in value
- exchanges be completed only after a finding that the public interest would be well served

In considering whether an exchange is in the public interest, consideration is given to the opportunity to:

- achieve better management of Federal lands
- meet the needs of state and local residents and their economies
- secure important objectives, including but not limited to, protection of fish and wildlife habitats, cultural resources, watersheds, wilderness and aesthetic values; enhancement of recreation opportunities and public access; consolidation of lands and/or interests in lands; consolidation of split estate; expansion of communities; accommodation of land use authorizations; promotion of multiple-use values; and fulfillment of public needs

In making the public interest determination, there needs to be a finding that:

- the resource values and the public objectives that the Federal lands 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, and

- the intended use of the conveyed Federal lands will not significantly conflict with established management objectives on adjacent Federal lands and Indian trust lands

LAND EXCHANGES VS. OTHER METHODS OF DISPOSAL/ ACQUISITION

To help assure the integrity of state and local tax bases, land exchange would be the first priority for both acquisition and for the conveyance into non-Federal ownership of those parcels identified for disposal, except under the following circumstances: 1) where there is a competitive market situation and multiple entities are interested in a parcel of land, land sale may be considered, or 2) where one of the following situations apply, a disposal method other than exchange may be considered: a) resolving inadvertent unauthorized use or occupancy b) providing for community expansion and development c) meeting obligations completing state selections, and d) creating facilities or service for public health, safety and welfare.

Note: Depending on the alternative, not all methods of disposal would be available. Refer to the *Lands and Realty* section of Chapter 2 for a description of the alternatives under “Land Ownership Adjustment”.

SALES

Sales of public lands are authorized under section 203 of FLPMA and made at not less than fair market value. Public lands determined suitable for sale are offered only on the initiative of the BLM. Such sales have to meet at least one of the following FLPMA sales criteria:

- Sec. 203(a)(1) – such tract because of its location or other characteristics is difficult and uneconomic to manage as part of the public lands, and is not suitable for management by another Federal department or agency; or
- Sec. 203(a)(2) – such tract was acquired for a specific purpose and the tract is no longer required for that or any other Federal purpose; or
- Sec. 203(a)(3) – disposal of such tract will serve important public objectives, including but not limited to, expansion of communities and economic development, which cannot be achieved prudently or feasibly on land other than public land and which outweigh other pub-

lic objectives and values, including, but not limited to, recreation and scenic values, which would be served by maintaining such tract in Federal ownership.

The preferred method of sale of public lands is by competitive bidding at public auction. However, modified competitive bidding may be used to protect on-going uses, to assure compatibility of the possible uses with adjacent lands, or to avoid dislocation of existing users. Direct sale may be used when the public lands offered for sale are completely surrounded by lands in one ownership with no public access, or where the lands are needed by state or local governments or non-profit corporations, or where necessary to protect existing equities in the lands or resolve inadvertent unauthorized use or occupancy.

CONVEYANCE OF FEDERALLY-OWNED MINERAL INTERESTS – SECTION 209(B), FLPMA

Section 209(b) of FLPMA provides for the conveyance of mineral interests owned by the United States where the surface is or will be in non-Federal ownership. There must be a finding that: 1) there are no known mineral values in the land, or 2) that the reservation of the mineral rights in the United States is interfering with or precluding appropriate non-mineral development of the land and that such development is a more beneficial use of the land than mineral development.

Such conveyance of mineral interests can only be made to the existing or proposed record owner of the surface upon payment of administrative costs and the fair market value of the interests being conveyed.

DIRECT PURCHASES

Direct purchases would be limited to cases where no practical alternatives exist and high public values would be obtained. Such actions would need to meet the acquisition criteria for the particular alternative being considered.

METHODS OF ACQUISITION

Acquisition of lands or interests in lands would be by such methods as exchange, purchase, donation, or public agency jurisdictional transfer.

METHODS OF DISPOSAL

Disposal methods to implement land ownership adjustment actions would vary by alternative, but in general would include the following: a) exchanges b) sales c) Recreation and Public Purposes Act conveyances d) airport grants e)

public agency jurisdictional transfers f) state grants g) agricultural entries h) Indian allotments

Mineral patents are not considered a land ownership adjustment for the purposes of this plan.

TRACTS IDENTIFIED FOR ACQUISITION UNDER ALTERNATIVE A (from Dillon MFP approved September 1979)

Tracts in the Centennial Mountains managed by State of Montana that would preserve and enhance unique resource values:

- T.14S, R.4W, Section 36 (640 acres)
- T.14S, R.2W, Section 36 (560 acres)
- T.14S, R.1W, Section 36 (600 acres)

Tract managed by State of Montana:

- T.15S, R.4W, Section 16

Tracts in the Big Sheep Creek Canyon area that would ensure quality fishing opportunities:

- T.13S, R.9W, Sections 29 and 30
- T.14S, R.10W, Sections 10, 15, 22, 27, 34, and 35
- T.15S, R.10W, Sections 2, 3, 9, 11, 15, 21, and 22

Tract in Everson Creek area that would provide for protection of prehistoric quarry area:

- T.11S, R.14W, Section 9, N1/2 of the NW1/4 (80 acres)

GENERAL ACQUISITION CRITERIA

Lands located in or adjacent to Category 1 will have priority for acquisition providing they meet one or more of the acquisition criteria listed below.

Exchange would be used as the preferred method of acquisition. Direct purchase would be limited to cases where no practical alternatives exist and high public values would be acquired.

Lands would be considered for acquisition if one or more of the following criteria is met and acquisition would:

- Facilitate access to public lands and resources
- Maintain or enhance the manageability of public lands and resources

- Maintain or enhance important public values and uses, especially
 - o Special Status Species plant, animal and fish habitats
 - o Significant cultural resources
 - o Significant recreational opportunities
 - o Traditional plant use areas or other properties important to Native Americans
 - Maintain or enhance local social and economic conditions
 - Facilitate implementation of other goals and objectives the RMP
- Avoid the following when considering acquisition proposals:
- Acquiring lands or interests in lands that present management problems that outweigh the expected benefits of such an acquisition, including but not limited to:
- presence of hazardous materials
 - abundance of noxious weeds
 - access situation is inadequate for managing the property for the purpose(s) for which it would be obtained, etc.
 - acquisition of small, isolated tracts

CATEGORY 3 DISPOSAL PARCELS IN ALTERNATIVES B and D

<u>Legal Description (Principal Meridian Montana)</u>			<u>Acreage</u>	
T. 1N., R. 3W.,	Section 32:	Lot 8	0.17	
		Lot 9	7.35	
		Lot 10	0.003	
		Lot 11	0.008	
		Lot 15	0.008	
		Lot 17	1.14	
T. 1S., R.1W.,	Section 7:	Lot 6	2.29	
	Section 17:	Lot 6	0.08	
	Section 18:	Lot 6	5.44	
		Lot 8	0.02	
	Lot 14	5.95		
	Lot 15	0.25		
	Lot 16	0.67		
	Lot 17	0.01		
	Lot 25	32.45		
	Lot 26	3.64		
T. 3S., R.1W.,	Section 3:	Lot 1	43.02	
		Lot 2	43.04	
	Section 6:	Lot 13	11.11	
		Lot 14	0.54	
		Lot 15	0.01	
	Section 7:	Lot 6	18.68	
		Lot 7	2.10	
			S1/2 SW1/4 NE1/4	20.00
			SE1/4 SE1/4 SW1/4 NW1/4	2.50
			NE1/4 SE1/4 SE1/4 NW1/4	2.50
		Section 10 & 11: Segregated Survey		57.48 (estimate)
		Section 11: Lot 1		39.85
	Section 18: Segregated Survey within Lot 8		1.21 (estimate)	

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	Section 25: NE1/4 SE1/4	40.00
	Section 31: 9.10 (GIS Computed)	
	That portion of the N1/2 bounded by the area within Patent #33168 and #24180 on the east, #24121 on the south, and #19127 and #38232 on the west.	
	Section 32: Lot 4	1.16
	Lot 5	1.21
	Lot 8	0.59
	Lot 10	0.02
	Lot 11	20.79
	Section 35: SW1/4 SW1/4	40.00
T. 4S., R.1W.,	Section 2: SW1/4 NE1/4 and NW1/4 SE1/4	80.00
T. 8S., R. 1W.,	Section 33:	121.38
	That portion of the NE1/4 excluding the area within Patent #374294 and #374295	
T. 9S., R.1W.,	Section 4: Lot 1	47.34
T. 2.S., R. 2W.,	Section 36: Lot 1	11.34
	Lot 2	22.44
	N1/2 N1/2 SE1/4	40.00
T. 3S., R. 2W.,	Sections 1, 2, 12 and 13:	238.26 (GIS Computed)
	All segregated surveys	
	Section 13: Lot 1	10.39
T.4S., R.2W.,	Section 10: Lot 2	17.74
	Lot 3	20.90
	Lot 4	10.78
	Lot 17	2.30
	S1/2 SW1/4 SE1/4	20.00
	Section 35: SE1/4 NW1/4	40.00
T. 5S., R. 2W.,	Section 18: S1/2 SE1/4	80.00
T.13S., R. 2W.,	Section 17: NE1/4 NE1/4	40.00
T. 2S., R. 3W.,	Section 14:	0.90 (GIS Computed)
	That portion of the NW1/4 bounded by the area within Patent #19133 on the north, #6802 on the east, and #40163 on the west.	
	Section 15: Lot 3	0.07
	Lot 4	0.28
	Lot 5	0.70
	Lot 6	0.21
	Lot 7	0.02
	Lot 9	0.56
	Lot 10	0.13
	That portion of the W1/2 bounded by the area within Patent #34359 on the northeast, #18505 on the northwest, #40223 on the southwest, and #33479 on the southeast.	
	Section 23: Lot 7	24.79
	That portion of the S1/2 bounded by the area within Patent #26937 on the north and south, and #879848 and #508907 on the east.	

T. 6S., R. 3W.,	Section 1:	S1/2 SW1/4	80.00
	Section 2:	Lot 2	41.30
	Section 7:	Lot 5	9.24
	Section 8:	Lot 1	21.87
		Lot 2 unpatented portion	13.55 (Estimate)
		NW1/4 NE1/4 SW1/4	10.00
	Section 13:	SW1/4 SW1/4	40.00
	Section 14:	S1/2 NE1/4	80.00
	Section 17:	SW1/4 NW1/4 NE1/4	10.00
	T. 4S., R. 4W.,	Section 19:	W1/2 NW1/4 SE1/4
Section 31:		SE1/4	160.00
T. 6S., R. 4W.,	Section 13:	S1/2 S1/4 NW1/4 NE1/4	10.00
	Section 14:	N1/2 SW1/4 NW1/4 NE1/4	5.00
		S1/2 S1/2 N1/2 NE1/4	20.00
		SE1/4 NE1/4	40.00
		SE1/4 SE1/4	40.00
Section 24:	W1/2 NW1/4	80.00	
T. 13S., R. 4W.,	Section 21:	SE1/4 SW1/4	40.00
T. 3S., R. 5W.,	Section 3:	Lot 14	0.06
T. 4S., R.5W.,	Section 13:	NW1/4 SE1/4	40.00
T. 7S., R.6W.,	Section 21:	Lot 21	0.06
		Lot 22	7.15
		Lot 23	1.69
		Lot 24	0.29
	Section 28:	Lot 7	3.61
T.9S., R.6W.,	Section 27:	SW1/4 SW1/4	40.00
T. 12S., R.6W.,	Section 4:	NW1/4 SE1/4	40.00
T. 13S, R.6W.,	Section 7:	NE1/4 SW1/4	40.00
T. 4S., R. 7W.,	Section 30:	SE1/4 SE1/4 SE1/4	10.00
	Section 32:	SW1/4 SW1/4	40.00
T. 6S., R.7W.,	Section 34:	NW1/4 NE1/4	40.00
T. 7S., R 7W.,	Section 2:	NE1/4 SE1/4	40.00
	Section 26:	SE1/4 SW1/4	40.00
	Section 27:	NW1/4 SE1/4	40.00
	Section 35:	NW1/4 NW1/4	40.00
	T. 8S., R.7W.,	Section 20:	SW1/4 SW1/4
T. 3S., R.8W.,	Section 6:	Lot 3	39.65
		Lot 4	32.74
		Lot 5	32.48
		SE1/4 NW1/4	40.00
	Section 19:	NE1/4 SW1/4 and NW1/4 SE1/4	80.00
	Section 30:	NE1/4 SW1/4	40.00
	T. 4S., R.8W.,	Section 2:	Lot 1
	Section 29:	SW1/4 NW1/4 NW1/4 and W1/2 SE1/4 SE1/4	30.00
T. 12S., R. 8W.,	Section 26:	NW1/4 NE1/4	40.00
	Section 35:	SE1/4 NE1/4	40.00
T. 14S., R. 8W.,	Section 9:	NW1/4 SE1/4	40.00

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T. 3S., R. 9W.,	Section 1:	Lot 3	39.39
		S1/2 N1/2	160.00
	Section 12:	E1/2 NE1/4 and NE1/4 SE1/4	120.00
T. 7S., R. 9W.,	Section 14:	Lot 4	37.30
	Section 17:	NE1/4 SW1/4	40.00
T. 9S., R. 9W.,	Section 21:	NW1/4 NE1/4	40.00
T. 12S., R. 9W.,	Section 34:	NE1/4 NE1/4	40.00
T. 14S., R. 9W.,	Section 25:	SE1/4 NW1/4	40.00
T. 6S., R. 10W.,	Section 29:	Lot 11	0.06
		Lot 12	0.02
	That portion of the SW1/4 bounded by the area within Patent # 47031 0.01 (Estimate) on the east, #10972 on the south, and #357006 on the west.		
	Section 30:	Lot 7	1.05
		Lot 11	0.11
		Lot 12	0.23
T. 9S., R. 10W.,	Section 20:	NE1/4 NW1/4	40.00
	Section 27:	W1/2 SW1/4	80.00
T. 10S., R. 10W.,	Section 23:	SW1/4 NE1/4	40.00
T. 14S., R. 10W.,	Section 10:	E1/2 SW1/4 SE1/4	20.00
T. 7S., R. 11W.,	Section 33:	Lot 2	0.13
T. 5S., R. 12W.,	Section 33:	Lot 1	17.55
		Lot 2	0.89
		Lot 3	0.15
T. 6S., R. 12W.,	Section 8:		1.8 (GIS computed)
	That portion of the NW1/4 bounded by the areas within Patent #876062 on the east, #1006928 on the north, and #259621 and #536141 on the west.		
T. 10S., R. 12W.,	Section 19:	Lot 1	38.37
	Section 31:	Lot 2	38.15
		Lot 3	38.42
T. 5S., R. 14W.,	Section 20:	SE1/4 NE1/4	40.00
	Section 32:	SE1/4 SW1/4	40.00
T. 9S., R. 14W.,	Section 1:	Lot 1	39.87
T. 10S., R. 14W.,	Section 4:	Lot 12	39.73
		Lot 13	11.22
T. 3S., R. 16W.,	Section 3:	NE1/4 NE1/4	40.00
T. 3S., R. 1E.,	Section 5:	Segregated survey bounded by lots 5 & 6	11.60 (GIS computed)
	Section 8:	3.10 (GIS computed)	
	Segregated survey bounded by Lots 14, 15, and the area within Patent #22932.		
		Lot 16	0.53
		Lot 18	40.63
T. 8S., R. 1E.,	Section 28:	N1/2 N1/4	160.00
T. 14S., R. 1E.,	Section 23:	NW1/4 NE1/4	40.00
T. 2S., R. 2E.,	Section 34:	Lot 2	0.36

