

**APPENDIX A**

**PROCESSING STEPS FOR  
LAND EXCHANGES INVOLVING COAL  
(43 CFR 2200)**

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**Processing Steps for Land Exchanges Involving Coal  
43 CFR 2200**

- 9 BLM and private landowners initiate exchange negotiations and discussions
- 9 BLM receives a formal exchange proposal
- 9 Analyze exchange proposal to determine if the public interest is served by the exchange proposal
- 9 Prepare draft Notice of Exchange Proposal (NOEP)
- 9 Review and approval of Draft NOEP by the Solicitor/Office of General Counsel\*, the National Exchange Team(s), the WO Peer Review, & the Assistant Director Review
- 9 Execute an Agreement to Initiate an Exchange (ATI). The ATI addresses the steps needed to process the specific exchange, including assignment of responsibilities, costs, and a proposed schedule
- 9 Serialize case file and segregate public lands involved in exchange
- 9 Hold EIS Scoping Meetings
- 9 Initiate Appraisal
- 9 Publish NOEP for 4 consecutive weeks in local newspaper(s)
- 9 Prepare Draft EIS
- 9 Notice of Availability of DEIS – Federal Register
- 9 Distribute DEIS (includes County Commissioners, State Clearinghouse, Governor, Congressional Delegation, Tribal Governments, and other agencies, and notifying permittees, lessees, and adjoining landowners)
- 9 Initiate Mineral Report on Federal land, and if necessary, on private land \*\*
- 9 Prepare Hazardous Material report on all lands
- 9 Seek SHPO concurrence on exchange action
- 9 Prepare T&E Species Report and initiate any necessary consultation \*\*\*
- 9 Analyze public and interagency comments and revise DEIS as appropriate
- 9 Prepare FEIS
- 9 Interagency Review of draft FEIS (Including all BLM offices and USFS)
- 9 Finalize FEIS
- 9 Prepare notices, letters, and distribution list
- 9 Submit NOA and Public Meeting Notice for WO Review
- 9 Issue, print and mail FEIS; publish BLM/USFS\* Notices and & Press Releases
- 9 EPA Notice of Availability – Federal Register
- 9 BLM Notice of Availability – Federal Register

## Appendix A

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- 9 Hold Public Interest Meeting
- 9 Finalize Appraisal and have independent review appraisals completed
- 9 Evaluate comments received at the public interest meeting
- 9 Complete public interest determination, and prepare draft ROD
- 9 Submit draft ROD, NOA and Issue Paper to Solicitor/General Counsel\* for review and concurrence
- 9 Submit draft ROD, NOA, and Issue Paper for review and concurrence by the BLM/USFS\* National Exchange Teams, Washington Office Peer Reviews
- 9 BLM Director approves the exchange. The Forest Service will also need to approve the exchange if they are involved
- 9 For all exchanges involving coal, the draft ROD is submitted to the Department of Justice for an anti-trust review. (This happens concurrently during the internal review of the draft ROD.)
- 9 Sign ROD
- 9 Publish ROD Notice of Availability - Federal Register
- 9 Distribute ROD
- 9 Allows 45 day protest period for Exchange Decision after the date on which the ROD was published. (This period accommodates both the timeframes provided by regulations at 43 CFR 2201.7-1(b), and by The National Environmental Policy Act Handbook (BLM 1988)
- 9 Provide a right of appeal from a protest decision in accordance with procedures at 43 CFR Part 4
- 9 Prepare Certificates of Inspection and Possession for the private lands. (Utilize BLM and USFS\* forms as appropriate)
- 9 Prepare draft deed(s) to non-Federal land; draft patent; and draft escrow instructions
- 9 Request Preliminary Title Opinion from Solicitor and Office of General Counsel\* on Deeds and Preliminary Title Commitment
- 9 Prepare Supplemental Certificate of Inspection and Possession for the private lands. (Utilize BLM and USFS\* forms as appropriate)
- 9 Deliver executed patent and escrow instructions to closing company. Proceed with closing
- 9 Send recorded deed(s) and title policy to Solicitor/Office of General Counsel\* for Final Title Opinion(s). (Title to the Federal and Non-Federal land is transferred upon recordation of the documents in the County Clerk's or other local recorder's office.)
- 9 Note Records; update LR 2000; and close case

\* These steps are followed if the USFS is a party to the exchange.

\*\* Analyzed during EIS process – BLM will only convey the coal underlying private surface. Almost all of the remaining mineral estate is privately owned, with low potential for development.

\*\*\* T&E Species consultation is being conducted as part of the EIS process.