

# State Indemnity Selections

September 2013

## ***CURRENT STATUS***

On July 2, 2013, the Bureau of Land Management in Colorado published a Notice of Proposed Classification of Public Lands/Minerals for State Indemnity Selection in the *Federal Register* for 23,807 acres of lands and minerals managed by the BLM. The comment period closed on Sept. 3, 2013. The next step will be for the BLM to issue a Notice of Classification. The Notice of Classification affords a 30-day period for exercise of supervisory authority by the Secretary of the Interior for administrative review. The final step will be to classify the land and convey the appropriate acreage to satisfy the BLM's debt to the state.

## ***QUESTION & ANSWERS***

### **What does the notice announce?**

The notice is simply to announce what lands are being considered for transfer to the state. The announcement does not convey the lands. Western States have dealt with "in lieu" selections/issues since their respective statehood acts. In lieu is a term used where statehood acts, principally in the West, authorized a state to receive title to certain sections within a surveyed township. In some cases, those specified sections had been included in an Indian Reservation, National Forest or other appropriation before the state's title could be issued. This meant that the state could select equal amounts of land in lieu (instead of) the "lost" sections.

The federal government still owes the State of Colorado the remaining balance equal to the value of approximately 9,000 acres of public lands, which the state did not receive under its statehood act of 1875 (Township Survey Sections 16 and 36).

The notice proposes to classify 23,807 acres of BLM-administered public lands and approximately 6,350 acres of federal mineral estate underlying State of Colorado surface estate. The state may then make a selection from these classified lands to recoup the land they did not receive when statehood was granted.

### **Where are the 23,807 acres located?**

The requested in lieu public lands/minerals of interest to the state are located in 18 Colorado counties and are intermingled with, or nearby, state-owned lands. Those counties include: Chaffee, Custer, Dolores, Eagle, El Paso, Garfield, Grand, Huerfano, Jackson, Kiowa, Moffat, Ouray, Park, Prowers, Pueblo, Routt, San Miguel and Weld. Most of the lands/minerals of interest are small acreage parcels identified as suitable for transfer of title out of Federal ownership in current BLM Resource Management Plans.

### **What happens to the lands the state selects?**

Once the state makes its selection, the BLM will be required to conduct site specific planning before any conveyances are granted. The BLM will also conduct Environmental Site Assessment (Hazmat), cultural resource, and Threatened and Endangered Species examinations as required by the National Environmental Policy Act (NEPA).



Most of the lands of interest are in grazing leases or permits, and permittees would have an opportunity to continue grazing under state authorization. Some of the lands are in existing oil and gas leases. If the title is transferred to the state, the lands will continue to be subject to rights-of-way for roads, pipelines, power lines, communication sites or similar uses authorized by the United States.

**Why is the BLM issuing the notice now?**

The BLM and the Colorado State Land Board have worked to reduce the acreage owed to the state for many years but never completely satisfied the debt. Recent conversations with the state indicated their interest in completing the selection process. Most states are dealing with similar situations. In some cases, the states and the BLM have already settled their debt. In other cases, the state has yet to pursue selecting those acres still owed. The BLM, through its land use planning, has identified parcels of public land that are suitable for conveyance. Much of the lands identified by the state are intermingled with or nearby state lands, which the state can manage more effectively.