APPENDIX A

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

Processing Steps for Land Exchanges Involving Coal
43 CFR 2200

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

- Hold Public Interest Meeting
- Finalize Appraisal and have independent review appraisals completed
- Evaluate comments received at the public interest meeting
- Complete public interest determination, and prepare draft ROD
- Submit draft ROD, NOA and Issue Paper to Solicitor/General Counsel* for review and concurrence
- Submit draft ROD, NOA, and Issue Paper for review and concurrence by the BLM/USFS* National Exchange Teams, Washington Office Peer Reviews
- BLM Director approves the exchange. The Forest Service will also need to approve the exchange if they are involved
- 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.)
- Sign ROD
- Publish ROD Notice of Availability - Federal Register
- Distribute ROD
- 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)
- Provide a right of appeal from a protest decision in accordance with procedures at 43 CFR Part 4
- Prepare Certificates of Inspection and Possession for the private lands. (Utilize BLM and USFS* forms as appropriate)
- Prepare draft deed(s) to non-Federal land; draft patent; and draft escrow instructions
- Request Preliminary Title Opinion from Solicitor and Office of General Counsel* on Deeds and Preliminary Title Commitment
- Prepare Supplemental Certificate of Inspection and Possession for the private lands. (Utilize BLM and USFS* forms as appropriate)
- Deliver executed patent and escrow instructions to closing company. Proceed with closing
- 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.)
- 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.