

APPENDIX A

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

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

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

Appendix A

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