PRINCIPLES GOVERNING EXCHANGES OF FEDERAL LANDS FOR NON-FEDERAL LANDS WITH PARTIES OTHER THAN THE CALIFORNIA STATE LANDS COMMISSION

I. INTRODUCTION

This Annex describes the principles by which the Bureau of Land Management (BLM) and the National Park Service (NPS) will manage requests by non-Federal parties (other than the California State Lands Commission) to exchange non-Federal lands within wilderness areas and park system units designated by the California Desert Protection Act of 1994 (CDPA).

The CDPA, Section 702, directs the Secretary of the Interior to give priority to consolidating Federal ownership within wilderness areas and park system units designated by the CDPA when preparing land tenure adjustment decisions within the California Desert Conservation Area of the BLM.

Also, the CDPA, Section 707, directs the Secretary of the Interior to enter into negotiations with the California State Lands Commission for an agreement to exchange Federal lands for State lands within the boundaries of the wilderness areas and park system units. Section 707(c) requires that prior to disposing any Federal lands within the State of California, the State Lands Commission must be given notice of such disposal. On October 26, 1995, the State Lands Commission signed an agreement to complete land exchanges consistent with Section 707 of the CDPA.

Under general and specific legislative authority, the Secretary of the Interior may dispose of Federal lands in exchange for non-Federal lands within wilderness areas or park system units. Such exchanges, depending on the particulars, may be conducted under the authorities provided by Section 206 of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended by the Federal Land Exchange Facilitation Act of 1988 (FLEFA) [43 U.S.C. 1716], and/or the Land and Water Conservation Fund Act (16 U.S.C. 460l-22(b)).

II. PRINCIPLES

1. The planning processes of both the BLM and the NPS will identify priorities for land acquisitions within wilderness areas and park system units. When priorities are identified, a proposal for an exchange of Federal lands for non-Federal lands by a party (other than the State Lands Commission) will be weighed against the priorities established through planning.

2. If the planning processes that identify land acquisition priorities are not complete, an exchange of Federal lands for non-Federal lands may be consummated if the exchange proposal justifies action (e.g. imminent danger of development in a wilderness area, offered non-Federal lands have high resource value, or there is a substantial hardship for the landowner).

3. In addition to Federal laws that govern land exchanges, any exchange with a non-Federal party other than the State Lands Commission must conform to Section 707(c) of the CDPA. That section requires that the State Lands Commission be given notice of any proposed disposal of Federal land, and allowed up to six months to notify the Secretary if it wishes to enter into an exchange for such lands. The Department may exchange the Federal lands prior to the end of the six month notification period if the Commission notifies the Secretary that it does not wish to gain title to the Federal lands proposed for exchange.

4. If a private party proposes to exchange non-Federal land in a park system unit for public lands administered by the BLM, the NPS will be the lead agency in responding to the party proposing the exchange. Such an exchange may be carried out only with the mutual consent of both the NPS and the BLM. If both agencies agree to the exchange, the NPS will be responsible for processing the exchange. The BLM will be responsible for issuing conveyance documents for the Federal lands.

5. Processing costs for all exchanges will be funded equally by the exchange proponent and the agency receiving the non-Federal land. The NPS may provide funds to the BLM for costs in issuing patents and record keeping associated with disposal of Federal lands in exchange for non-Federal lands within park system units.

6. Pursuant to Section 704 of the CDPA, lands acquired by exchange within wilderness areas shall become part of the wilderness area within which they are located and shall be managed in accordance with all the provisions of the CDPA and other applicable laws.

7. Pursuant to Section 206(c) of the FLPMA, as amended by Section 3(c) of the FLEFA, lands acquired by exchange within park system units shall become part of the park system unit within which they are located and shall be managed in accordance with all the provisions of the CDPA and other applicable laws.

8. An exchange of NPS-administered lands in a park for nonfederal lands within that park will be managed solely by the NPS under 16 U.S.C. 460l-22(b) using NPS land exchange guidelines.

SIGNATURES

Molly S. Brady
Manager, California Desert District — 7/17/96 DATE

Manager, Yuma District — DATE

Superintendent, Mojave National Preserve — 7/17/96 DATE

Superintendent, Death Valley National Park — 7/17/96 DATE

Superintendent, Joshua Tree National Park — 7/17/96 DATE

Alan O'Neill
Superintendent, Lake Mead National Rec. Area — 7/17/96 DATE

Diane K. Noble
for State Supervisor, U.S. Fish & Wildlife Service Region One — 7/17/96 DATE

Lower Colorado River Complex Manager, USF&WS Region Two — DATE

Area Manager, Ridgecrest Resource Area — 7/17/96 DATE

Area Manager, Barstow Resource Area — 7-17-96 DATE

Area Manager, Needles Resource Area — 7-17-96 DATE

Area Manager, Palm Springs/South-Coast Resource Area — 7-17-96 DATE

Area Manager, El Centro Resource Area — 7-17-96 DATE