School of Security and Global Studies
Public Administration

The thesis for the Master’s degree submitted by
Darren T. Blagburn

under the title

A COMPREHENSIVE ANALYSIS TO DEFINE LAND MANAGEMENT STATUTORY
REQUIREMENTS USING A STATE PROPOSED LAND EXCHANGE

has been read by the undersigned. It is hereby recommended for acceptance by the faculty with credit to the amount of 3 semester hours.

_____________________________ (Date) Dec 22, 2014
Christi Scott Bartman
Christi Scott Bartman, MPA, JD, PhD
Associate Professor
American Public University System

Recommended for approval on behalf of the program

_____________________________ (Date) Dec 22, 2014
Christi Scott Bartman

Recommended on behalf of the program director

_____________________________ (Date) __________________________

Approved by academic dean
A COMPREHENSIVE ANALYSIS TO DEFINE LAND MANAGEMENT STATUATORY REQUIREMENTS USING A STATE PROPOSED LAND EXCHANGE

Submitted to the Faculty

of

American Public University

by

Darren T. Blagburn

In Partial Fulfillment of the

Requirements for the Degree

of

Master of Public Administration

December 2014

American Public University

Charlestown, WV
The author hereby grants the American Public University System the right to display these contents for educational purposes.

The author assumes total responsibility for meeting the requirements set by United States copyright law for the inclusion of any materials that are not the author’s creation or in the public domain.

© Copyright 2014 by Darren Thomas Blagburn

All rights reserved.
DEDICATION

I dedicate this paper to my family and friends whom have shared in my successes and challenges.
ACKNOWLEDGEMENTS

I want to thank Dr. Christi Bartman, a teacher in the truest sense of which both Socrates and Wilson would approve.
ABSTRACT OF THESIS

A COMPREHENSIVE ANALYSIS TO DEFINE LAND MANAGEMENT STATUTORY REQUIREMENTS USING A STATE PROPOSED LAND EXCHANGE

by

Darren T. Blagburn

American Public University, December 21, 2014

Charlestown, West Virginia

Dr. Christi Bartman, Thesis Professor

This case study established and measured a variety of Federal and State criteria to determine the likelihood of the State of Idaho’s proposed land exchange occurring within the Morley Nelson Snake River Birds of Prey Conservation Area. Seven criteria found in the Bureau of Land Management’s (BLM) Land Exchange Handbook served as the data collection framework while the supporting units of analysis came from government reports, policy, and scholarly articles. Using a mixed methodology, the researcher conducted in-person interviews with federal and state employees and collected data from multiple agencies’ official documents.

The result of the study was to determine if the proposed exchange achieved the two federal statutory requirements. It then compared the proposed exchange’s results against those found in an existing feasibility study to validate the units of analysis. Lastly, the study compared the results against State’s specified objectives to conclude if the exchange achieved those objectives.

The State of Idaho’s proposed land exchange will fulfill both statutory requirements. Additionally, the State’s objectives will remain intact. Overall, the results of the research
support conducting the State’s proposed exchange because it meets the intent of the law by accomplishing the federal statutory requirements, and it attains the state objectives.
Table of Contents

I. Introduction .................................................................................................................................. 11
   Background .................................................................................................................................. 12
      The history of federal land management .................................................................................. 12
      The birds of prey and U.S. Army tanks coexist on public lands. .......................................... 14
      The Lepidium (slickspot peppergrass) factor ......................................................................... 17
      Focusing on the land exchange process .................................................................................. 18

II. Literature Review ....................................................................................................................... 20
   The Two Statutory Requirements .............................................................................................. 20
   Defining Factors that Support the Public’s Interest ................................................................. 22
   Taking Environmental Factors into Consideration ................................................................. 23
   Consolidating Land Management ............................................................................................. 25
   How Economics Plays a Role ..................................................................................................... 26
   Equal Land Value ....................................................................................................................... 28

III. Theoretical Framework ............................................................................................................. 30

III. Methodology .............................................................................................................................. 35
   Defining Public Interest and Land Value .................................................................................... 36
      Public interest .......................................................................................................................... 36
      Land value ............................................................................................................................... 36
   Measuring the Public Interest and Land Value ......................................................................... 37
   Comparing the Proposed Land Exchange Against an Approved Exchange ........................... 38
   Validating/Refuting the State of Idaho’s Assumptions ............................................................. 39
   Challenges and Shortfalls ........................................................................................................... 39
Results.................................................................................................................................................40

Measuring Public Interest and Land Value for the Proposed Land Exchange ..........40

Federal land management. .................................................................................................40
Enhancement of the State’s and local economies............................................................43
Recreation and public access. .............................................................................................51
Efficient management and development of natural resources. ........................................52
Land use priorities: renewable energy................................................................................53
Fulfillment of public needs. ...............................................................................................53
Land value ........................................................................................................................55

Measuring Public Interest and Land Value for the Owyhee Land Exchange ..........56

Federal land management. ...............................................................................................57
Conservation measures.......................................................................................................59
Recreation and public access. .............................................................................................60
Efficient management and development of natural resources ..........................................60
Land use priorities: renewable energy................................................................................60
Fulfillment of public needs. ...............................................................................................60
Land Value ........................................................................................................................62

Discussion ...........................................................................................................................................62

Achieving Public Interest ....................................................................................................62

Equitable Land Value ...........................................................................................................69

Comparison between the Newly Proposed and the Owyhee Land Exchanges ............69

Meeting the State’s Objectives ..........................................................................................71

Conclusion ..........................................................................................................................................72
List of Tables

A1. Public Interest Criteria ................................................................. 79
B1. Land Value Criteria ................................................................. 80
C1. Federal Land Management ......................................................... 81
C2. Enhancement of the State’s and Local Economies .......................... 82
C3. Conservation Measures .......................................................... 82
C4. Recreation and Public Access ..................................................... 82
C5. Efficient Management and Development of Natural Resources ....... 82
C6. Land Use Priorities ................................................................. 83
C7. Fulfillment of Public Needs ....................................................... 83
C8. Overall FLPMA Criteria Score ................................................... 84
D1. Value of Resource on Land ....................................................... 85
D2. Current Fair Market Value ....................................................... 85
D3. Potential Land Use Value ......................................................... 85
D4. Land Value Decision ............................................................... 86
E1. Comparison of Proposed/Owyhee Land Exchange Feasibility Assessment .......... 87
F1. Comparisons of Proposed/Owyhee Land Exchange Land Value Data .......... 95
G1. State of Idaho Validation/Refutation of Proposed Land Exchange .............. 96
List of Figures

1. Percent of Federally Owned Acreage, by State........................................98
3. Morley Nelson Snake River Birds of Prey Conservation Area Management Areas........100
4. Orchard Combat Training Center with the IDARNG’s input of the management levels.....101
5. Proposed land exchange between the BLM and State of Idaho..........................102
6. Critical habitat for Lepidium in southwestern Idaho.....................................103
7. Elmore County PILT 2014 calculation using the DOI data.................................104
8. Ada County 2014 PILT calculation using the DOI data....................................105
9. Ada County PILT calculation using the DOI data with the proposed land exchange’s additional acreage..........................................................106
10. BLM potential Lepidium habitat.................................................................107
11. BLM Lepidium (slickspot peppergrass) defining criteria of potential habitat .......108
12. Potential Access Restricted Sites...............................................................109
13. Owyhee County PILT payments...............................................................110
Introduction

Prairie falcons soar on the wind currents dozens of feet above the floor of the high-mountain desert of southwestern Idaho in search of ground squirrels, snakes, and mice who hide under sagebrush and in grasses. As with most days, today the birds of prey share their hunting area with four 60-ton M1A2 Abrams tanks maneuvering tactically across the desert floor hunting their own set of targets. While a common sight, the State of Idaho has proposed a land-exchange that could limit future contact between these two hunters, but that proposed exchange could be as elusive to the State as the mice are to the birds of prey.

This study will determine if the land exchange between the State of Idaho and Bureau of Land Management (BLM) meets the feasibility assessment requirements as outlined in federal regulations and policies. Specifically, it identifies the potential criteria and units of assessment required to accomplish the feasibility assessment in the exchange process. The BLM may deny the proposal for the exchange if the proposal falls short of meeting the statutory requirements outlined by Federal and State laws and the managing agencies’ policies. Additionally, the study will compare the data collected for the proposed exchange with the criteria found in an approved BLM feasibility assessment from an existing exchange to validate its ability to move forward. With the data collected, it will also determine if the exchange meets the State’s original purpose and intent for conducting the exchange. Collection of data will take place through personal interviews with Federal, State, and Local Government employees and agencies’ official documents.

This introduction provides the reader with an understanding of how federal land-management practices have created problems throughout the West. It explains why Idaho is proposing the land exchange with the BLM. It also discusses the origins of the land exchange
process and examines the feasibility assessment requirements and that step’s importance in the process.

**Background**

**The history of federal land management.**

The Constitution of the United States and the American belief in manifest destiny are the foundations that supported the nation becoming a world leader (Minster, 2014, para. 9). Westward expansion allowed the country to increase exponentially in size and prosper through the absorption of the West’s vast open spaces and natural resources. Unknowingly, those in public service who wrote the legislation divvying up the West created a land-management system that resulted in dysfunction; a dysfunction that still exists between federal, state, and private landowners (Stengel, 2001, pp.567-568).

The right of the Federal Government to manage land began when the Founding Fathers created the U.S. Constitution. Article IV, § 3, Clause 2 gives the Congress the “power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States....” This allowance provided the newly formed Federal Government the ability to pay its wartime debts and use proceeds from acquiring and selling land as a means to establish a government. The first acquisition and disposal took place west of the Appalachian Mountains. The land management philosophical divide began in the 1790s when “Westerners” felt the government should develop the land while the “Easterners” felt it was “national public property” (Hardy Vincent, 2004, p.11). President Thomas Jefferson’s Louisiana Purchase gave Congress the ability to expand west of the Mississippi River. Additionally, winning Texas from Mexico in 1835, the Oregon Compromise in 1846, and the purchase of Alaska in 1867, fueled the politicians’ efforts to own all of the land from the Atlantic to the
Pacific Oceans. From 1781 to 1867, the United States grew from 233.5 million acres to 1.808 billion acres at a cost of $85 million (U.S. Department of the Interior, U.S. Bureau of Land Management (BLM): Public, 2014, p. 3).

Throughout most of the 19th century, the Federal Government’s focus remained on land-disposal. To settle the west, Congress created legislation like The Homestead and the Pacific Railway Acts of 1862 (Paul, 2006, p.109). Congress granted homesteaders 591 million acres of land while the railroads received 131.5 million acres (BLM: Public, 2014, p.5). These land management Acts and others, in addition to “checkerboard land grants”, fragmented land ownership throughout the West (Paul, p.109). By the end of the 1800s, the result became swaths of private and state land holdings separating federal tracts from one another. These divisions created what scholars call the “patchwork” effect (Stengel, 2001, p.568). Congress believed they were acting within the best interests of the country and properly managing the land but later realized that they had created a land management problem (Paul, p.109).

At about the same time, Congress also recognized that it needed to change its land-management philosophy from “disposal” of federal holdings to the “retention” of them. Precious natural resources like the forests in Louisiana and other states disappeared, so Congress believed it was its duty to start managing the land’s renewable resources. In 1872, Congress passed the first legislation supporting conservation measure and the right of public access when it established Yellowstone National Park, the first national park in the United States. For almost 100 years, Congress focused its attention on resource management through the creation of the National Forests and Parks programs and expanded the Department of the Interior. In the late 1960’s, the Federal Government again shifted its land-management philosophy. This time the
Today, the U.S. government manages approximately 610 million acres. Most of those holdings remain in the western U.S. and Alaska (Figure 1). Congress manages public lands using four federal agencies and an overarching law called “The Federal Land Policy and Management Act of 1976” (FLPMA). The Act provides guidance to the agencies about acquiring, disposing of, and exchanging public lands. The most preferred of the three management tools that agencies use to consolidate and support the public’s interests is the land exchange process (Stengel, 2001, p.568). Within the BLM’s *Land Exchange Handbook*, it states that above all it prefers to conduct land exchanges with the states (BLM, 2005, p.1-8).

**The birds of prey and U.S. Army tanks coexist on public lands.**

Researchers recognized in the 1970s that sheer-cliff canyons cut by the Snake River serve as the home to one of the largest concentration of birds of prey in the world (C. Baun, personal communication, September 12, 2014). Some 24 species of falcons, hawks, owls, and eagles use the desert adjacent to the river as hunting grounds, making it part of the birds’ vital ecosystem (BLM: Morley, 2014, 19). The sagebrush stands provide shade and protection for snakes, ground squirrels, and other vermin that serve as food for the birds (para.4). In 1971, Congress established the Snake River Birds of Prey Natural Area, but even with the new status, the BLM made few changes to the public use allowances (16 USC § 460iii-5).

The U.S. Fish and Wildlife Service (USFWS) supported the creation of the 594,000-acre Snake River Birds of Prey Conservation Area in 1993 (Figure 2); in 2009, Congress renamed it the Morley Nelson Snake River Birds of Prey Area Conservation Area (from this point forward referred to as BPCA) (BLM: Morley, 2014, para.1). The Federal Government manages the
BPCA, even though multiple landowners exist within it. In addition to the 486,000 acres of public land, 39,000 acres is state land, private residents own 65,000 acres, and the Department of Defense manages 10,000 acres (para.10). Additionally, based on the health of the habitat, BLM prioritizes the land’s resources by categorizing the tracts (BLM, n.d., p.3). The BLM categorizes “management area 1” and “management area 2” as critical habitat within the conservation area while the Agency considers “management area 3” in poor condition and the lowest priority (Figure 3). All three of the management areas exist within the BPCA (Idaho Army National Guard (IDARNG), 2014, p.15).

Since 1953, the Idaho Army National Guard (IDARNG) has utilized approximately 143,300 acres of the desert as a maneuver area and gunnery ranges for soldiers and their heavy equipment, i.e. tanks and self-propelled artillery (Figure 4) (Baun, 2014, p.4). For thirty years, without regard for the birds’ habitat, soldiers in tracked vehicles maneuvered across the desert floor chewing up the ground, vegetation, and anything else in the way. Through the decades, maneuver warfare progressed but so did the rise of environmental consciousness for the area.

In the 1980s, a decade before Congress created the BPCA, the IDARNG recognized that if it did not protect the indigenous vegetation and change its management of the training area, the BLM would restrict or eliminate the Guard’s use of the land. The IDARNG created its own conservation program to protect existing and restore destroyed sagebrush stands as well as mitigate future impacts to the desert floor and protected plants like Lepidium, also known as slickspot peppergrass. When Congress created the boundaries for the BPCA, its borders completely encompassed the IDARNG’s Orchard Combat Training Center. Had the IDARNG not already established a solid partnership with the BLM and created a conservation and restoration management program, the organization would have lost access to the training area.
Instead, the IDARNG’s environmental program has won numerous national awards, and the once barren land is now lush with sage, resurrecting it into a healthy habitat for the birds of prey (C. Baun, personal communication, September 12, 2014).

The IDARNG’s success has resulted in an unforeseen conundrum. The thriving sage stands are expanding exponentially throughout the training area, which is jeopardizing the IDARNG’s continued use of heavy tracked and wheeled vehicles in the new growth areas. The new growth could cause the BLM to place stringent land use restrictions on the military, which concerns the IDARNG leadership (C. Baun, personal communication, September 12, 2014). Looking at alternatives to save the soldiers’ ability to maneuver large formations of combat vehicles, the IDARNG developed the State’s proposal for a land exchange with the BLM (Figure 5) (IDARNG, 2014, p.16).

The State believes the proposed exchange could benefit the Federal and State Governments in multiple ways. It would assist BLM’s efforts to protect raptor habitat by consolidating a large amount of federal land within the conservation area. The State’s proposal would exchange priority 1 and 2 tracts for the BLM’s priority 3 tracts. The exchange would allow the IDARNG to relocate its heavy maneuver training to an area with little potential for resurgence. The new maneuver area gives the Guard enough space to train realistically without the prospect of damaging critical raptor habitat (IDARNG, 2014, p.12-16). Finally, the State gains a potential revenue source through the anticipated land-use development on the newly acquired state land (Espey, 2001, p.98). While the exchange appears equitable and simplistic to complete, uncertainty exists until the BLM completes a feasibility assessment.
The Lepidium (slickspot peppergrass) factor.

Lepidium papilliferum is a “biennially” growing endemic plant that lives for two years, but dies after flowering once and dropping a seed. A BLM report stated,

The aboveground plants represent only a small portion of the population, most of which is present in the soil seed bank because only a fraction of seeds germinate in a given year. Although a slickspot may not contain aboveground plants in a given year, they may contain viable slickspot peppergrass seeds. It grows in microsites called ‘slickspots’ in the desert of southwestern Idaho hence how it got its nickname slickspot peppergrass (USFWS, 2013, pp.57-58).

The USFWS listed the species as threatened in 2009 under the Endangered Species Act (74 FR 52014-52064, October 8th 2009, p. 52014) and the agency is currently proposing its status as endangered with the final decision pending until May 2015 (Federal Register, 2014, paras. 1-3). The BLM manages the species and its potential habitat as if the USFWS has already classified as endangered. Within the OCTC, IDARNG manages a number of these slickspot sites to ensure they remain protected from military operations. The proposed land exchange has a located within it a sizeable area considered potential habitat by the BLM and it will affect the agency’s position on the land exchange (Figure 6) (U.S. Fish and Wildlife Service (USFWS), 2014, p.1).

The IDARNG Environmental Office currently works with the BLM and the USFWS to monitor and protect Lepidium under the guidance of the Sikes Act. The Sikes Act is a law that requires Department of Defense (DOD) agencies to establish partnerships with federal agencies to ensure a balance occurs between the needs of the endangered and protected species and the military’s required use of the land for training. The DOD element will “develop and implement integrated Natural Resource Management Plans (INRMPs).” The DOD reviews these plans internally on an annual basis and every five years with the USFWS. Modifications will take
place as needed to ensure the protection of species (US Fish and Wildlife Service (USFWS): The Sikes, 2013, paras. 1-3).

**Focusing on the land exchange process.**

Both the FLPMA and the BLM *Land Exchange Handbook* provide guidance to the Agency. The FLPMA discusses in only three pages how land exchanges take place while the BLM’s *Land Exchange Handbook* uses 180 pages to detail the process. According to Paul (2006), before considering the exchange, the agency must address two FLPMA mandates:

1. The exchange will serve the best interests of the public
2. The land parcels will equate in value or equalization measures will occur (pp.115-116).

Conducting a land exchange is a four-phase process. The first phase is for the originating individual or organization to generate a proposal. The second phase, and what could arguably be the most important, is BLM’s creation of a feasibility assessment. The BLM’s leadership uses this report to decide if the proposal moves forward. According to BLM’s policy, the feasibility assessment examines land-use plans to verify that the exchange supports the BLM’s and the rest of the Federal Government’s best interests and those of the public. The agency conducts an evaluation of the proposal to identify any barriers that could derail the process. Next, the BLM evaluates the cost share, identifies if other federal agencies would benefit from the exchange, verifies disclosure of land valuation, identifies proof-of-ownership of the land by the non-Federal entity, and proposes staffing requirements to complete the process. Finally, the feasibility assessment identifies a proposed timeline for the exchange (BLM, 2005, p.2-6).

Beyond the feasibility assessment, the BLM’s *Land Exchange Handbook* (2005) identifies the last two steps: the processing and the decision phases. The processing phase
includes conducting an Environmental Site Assessment; a land appraisal by the Department of
the Interior’s (DOI) Appraisal Services Directorate; a review of legal issues like cultural sites
and water rights; and a 45-day public comment period. The decision phase consists of
publishing a Notice of Decision (pp. 6-1, 6-2, 7-1, 9-4, 5-5).

Although Chapter 13 details State and BLM exchange requirements, there are only minor
differences from the non-Federal entity process (13-1). Using the feasibility study, the problem
exists that the Federal Government agencies involved in the land-management process may deny
the proposed exchange if it fails to meet the stringent requirements outlined by Federal and State
laws and any additional agency policies. In some cases, the organization proposing the exchange
may not know all of the requirements because the federal agency does not make them transparent
to the originator (Ruple & Keiter, 2014, p.9).

Multiple studies have examined the land exchange process and its evolution since the
establishment of the FLPMA. Those studies focus exclusively on the BLM’s shortcomings over
the last 40-plus years like financing issues, the centralized appraisal process, and the results of
the Federal Government’s investigations of different offenses (Espey, 2001; Stengel, 2001; Paul,
2006; Ruple & Keiter, 2014). While the researchers have provided a comprehensive
understanding of the overall program, gaps in the research remain. One of those gaps includes a
comprehensive understanding of the requirements within the feasibility assessment.

Past studies have not thoroughly analyzed the process by collecting the data necessary to
complete a land exchange feasibility assessment and then evaluate the data against a similar,
already approved assessment. While the basic requirements are clear, the complexity of the task
is far from simple. The lack of research and evaluation of the feasibility assessment fails to
provide individuals or organizations proposing a land exchange with BLM, with a
comprehensive understanding of the FLPMA’s requirements, which is the critical step within the overall process.

The purpose of this case study is to examine the likelihood of the State of Idaho’s proposed land exchange occurring by identifying and measuring the requirements associated with the BLM’s feasibility assessment, the BLM’s regional office, and the State statutes. At this stage in the evolution of the federal land-management program, the exchange process is unpredictable because of the Federal and State Governments’ funding structures, the appraisal system, and the potential implementation of local policies by the BLM state offices.

**Literature Review**

Long before Congress passed the FLPMA, researchers published articles discussing how 150 years of federal legislation and policies had shaped land management in the U.S. After the FLPMA, they focused their efforts on topics like the law’s statutory requirements, acquisitions, and means of disposal, i.e. the land exchange program. While their efforts to examine the laws, agencies’ policies, and the processes within both are comprehensive, there remain areas where research is lacking. This literature review explains how criteria found in past scholarly articles can help answer the FLPMA’s two statutory requirements and influence the BLM’s decision when creating the feasibility assessment to support Idaho’s proposed land exchange.

**The Two Statutory Requirements**

The first area of interest within this literature review illustrates how the two statutory requirements, as outlined in the FLPMA, became part of the law. As outlined previously in the introduction the statutory requirements are: (1) the exchange will support the public’s interest and (2) the lands exchanging hands must equate in value or the owner of the less-valued land will pay the difference in cash, not to exceed 25%, (FLMPA, pp.11-12). Authors like Espey,
Paul, Stengel, and others document within their studies how past federal land-management laws created the two statutory requirements, and they showed how they continued to shape the current FLPMA land exchange process.

During the late 1800s, Congress had begun establishing national forests and was dealing with a checkerboard effect that caused some serious problems. As Espey (2001) explains, the Weeks Exchange Act of 1911 and the General Exchange Act of 1922 were the first effective laws to use land exchange as a government land-management option. These two Acts, though specific in nature, allowed the Forest Service to exchange federal land with private owners if their land’s boundaries fell within a national forest. The Forest Service used the exchanges to resolve public and private land-use discrepancies and consolidate federal holdings to manage resources and plan more effectively (p.94; Stengel, 2001, p.568). This consolidation of federal land served the Government’s best interests, thereby supporting the first statutory requirement.

In addition, in regards to the first statutory requirement, Paul (2006) and Espey (2001) both describe how the Weeks and the General Exchange Acts became the basis for another law, the Grazing Act of 1934, which solidified the exchange program (p.12; p.94). Congress created the 1936 Amendment to the Grazing Act to reduce the checkerboard effect and eliminate land-management issues caused by the sale of federal land to private landowners who were creating grazing districts (Panagia, 2009, p.15; Stengel, 2001, p.571). The Grazing Service, later renamed the BLM, administered the Grazing Act’s provisions to conduct land exchanges that served the public’s interest (Paul, p.12; Espey, p.94).

When it comes to the second statutory requirement, Paul points out that the General Exchange Act was also the first land-management law to require federal agencies to base proposed land exchanges on the assessed value of the land instead of simply concentrating on the
number of acres (p.12). Land value became the basis of the second statutory requirement. Paul says that the Grazing Act also required equal value or compensation, and it was the first time Congress placed both statutory requirements in the same law (2006, p.12).

**Defining Factors that Support the Public’s Interest**

Authors have analyzed with varying degrees of clarity a definition of what the Federal Government should do to meet the requirements of supporting the “public’s interest” when exploring the possibilities of a land exchange. Over the last 150 years, the definition of public interest has shifted from simple land consolidation practices to the current FLPMA definition that includes conservation and public access. Espey (2001) utilizes the FLPMA’s definition of public interest,

(1) the opportunity to achieve better management of Federal lands and resources to meet the needs of State and local residents and their economics, and (2) to secure important objectives, including but not limited to: (a) protection of fish and wildlife habitats, cultural resources, watersheds, and wilderness and aesthetic values; (b) enhancement of recreation opportunities and public access; (c) consolidation of lands and/or interests in lands, such as mineral and timber interests, for more logical and efficient management and development; (d) consolidation of split estates; (e) expansion of communities; (f) accommodation of existing or planned land use authorizations; (g) promotion of multiple-use venues; (h) and fulfillment of public needs” (p. 96).

While Espey finds the FLPMA definition of public interest sound, Paul and Panagia find it inadequate. Paul believes that when an agency wishes to conduct a land exchange, the FLPMA gives too much latitude to the agency to define and determine public interest and that a judicial review should take place to validate the proposal because the evidence is too subjective and vague. He states that the agency should provide “substantial evidence,” meaning court defined parameters, before proceeding (p.121).
Paul’s solution is to have the Supreme Court define the criteria that support public interest, because it is his belief that agencies will use the path of least resistance to move forward. He explains that the Supreme Court will not hear these kinds of cases or define these parameters because they believe the current parameters the agencies have in place work. The only method of creating a legal definition of “public interest” is by Congress asking the Supreme Court for legal parameters (2006, p.121). Paul’s point is, without a set of legitimate standards the process is purely subjective and may do just the opposite of serving the public’s best interest.

Panagia makes the statement that in land exchanges, private interests primarily those of private developers have outweighed the public’s interest. He supports Paul’s point that the courts need to provide a “legal recognition of the ideology” to delineate the difference between public and private interests. Without this definition, agencies will continue to deal with competing interests (2009, p.17). To define the public interest, this portion of the review focuses on land management, environmental factors, and the role economics play.

**Taking Environmental Factors into Consideration**

When discussing land exchanges and the environment, the topic can quickly become a political hot potato. When President Bill Clinton tried to incorporate land exchanges into his policies by consolidating public lands for protection purposes, a backlash occurred by pro-development supporters. The pro-development supporters believed the focus should be away from habitat protection and toward more traditional private land development purposes like resource utilization (Panagia, 2009, p.16).

Ruple and Keiter (2014) state, “[The] time and effort required to document consideration of all the factors reflected in applicable regulations” makes it complicated to define the public interest (p.8). Factors like compliance with the Endangered Species Act may serve to increase
support for the argument while angering others. There are many environmental reasons that the Federal Government may use to support a land exchange including the ability to consolidate federal land within a conservation area (pp.8-9). Two arguments support the research required to identify the environmental factors involved in land exchanges.

Although the requirements for a formal Environmental Impact Statement (EIS) or Environmental Assessment (EA) happen in the execution phase, Stengel (2002) explains that the exchange must meet the requirements identified in the National Environmental Protection Act (NEPA) early in the exchange process. The agency must show that the exchange will not have “significant effect on the human environment” and she believes this requirement makes the process more “accountable to the public” (2002, p.577). Both the BLM and the non-Federal landowner should have an idea of the potential results of the environmental studies while developing the feasibility assessment.

Ruple and Keiter explain how fragmentation of land ownership in Utah is threatening ecological and environmentally sensitive areas throughout the state. The development on trust lands by private entities could fragment wilderness and other protected areas by negatively affecting lands that support endangered species. Fragmentation could reduce “habitat connectivity of large mammals that disperse over large geographic areas” and eliminate “new ecological connections among conservation areas to facilitate fish, wildlife, and plant migration, range shifts, and other transitions caused by climate change” (p.6).

The second factor that plays a part in the exchange or disposal of federal land is the potential of transferring chemically contaminated land to a non-federal entity and making the new landowner responsible for restoring it. Before Congress created the Comprehensive Environmental Response, Compensation, and Liability Act of (CERCLA) in 1980, also known
as Superfund, some federal agencies severely contaminated public lands. Then knowingly, agencies exchanged those contaminated lands with private and state landowners making the environmental problem the new owners’ responsibility. By siding with commercial organizations who exploit resources like mining, grazing, and timber development, Seymour states, this caused critics to claim that federal agencies too often failed to protect environmentally sensitive land and its associated resources.

The Act requires federal agencies to complete pre-transfer obligations like a comprehensive environmental site survey of the land to ensure agencies do not transfer contamination problems to non-federal entities. If the assessment identifies environmental contamination it requires the agency responsible for the land to remove contaminates from the site (2002, pp.179). Over the years, most agencies have identified contaminated sites, but some sites may still exist and remain unknown until a land-disposal process begins.

**Consolidating Land Management**

A 1987 GAO report stated that in 1981, the Department of Agriculture’s Assistant Secretary for Natural Resources and Environment testified in front of a Senate committee on Energy and Natural Resources on the use of land exchanges. Based on the budget shortfalls, he said that land exchanges could “reduce its (the U.S. Forest Service) inefficient, fragmented, or scattered land ownership patterns...to promote more efficient management of lands and resources” (p.10). The Federal Government used this hearing as the catalyst to kick off the consolidation of federal land holdings in order to reduce the checkerboard/patchwork effect.

According to the Western Governors’ Association, reduction of the checkerboard effect is a priority for the West’s leaders. The Governors wrote in the 2013 Policy Resolution 13-01, that the “‘checkerboard’ land ownership pattern prevailing in much of the West is a major
hindrance to effective and ecologically sound management of both federal and state lands” (2013, p.1). Their official policy position is to “improve management of both federal and state lands in areas where there is checker-boarded ownership or state lands are completely captive within the boundaries of a federal management area” (p.2)

Along the same lines and using Utah as their example, Ruple and Keiter agree with the Western Governors’ line of thinking. The researchers explain how Utah struggles with land management when 42 percent of the State’s lands fall within federal regional management areas and wilderness areas, with little consensus between private, state, and federal managers on land use priorities. Another problem the researchers describe is the size of the tracts. For the State to develop on its own smaller tracts, it would require the use of adjoining federal (p.5). Either the State conducts an exchange for the surrounding land or it does not develop the land.

**How Economics Plays a Role**

Espey concentrates on one particular area when discussing the public interest. That area is the affect that federal landownership has on rural counties in Nevada. Like Idaho, the Federal Government manages a large portion of Utah’s lands. To offset the loss of local governments’ property taxes, the Federal Government uses a program called payment-in-lieu of taxes (PILT). Since counties cannot develop federal lands, the Federal Government compensates the local governments.

Agencies base the distribution of PILT funds on two options: the county’s population or the number of acres. If the county population is below 50k residents, the DOI pays the county based on its population. If the county’s population is over 50k, the DOI pays the local government according to the number of acres of public land within the jurisdiction. Espey explains that even though communities receive funds, development would increase the tax base
and the amount of revenue. Since all but four of Nevada’s counties fall under the 50k threshold, the counties are possibly losing taxable income. She argues that economically, the philosophy of holding onto federal lands and the use of the PILT program do not favor the rural public’s interest (2001, pp.98-99).

Simon and Dobra’s (2003) study had similar findings as Espey. They identified that the PILT program uses a “flat rate”, unresponsive payment system, which does not equate necessarily to current land values. That means, in some cases local governments are providing tax dollars for services at a higher rate than the funds they receive from the Federal Government (p.285). This expenditure could serve to support local officials in their desire to encourage exchanges if they see an opportunity to recoup costs of services by generating tax-related payments from developers. However, in other communities the PILT may be the only potential source of income the local government will receive and a necessity in order to accomplish other local government programs (p.285).

One important point Simon and Dobra make is, “Roughly half of the Nevada counties actually gain more revenue from PILT than they would have if federal lands were privatized ‘bare’ lands” (p.287). These arguments will become even more evident when discussing the second statutory requirement land value because, besides resale value, another federal appraisal criterion focuses on potential land uses and how that affects the sale price. The PILT program may or may not play a role in the Idaho land exchange because both counties involved in the proposed exchange fall into both categories.

Ruple and Keiter explain some of the consequences of federal land management on land development, which equates to increasing the tax base for local governments. Besides the land use issues associated with the “checkerboard” effect, they also discuss how the state is
economically fragmented. The authors explain that the Utah School and Institutional Trust Lands Administration (SITLA), Utah’s organization responsible for managing the state trust lands, “is obligated to optimize revenue from these lands to support public schools and institutions” (p.2). With 416,615 acres located in designated conservation areas, the State has a difficult time under the federal limitations to develop that land. As a result, SITLA is unable to generate funds in accordance with its charter. This problem does not just exist in Utah; many states throughout the West face this problem (pp.5-6).

**Equal Land Value**

Although having a completed land appraisal is not a formal part of the feasibility assessment, as a starting point, the BLM requires an estimated appraised value because it is a critical step within the execution phase. During the feasibility assessment, the agency and non-Federal landowner must begin collecting the data to support the appraisal process. The land appraisal is unique because the DOI completes it, not the BLM (BLM: Land, 2005, p.2-18). Land valuation is also the step researchers wrote the most about due to past agency misdeeds.

In many of the same ways that Paul describes the inadequacies defining the public interest, Quarles and Lindquist (1984) explain how scholars view the FLPMA land value process. They say, “[T]he federal government has employed complex exchange evaluation procedures, involving numerous subjective and often undisclosed assumptions, which critics suggest frequently overstate federal land values and understate the market value of private lands” (p. 373). Although this quote is over 30-years old, the problem still exists.

Stengel cites (2001) a 1996 Ninth Circuit Court ruling on the inadequacy of a BLM land exchange that occurred in 1994 where the agency had traded 1,745 acres of extremely valuable land for tracts deemed far less valuable ($350 an acre); there was approximately a $45,650 per
acre difference in value because of the proposed land use (2001, p.588). A 1987 GAO report described incidents like this, which resulted in the DOI requiring BLM to utilize the DOI’s Office of Appraisal Services (OAS) to complete the appraisal process for land exchanges. According to LaRubbio, the increased scrutiny over the last decade has helped the Federal Government pay closer attention to the proposals (2012, para.5).

The requirements to achieve equal value take into consideration a number of factors that authors like Paul, Ruple, and Keiter outline using the FLPMA as a guide. They include steps like the appraiser determining an estimate for market value based on the highest, best use of the land, and identifying the value of the land if a private owner put it up for sale on the open market. For the parties to attain equal value, a cash payment transfer may occur that cannot exceed 25% of the value. Of course, all of the evaluation factors remain fluid and difficult to substantiate (2006, pp.118-119; 2014, pp.7-8).

This literature review provided a background of how different studies have dealt with the two statutory requirements found in a land exchange: public interest and equal land value. The FLPMA and Land Exchange Handbook describe the feasibility assessment as a proposal to help the BLM leadership determine the likelihood of the exchange meeting the necessary criteria. As the literature identified, neither statutory requirement clearly provided discernible variables that the agency can use to measure and evaluate in order to make a determination. In both areas, it comes down to the evaluators’ discretion to decide if the exchange meets the statutory requirements.

The theoretical framework defines the parameters of this study and focuses the research questions using the analysis of the authors’ research and the federal laws found in the literature review. It will identify the dependent and independent variables relevant to the study. Finally, it
will discuss the assumptions and propositions of the theory as it relates to the relevance of the research.

**Theoretical Framework**

As discussed throughout the literature review, authors Paul (2006), Stengel (2001), and LaRubbio (2006) find the criteria that define public interest and equitable land value too subjective to support the statutory requirements but presently it is the only criteria available. By identifying the criteria and collecting data necessary to complete a feasibility assessment, then evaluating it against an existing assessment, this study will help further define the standardized criteria necessary to meet the statutory requirements to successfully achieve future land exchanges. This theoretical framework will identify the study’s hypothesis, the research questions, and answer some of the gaps found in the literature review.

While Espey (2001) and Stengel’s (2001) study look at specific, individual criterion within the feasibility assessment, this study focuses on how those multiple criteria affect an exchange. Examples include economic issues associated with adjustments to the PILT program and the effects of NEPA requirements on an exchange. This case study will take the research one step further to identify and measure each of the criteria outlined in the FLPMA’s definition of the proposed land exchange and develop units of analysis for each criterion. The data collection will show the extent that the BLM must undertake to accomplish a feasibility assessment and provide transparency to the process. This study will test the hypothesis: The proposed land exchange between Idaho and the Federal Government within the Morley Nelson Snake River Birds of Prey National Conservation Area meets the two statutory requirements needed to satisfactorily fulfill a feasibility assessment and provides Idaho with better alternatives for comprehensive land management and economic development.
The data collected will answer three research questions focused on the FLPMA’s statutory requirements and the State’s interests using a mixed methodology. The research questions to test the hypothesis are:

1. Do the measured criteria in the feasibility assessment meet the requirements to achieve the necessary level of public interest that allow the proposal forward to the execution phase?

2. When conducting the feasibility assessment, do the State and Federal land tracts proposed in the land exchange appear to equate in value and meet the requirements that allow the proposal into the execution phase?

3. Does the State of Idaho benefit economically and achieve effective and efficient land management practices from the proposed land exchange based on the data collected for the feasibility assessment?

The first two questions address the requirements for the exchange to move forward to the execution phase, because the BLM must show in the feasibility assessment how the exchange will achieve public interest and land equity. The third question concludes whether the State’s initial goals for the exchange remain valid or if there is a possibility of the State withdrawing the proposal because the exchange falls short of its desired goals.

There are two dependent variables in this case study: public interest and land value. Both of these variables achieve the BLM’s and State’s desired result. The study utilizes an exhaustive set of independent variables composed of elements from seven of the eight categories listed in the FPLMA’s definition of public interest as well as more traditional appraisal tools from the Land Exchange Handbook’s, Chapter 2: “Developing and Evaluating the Feasibility Exchange Proposals.” Chapter 2 outlines 11 steps that BLM land managers must follow to accomplish a
feasibility assessment and address each of the categories discussed earlier in the literature review. Within the chapter, steps 2 through 6 and step 10 establish the criteria to identify if the exchange meets the two statutory requirements (pp. 2-4, 2-10).

The first step that supports the statutory requirements within the feasibility assessment is step 2. Step 2 consists of a narrative that describes the proposal and provides an explanation of why the exchange should become a priority, the benefits to both of the parties involved, and how it supports the public’s interests. The proposal statement would include within it the information regarding the major resources or programs that the exchange would exemplify. Additionally, it provides a discussion about alternate tools to achieve the acquisition or disposal of the land, like the Congressional exchange. This section also documents the tracts’ legal descriptions and proof of ownership (p. 2-4).

Step 2’s primary purpose is to determine if the exchange supports the Federal Government’s land management practices, a direct correlation to the statutory requirement of public interest. Independent variables equate to consolidating ownership to increase effectiveness and efficiency of land management; the State’s potential increase of economic revenue through development of the acquired land; and the positive impacts to the habitat by moving the heavy maneuver forces out of the prime conservation area (J. Sullivan, personal communication, September 23, 2014; C. Baun, personal communication, September 23, 2014).

Step 3 focuses on environmental conservation. It specifically identifies how the exchange supports the BLM’s Regional Management Plan (RMP) and how the exchange may require an RMP amendment. The step also requires review of the environmental management plan (BLM: Land Exchange Handbook, 2005, p. 2-6). At this point, the BLM would address the effects on the birds’ habitat and the protected plant species like Lepidium if the exchange
occurred. While not at the same level of detail found in the Environmental Assessment that takes place later in the execution phase, it does address all of the valid issues that will affect the conservation area (J. Sullivan, personal communication, September 23, 2014).

Step 4 requires a narrative describing how both of the parties anticipate using the land. The non-Federal party may have to provide valuation documents, ensure the potential use falls within NEPA compliance, and provide planning and zoning information. If any infrastructure exists on non-Federal property, then the BLM may require a Compliance Assessment—Safety, Health, and Environment (CASHE) report to determine future costs and uses. One of the most important validations is whether there is suitable public access (BLM: Land Exchange Handbook, 2005, pp.2-6 & 2-7).

The BLM uses Step 4 to help answer the question of whether the exchange supports the public’s interest through land management, conservation practices, and public access. To achieve this, Elmore County’s zoning of the affected tracts will require further research. The BLM would have to describe how the State’s new land use would affect the public’s access and recreational uses to the surrounding federal lands. Additionally, the investigation would have to determine how the exchange affects PILT payments to the two counties involved in the exchange. Finally, it would state the effects to the conservation, cultural, and historic areas (J. Sullivan, personal communication, September 23, 2014).

Step 5 identifies the gain and loss of resources. Besides mineral and timber resources, the BLM’s definition of resources includes cultural areas and endangered species. The agency must coordinate with local, state, and Native American governments to determine how the exchange will affect land use plans (BLM: Land Exchange Handbook, 2005, pp.2-7). The only natural resource that the land exchange would affect is open-range grazing, but there is a historic
site in the area, and the local Native American government will have input to the plan (J.
Sullivan, personal communication, September 23, 2014).

Step 6 of the feasibility assessment is unique from the previous steps, because it focuses
on the statutory requirement of value. The valuation phase occurs later in the exchange process,
but this step looks at prior communication and documents that deal with the appraised value and
the appraisal review process. The BLM Regional Office will seek supporting documentation that
ensures an accurate appraisal phase. It requires the manager to explain how the exchange
properties will equate in value and how the parties will reach resolution if a value dispute does
occur (BLM: Land Exchange Handbook, 2005, pp. 2-8&2-9). Data from the State’s land
appraisals could suffice to support this requirement (C. Baun, personal communication,
September 12, 2014).

Step 10, the last step associated with answering statutory requirements, focuses on the
public’s input. The BLM sees public input as an important step because it theoretically tries to
anticipate how the public and local governments will react to the exchange. It will also discuss

Some of the biggest hurdles to the proposed exchange in regards to public and local
government support could include loss of the public’s use of resources, perceptions surrounding
environmental considerations, economic uncertainty, and public access. Examples of these
include the possible effects on grazing rights on the newly acquired state lands; how
conservationists feel about the effects of maneuver training on the potential Lepidium habitat;
potential impacts to Elmore County’s economy based on the possible loss of PILT payments
verses an increase in the tax base caused by the IDARNG’s use of the acquired land; and the
concern over limited access to the newly acquired land because of additional restrictions caused
by military training (C. Baun, personal communication, September 12, 2014). These criteria and many more will shape the public’s perception of the exchange, which could affect the public interest.

The theoretical framework identified the gaps within the literature, provided the thesis and research questions, and showed how this study will further refine the criteria necessary to meet the statutory requirements to standardize the requirements of future land exchanges. The methodology section will further define the independent variables then identify the means used for data collection using a theoretical framework as a starting point. Additionally, it will explain the method of evaluation to test the thesis.

**Methodology**

This methodology section will explain the data collection procedures and design to determine if the State’s proposed land exchange with the BLM would meet the statutory requirements and the needs of the State. The methodology section will break the discussion into four sections to enable a clear understanding of the entire process. The first section identifies the criteria’s units of analysis that establish public interest and land value requirements for the proposed exchange. The second section explains the method used to measure each of the criteria and their supporting units of analysis. The third section discusses a comparison between the proposed exchange’s criteria and an approved feasibility assessment’s criteria to test the validity of the outcome of the proposed exchange. The final section explains how the study will compare the data collected for the proposed land exchange’s feasibility assessment with the desired State’s goals specified in its proposal to confirm or deny the exchange accomplishes the State’s identified goals.
Using in-person interviews with employees from the Department of the Interior, the BLM’s Idaho State Office, the Idaho Department of Lands (IDL), the USFWS, and the IDARNG, the data collection process revolves around their professional knowledge and experiences as subject-matter-experts on the BLM’s land exchange program, the State’s legal requirements, and the land tracts involved in the proposed exchange. In addition to the information the interviewees provide, the data collection process includes the use of agencies’ official statistical data sources, found in internal and external documents. The remainder of the data collection will come from credible studies that support this case study’s hypothesis.

**Defining Public Interest and Land Value**

**Public interest.**

Seven of the eight criteria (independent variables) found in the FLPMA (1976) serve as a skeletal base used to determine public interest. The only criterion not used is the “expansion of communities”, because the proposed exchange is taking place in an unpopulated and commercially zoned portion of Elmore County. Each of the seven criteria will have multiple units of analysis that will focus their measurement (Table A.1).

**Land value.**

Identifying the units of analysis that define land value is easier than those that define public interest, because the data collected is quantitative and revolves around a number of appraisals used to establish current and projected land use values. While the official appraisal process takes place during the execution phase of the exchange by the DOI’s Appraisal Services Directorate, the BLM and State need to have a clear understanding of the land values of the properties under consideration. Two constraints exist. Originally the Weeks Law, and later the FLMPA, said the exchange cannot exceed $150,000 in value and the difference between the
values of the exchanged lands cannot exceed 25 percent of one another. If the exchange exceeds $150,000 then, it requires congressional approval, and 25 percent is the limit the FLPMA allows for an equalization payment between parties. Located in Appendix B are the four land value criteria and five units of analysis that determine if the proposed exchange achieves equitable land value (Title 36, Chapter II, § 3k, 1976).

**Measuring the Public Interest and Land Value**

Each unit of analysis within a criterion earns a numerical score that signifies the unit’s ability to accomplish the public’s interest. The score will range between one and five based on the units of analysis. The higher the number, the more it supports public interest. The scoring for each criterion and their associated units of analysis are: 1=Serious Consequences; 2=No Positive Change with Minor Consequences; 3=No Advantage/Disadvantage; 4=Positive Change with Minor Consequences; 5=Positive Without Consequences.

Although neither the FLPMA nor the BLM policies prioritize the seven criteria, which result in an equal weighting of their importance, this study will weigh each criterion’s supporting units of analysis. The study can associate an appropriate weight by utilizing the BLM’s BPCA regional management plan (Table A.1). After scoring each criterion, the sum of that criterion will provide an overall score for the proposed exchange. For the proposed exchange to achieve public interest, the criteria sum will equate to 70 percent of the highest achievable score or 130 out of a possible 185 points (Table C.8).

To determine if the dependent variable “land value” is achievable, the study will compare the units of analysis for the federal and non-federal land tracts and provide a “yes/no” answer based on each of the criteria. While not every response for the land value questions must result in a “yes” answer, if the land values are inequitable, the exchange must answer the following two
questions: Is the land valued over 250,000? Is it within 25 percent of the two appraised values? In both cases for the proposed land exchange to move forward, they must receive “Yes” answers (Appendix D). Unlike public interest, these variables do not require weighting because they are quantifiable and not subjective.

To avoid redundancy within the “results” section, those criteria that have duplicated units of analysis will share the unit’s explanation and measurement. To ensure the unit of analysis properly represents the criterion it supports, the weighting will change for each of the units as shown in Table A.1. The discussion section identifies the final measurement for each criterion.

Comparing the Proposed Land Exchange Against an Approved Exchange

In order to validate the results achieved for public interest and land value for the proposed exchange, this study will compare the data from that criteria to criteria identified within an approved feasibility assessment called “BLM / IDL Land Exchange (IDI-36306)”, from here on referred to as the “Owyhee Exchange.” That approved feasibility assessment supports a land exchange located in Owyhee County, Idaho, approximately 50 miles south of the proposed land exchange that is currently taking place between the State of Idaho and the BLM.

The Owyhee Exchange is a large land transaction. The State and BLM are exchanging 38,440.48 acres of State-owned lands for 32,537.67 acres of Federal land. The number of acres involved in the Owyhee Exchange is substantially larger, but a number of similarities still exist between the two exchanges. First, both exchange locations are adjacent to the Snake River. The Owyhee Exchange supports increasing protections for animal and plant species that have achieved the USFWS’ status of “special concern.” This requirement is similar to the proposed exchange’s protections for the birds of prey conservation area. There are grazing and mineral resource considerations in both exchanges. Public access and recreation also plays a role in the
decision. Finally, like the proposed exchange, the Owyhee Exchange consolidates federal and state land tracts (2012, pp.1-2).

The same criteria and units of analysis, with a few exceptions as noted, will accurately compare the proposed requirements to the approved exchange (Appendices 5 & 6). This comparison will determine if the proposed exchange and the Owyhee Exchange feasibility assessments have similar results in regards to reasoning for the exchange, mitigating factors, and conservation preservation, and statistical outcomes in regards to value.

Validating/Refuting the State of Idaho’s Assumptions

As with every proposal of this kind, the organization that generates the proposal builds it based on a number of assumptions. The assumptions evolve from the organization’s previous experience, information from other organizations’ exchanges, and the agency’s knowledge of current legislation and laws. Until those assumptions become facts through data collection, they remain assumptions. For example, an organization proposing an exchange may think that the exchange has many land uses, environmental, and fiscal benefits, but as the agency collects and analyzes the data, it may find the contrary. The organization could have exorbitant costs associated with creating the exchange; the NEPA may not allow development in a particular area, or the land value may assess above the 25 percent cash-equivalency requirement. After analyzing the data, this study will confirm if the proposed land exchange meets the State’s original criteria found in the Idaho Army National Guard’s proposal (Table G.1) (Baun, 2014, p.16).

Challenges and Shortfalls

The most difficult challenge to complete this study is the collection of accurate data. As stated earlier, much of the data collected comes from subject matter expert’s personal knowledge
of the area and the agencies involved in the exchange. Some of the information collected could include individual personal bias by those subject matter experts because of their extensive knowledge of the area. Collecting data from multiple sources and limiting single-source data is a priority to ensure this study’s validity.

**Results**

The information that comprises this section comes from interviews with federal and state land managers and other civil servants. The “results” portion of this paper consists of two sections. Section 1 discusses the data collected for each of the units of analysis (Appendix 1) used to measure the proposed land exchange’s ability to meet the public’s interest and land value requirements. Section 2 provides the “Owyhee Exchange” data used for the comparison between the proposed and the approved land exchanges.

**Measuring Public Interest and Land Value for the Proposed Land Exchange**

**Federal land management.**

**Consolidation of land tracts.**

The first unit of measure for collection is the “Consolidation of land tracts” used as a means to increase the BLM’s effectiveness and efficiency by reducing the checkerboard effect. The State proposes exchanging 15,848 acres of its land for 10,056 acres of federal land (Figure 5). According to Sullivan, in his opinion, consolidating the proposed federal and the state land would support the public’s interest because it would help the BLM manage the conservation area more effectively by reducing the checkerboard effect, but he did point out one exception. If he were conducting the exchange, he would exempt four state-owned tracts located within the military’s impact area. He explains that the Federal Government acquiring those four tracts would not support the public’s best interest because the tracts’ locations deny public access, the
IDARNG already manages them, and they do not hold any additional public benefit in regards to usage (personal communication, September 23, 2014). Therefore, while consolidating federal land is a priority and a benefit, there are some instances that parts of the exchange do not support the public’s interest.

**Conducting transactions of lands by the most efficient means.**

The second unit of analysis is the disposal of public lands utilizing the most efficient means. There are two means of accomplishing acquisition and disposal. Lands can transfer hands through congressional legislation, or the transfer can occur at the local level by the federal and non-federal landowners. The amount of time each process takes from start to finish serves as a measurement for these two processes. To establish the baseline for time, this study will use a statement from within the BLM’s *Land Exchange Handbook* (2005) that says, once the BLM accepts the proposal it will “segregate” the land for a period up to five years (p. 5-2). Based on that evidence, five years is the mode time for the anticipated completion of a land exchange.

An example of a congressional land acquisition using the exchange process as a tool to accomplish the requirement is the Omnibus Public Land Management Act of 2009, Subtitle F, subsection: “Owyhee Public Land Management.” The legislation authorizes the Owyhee Exchange. The Act requires the BLM to conduct an acquisition of state and private land through either purchase or exchange transactions to increase access and support land use of the Owyhee Wilderness Area (p. 1031). Although a congressional act, the FLPMA’s and BLM’s statutory and policy requirements still apply. To date, the exchange between the State of Idaho and the BLM has taken five years since the approval of the Act, and it could take up to another year before completion. Of note, the State of Idaho did delay its completion when it requested a land
use change, but according to the BLM, even without the change request it still would have taken five years to complete (J. Sullivan, personal communication, September 23, 2014).

One advantage of having a congressional directive is Congress’ ability to obligate funds for land transactions. Without financial support, the BLM funds the costs associated with the exchange out of its operating budget that supports other requirements. The proposed exchange could cost the BLM over $1 million dollars even with the cost share (J. Sullivan, personal communication, September 23, 2014).

Approval of a complete local exchange used to take just four months when the approval authority was the BLM’s district director. Now, due to increased scrutiny, the approval authority for the feasibility assessment and the final exchange resides with the BLM’s national director. This increase in the level of bureaucracy and oversight proportionately increases the length of time the bill requires to move through the process. In regards to the proposed exchange, the BLM projects that once the State files the proposal, it could take approximately three-to-five years to complete the process. While the district office could accomplish the feasibility assessment in as quickly as a month, the BLM’s state and national directors will likely slow the exchange’s momentum. It all depends on the amount of time they take to review the documents and the number of changes they require the BLM’s district office to make (J. Sullivan, personal communication, September 23, 2014).

In the end, both processes take an inordinate amount of time, but the congressional process can take years longer than the local exchange process because of the complexity of the political and law-making procedures followed by the exchange process. Due to the limited amount of BLM funds specified for exchanges, and the competition for those funds with other
programs, the biggest advantage the congressional act holds over the local exchange process is the designated funding that Congress includes in the legislation.

**Enhancement of the State’s and local economics.**

**Changes to county PILT payments.**

As described in the literature review, the PILT program can play a significant role in the economics of a county, especially for those counties that have a lower population but consist of a large amount of remote public land that does not promote development. One of the concerns that could negatively affect Elmore County is the potential loss of income because 10,000 acres of federal land would transfer into State hands while Ada County receives approximately 16,000 acres.

The DOI’s PILT program manager identified that Elmore County has 1,357,157 acres of public land, one of the largest concentrations in the state while its population assessed at 26,000, ranking number 13 out of 44 Idaho counties (DOI: “County Payments”, 2014). The DOI uses two formulas to determine the amount of money the PILT program will pay to the county. To calculate the first method, Alternative “A”, the administrator calculates the county’s population multiplied by a fixed sum of $88.57. The administrator then calculates the total number of acres multiplied by $2.58. In both cases, the administrator deducts from the total the prior year’s payments made by federal agencies to the county for services like, i.e. timber sales, recreation concessions, etc. The DOI then compares the two totals and whichever is smaller is the total they consider. The second method, Alternative “B”, the administrator multiplies the number of acres in the county by $.36. After calculating both alternatives, the DOI pays the county the higher of the two amounts (see Figure 7) (R. Brown, personal interview, October 28, 2014).
In regards to Elmore County, the DOI determined Alternative “A” (population) pays significantly more to Elmore County than Alternative “B”. Since alternative “A” uses population as the independent variable to calculate the sum, the proposed land exchange will cause Elmore County to lose any of its federal funding even though the county loses 10,000 acres of federal land (R. Brown, personal interview, October 28, 2014). In 2014, Elmore County’s PILT payment was $2,301,875.

While Elmore County has 4.5 times more acreage than Ada County (298,214 acres), the population of Ada County is 416,000 residents, which is considerably larger than Elmore County (DOI: “County Payments”, 2014). The DOI selected Alternative “A” to determine Ada County’s 2014 PILT payment of $768,397 (Figure 8). Unlike Elmore County, the DOI calculated Ada County’s payment based on the number of federal acres within the county, not its population. If the proposed exchange occurs, the number of federal acres in the county will grow by 15,850. Intern, the estimated PILT payment would increase to $809,285, which equates to about $41,000 more for the county (Figure 9) (R. Brown, personal interview, October 28, 2014).

Expansion of the training area.

The proposed land exchange would expand the IDARNG’s training area, making it the second largest military combat training center in the U.S. The training area already receives increased usage from reserve and active duty forces because of the ending of the Iraq War and the drawdown of the Afghanistan War. If the expansion occurs, it would significantly increase the OCTC’s capability to support brigade-size unit maneuver formations. Each brigade-size unit coming to Idaho would inject money both directly and indirectly into the State’s economy. The amount of income brought into the state based on past unit rotations equated to about $1.3 million per rotation and 6.8 new, fulltime positions. With the expansion, the potential number of
brigades using the training area could increase to three annually. That is a total impact of $4.5 million a year to the state and local communities’ economies (Gardner, Harris, & Chambers, 2012, p.52; Baun, 2014, p. 5).

**State grazing and multi-use permits.**

Much like Utah’s STILA program, Idaho’s Constitution required the creation of a permanent endowment fund to support future generations of Idahoans. The state sells and leases State endowment lands to generate income to fund that account (O’Laughlin, Hamilton, and Cook; 2011, p.5). The State can lease the land for an exclusive use or to multiple lessees if the uses are compatible, thus increasing its income. Leases can include uses like grazing, removing mineral deposits, and military usage (B. Brammer, personal communication, October 14, 2014).

When it comes to resource use, one of the most volatile of the public’s concerns that the State believes could pose a problem for the proposed exchange is livestock grazing. The cost of leasing federal land differs significantly from leasing state land. Ranchers also have a tendency to dislike change since many have had their leases for years (B. Brammer, personal communication, October 14, 2014; C. Baun, personal communication, September 23, 2014). Based on the change to the ownership of the grazing areas and the cost difference, some ranchers will pay more for leases while others will pay less. In 2014, ranchers paid $6.89 an animal unit month (AUM) to lease Idaho rangeland for grazing. An AUM equates to the amount of air-dry foliage that supports a 1,000-pound cow for a month so the AUM may be larger or smaller than an acre depending on the density of the vegetation. To lease public rangeland a rancher will pay $1.35 per AUM (B. Brammer, personal communication, October 14, 2014).

Under the proposed exchange, the State is giving up approximately 6,000 acres to the Federal Government, but the consolidation of rangeland could increase the State’s profit. The
reason for the increase is due to the possibility of improvements to the grazing area like watering stations. Additionally, as leases expire the potential exists for another rancher to outbid the previous lessee in an auction, which also increases the funds entering the endowment fund (B. Brammer, personal communication, October 14, 2014). Ranchers who currently hold the federal leases could object, and the BLM would consider their concerns.

Besides grazing, the IDARNG’s desire to lease the newly acquired land in the exchange, as well as the adjacent state land, creates another potential for endowment income. The State already receives payments from the IDARNG for the tracts leased within the training area. As identified in Figure 5, the proposal triples that amount of state land in the training area, which also significantly increases a payment by the IDARNG to the State Endowment Fund (B. Brammer, personal communication, October 14, 2014).

Using a private appraiser’s estimate, IDARNG believes that the lease would cost approximately $300 per acre (C. Baun, personal communication, September 12, 2014). Currently, the IDARNG leases 7,480 acres of state land and pays $5,000 a year or $125,000 over a 25-year period, but the number of acres leased would increase by another 18,424 acres to total 25,904 acres (B. Brammer, personal communication, October 14, 2014). To lease the land, The IDL will charge the IDARNG $300 per acre multiplied by 25,904 acres; the IDARNG would pay a lease rate of $205,512 a year or total $7.8 million over a 25-year period (Baun, 2014, pp.15&27).

This new lease would significantly increase the IDARNG’s payment into the State Endowment Fund. As Idaho lawmakers look to find ways to pay the ever-increasing costs associated with public education, Idahoans would see this lease as a significant benefit to the state. The BLM also recognizes this as an important factor when it determines public interest,
because the administrators take into consideration the State’s economic benefit from the exchange (J. Sullivan, personal communication, September 23, 2014).

Conservation measures.

*Lepidium (slickspot peppergrass) habitat.*

While the BPCA generates a great deal of interest, the more controversial argument is the concern over slickspot peppergrass habitat. Numerous studies have taken place over the last decade that came to the consensus that slickspot peppergrass requires federal protection. The USFWS does not manage land; it is responsible for monitoring the status of the plant. It is the BLM’s responsibility in southwest Idaho to protect the plant’s existing habitat and decide what to consider as potential habitat. The BLM has designated much of the federal land desired by the State as potential habitat. This designation could threaten the land exchange from occurring if the State cannot adequately prove that the federal land is inadequate as potential habitat or that other state tracts the Federal Government would acquire would serve as more feasible habitat (Figure 10) (J. Sullivan, personal communication, September 23, 2014).

Sullivan stated,

The conservation agreement with the USFW says we (BLM) will not dispose of federal lands containing slickspot peppergrass habitat unless that exchange would have an overall benefit to the species. How could you dispose of those properties, when the purpose of the exchange is to facilitate a ground disturbing activity like maneuvering and have an overall benefit to the species (personal communication, September 23, 2014)?

The IDARNG Environmental Office believes it can meet the USFWS’ requirements for either protecting the potential Lepidium habitat or identify other locations that will better serve the plant’s ability to thrive, but either way it will be up to them to scientifically prove to the USFWS and the BLM that the slickspot will not suffer (C. Baun, personal communication, September 23, 2014).
The IDARNG explained that for this protected species to flourish and spread it requires a special soil composition, so even though a slickspot may exist in one particular area, researchers know that it does not necessarily mean it would grow in adjacent areas, hence the reason for calling it slickspot. The IDARNG questions the BLM’s criteria that classified large areas located within the proposed exchange as potential habitat, because the IDARNG does not believe the BLM’s modeling is specific enough to represent the characteristics of plant’s habitat in this area. The USFWS does not side with one particular method of study because both have merit (B. Schmidt, personal interview, October 21, 2014). According to the “Slickspot Peppergrass Inventory and Clearance Standards” (2010), the BLM evaluates the potential habitat using two different standards: soil type and elevation, but another study conducted by BLM included vegetation height and pollination factors (Figure 11) (p. 9; BLM: Gateway, 2013, pp.58-59).

Like the BLM, the USFWS considers the IDARNG Environmental office a subject matter expert on the plant’s characteristics and the office has an excellent reputation for protecting slickspot sites. According to Baun, “Because of the Guard’s management background, we have the world’s largest contiguous population of Lepidium. The Guard manages it better than any other agency” (personal communication, September 23, 2014). Instead of using the BLM’s classification method, the Environmental Office would make a request to the USFWS and BLM to conduct a more extensive analysis of the designated areas deemed potential habitat by completing specialized soil surveys to evaluate the soil’s ability to support the requirements of the slickspot. If the soil does support slickspots, as it has successfully in the past, the IDARNG would restrict those areas and take responsibility for managing that potential habitat (C. Baun, personal communication, September 12, 2014).
If the BLM does not agree to that method, then the IDARNG could use a second method to evaluate the area established by the BLM and sanctioned by the USFWS and Idaho’s Fish and Game to survey potential slickspot habitat (C. Baun, personal communication, September 12, 2014; B. Schmidt, personal interview, October 21, 2014). The BLM outlines the standards in a document called the “Slickspot Peppergrass Inventory and Clearance Standards” (2010). The process is relatively simple.

The IDARNG, working with the BLM, can visually inspect the potential habitat between April 1 and October 15. If the researchers find slickspot, then the BLM will establish a half-mile integrity zone surrounding the site and inventory it as critical habitat. If areas outside of the critical habitat and the integrity zone do not show signs of slickspot after the initial inventory then, the agencies will conduct a stage 2 inventory. If the second inventory of the potential habitat does not identify any slickspot sites, then the agencies will complete a stage 3 inventory. These three inventories must take place within a 12-year period, additionally; at least one of the three inventories a “60 percent of ‘average’ spring precipitation rate” must occur (p.3). If the three inventories do not identify slickspot, then the BLM can designate the area as “unoccupied” and reclassify it (pp.2-4).

**Mitigative actions.**

The BLM recognizes that the land they would receive has a greater potential of increasing the habitat for the birds of prey and slickspot peppergrass (J. Sullivan, personal communication, September 23, 2014).

The IDARNG Environmental Office and the State have another course of action it can use. By mitigating threats like fire and maneuver damage and by restoring and rehabilitating it, the IDARNG can create habitat that supports the birds of prey and Lepidium. Efforts like these
undertaken by the IDARNG have resulted in the BLM classifying the land in the northern portion of the training area as management area 1; in regards to the Lepidium, area 1 involves having a higher soil quality and a greater potential for successful rehabilitation to support slickspots. The land in the southern portion of the training area, including the area encompassing the proposed land exchange, is management area 3, which does not support successful rehabilitation (Figure 3) (J. Sullivan, personal communication, September 23, 2014; C. Baun, personal communication, September 23, 2014).

The USFWS, BLM, and State all agree that the higher quality land in the north serves as a better base for plant and animal life to flourish and rejuvenate. By continuing to follow conservation requirements as outlined in the IDARNG’s INRMPs and BLM’s land use plans, the IDARNG’s proactive stance could effectively ensure the proper management of environmentally sensitive sites located on the land acquired by the State as well as conduct efforts to refurbish those areas identified as critical habitat. The IDARNG’s results, as they have in the past, will continue to exceed the standards expected by BLM, USFWS, and the public.

**Environmental assessment.**

At this phase in the process, the BLM must simply identify the type of environmental study necessary to take place in the execution phase and likely issues that could negatively affect the conservation area and protected species. According to Sullivan, the BLM will complete an Environmental Assessment (EA) and not an Environmental Impact Statement (EIS) during the execution phase of the exchange process. He states that an EA will adequately serve the purpose for this exchange because the area already has national conservation status, and its land use will not change. The document will focus on many of the criteria identified as part of the feasibility assessment but in greater depth (personal communication, September 23, 2014).
Recreation and public access.

Dispersed, unstructured activities.

Access to public lands that comprise the OCTC to conduct unstructured activities is of great concern for the IDARNG. The BLM allows the public free access within OCTC, with the exception of the impact area, to target shoot, dirt bike, hike, hunt, or do any other recreational activity as long as it does not disturb the birds of prey habitat (BLM: Popular, 2014, para.1). In 1995, a soldier was sleeping on his tank’s turret when a recreational shooter out target practicing accidently shot the soldier in the leg from a quarter-mile away (R. Gordley, personal interview, October 17, 2014). If the proposed exchange occurs, it would enhance recreation in the northern portion of the training area because fewer training events would interfere with recreational activities and the possibility of accidents, like the accidental shooting, would be less likely to occur (Baun, 2014, p.9). The exchange does not mean all of the training events would cease in the north. Light infantry maneuvers and similar activities will continue to occur.

Access to public lands.

Public access to federal lands is one of the most important units of analysis that the BLM examines when developing a feasibility assessment. Why have public lands if the public cannot use them? Sullivan discussed how the proposed exchange could face scrutiny by the agency if in some way the State restricted the main thoroughfare that allows traffic to move north and south between federal tracts. Simco Road is the only improved north/south road that provides public access from Boise to the Snake River rim. The BLM identified this concern to the State in a similar proposal in 2004 that did not materialize (personal communication, September 23, 2014).

The State recognizes that restricting Simco Road is a potential issue for the BLM and has discussed options to ensure that for the majority of the time it remains open, but when armored
vehicles maneuver across it there will be times when short closures will occur. One method suggested by the IDARNG to mitigate restricting access is to establish designated crossing sites for military vehicles and emplace railroad signals that would block the movement of civilian traffic temporarily. Not only would the guarded crossing sites essentially eliminate accidents from occurring between automobiles and 60-ton tanks, it is also really no different than a typical train crossing site and guarantees use of Simco Road the majority of the time (Figure 12) (Baun, 2014).

Efficient management and development of natural resources.

Grazing.

For the most part, “State grazing and multi-use permits” covered most of the issues surrounding changes to the grazing leases and costs associated with them, but one area not already addressed needs brought out. Ranchers who currently lease federal lands have a significantly different process to purchase leases for federal rangeland when compared to the State’s management of rangeland. If the exchange occurs and as the ranchers’ federal leases expire over time, there is a chance certain ranchers could face competition for land they have leased for decades from the Federal Government. A bidding war could result in them losing rangeland or having to pay even higher lease fees because the State uses the auction process when competition occurs (B. Brammer, personal communication, October 14, 2014). These are the circumstances Baun described when he stated that ranchers have a difficult time dealing with change (personal communication, September 12, 2014).

Mineral extraction.

There are no new extractable mineral sites within the area, so the agencies do not have to evaluate this unit of analysis (C. Baun, personal communication, September 23, 2014).
Land use priorities: renewable energy.

Currently, neither the BLM nor the State has renewable energy interests that would affect this land exchange (C. Baun, personal communication, September 12, 2014).

Fulfillment of public needs.

Cost share.

The BLM-Idaho State Director does not require non-Federal collaborators to pay more than the required 50-percent cost-share. With that said, the agency may reduce the priority of an exchange based on the agency’s budget or current workload. Unlike other BLM state offices, there are no other specified criteria or special requirements added to the feasibility assessment unique to the BLM-Idaho State Office. Currently, the BLM-Idaho office has a number of priority tasks on its agenda and has limited resources available to expend on the exchange process (J. Sullivan, personal communication, September 23, 2014).

To ensure the exchange receives continued emphasis by the BLM, the IDARNG volunteered to use its internal assets within its Environmental Office to complete many of the documentation requirements found in the execution phase including the Environmental Assessment and other required studies. Employees within the organization have the necessary credentials and experience to complete the work to the BLM’s standard. The IDARNG’s contribution would count toward the cost share while alleviating pressure on the BLM (C. Baun, personal communication, September 12, 2014). The BLM made it clear that they desire the IDARNG’s assistance with the requirements, and this would support the public’s interest (J. Sullivan, personal communication, September 23, 2014).
Military readiness.

The BLM recognized that one of the important public interest factors was the military’s continued use of the OCTC. The BLM stated that even though the conservation area’s preservation is of the utmost importance, the agency must find a way to ensure the military’s continued use of the maneuver area. Sullivan stated, “We (BLM) must figure out someway the Guard can continue to train” in the areas impacted by the shrubs. “How that happens is yet to be determined.” He expressed that if regeneration of the ecosystem was the only factor evaluated in the exchange it would be the BLM’s desire that military use of the southern portion of the training area for maneuvering because the soil does not support regeneration of the habitat (personal communication, September 23, 2014).

Water rights.

There are no water rights involved in this land exchange, so this requirement does not factor into the feasibility assessment (C. Baun, personal communication, September 23, 2014).

Historic sites.

There is a single historic site in the area involved in the exchange, an old dam. A survey of the entire area will take place to determine if there are any other sites. A historic site located on federally disposed of land would not preclude the BLM from conducting the exchange, but it would require the State to establish an agreement with the BLM to preserve the site by fencing it off to protect it or exclude that particular tract from the exchange (J. Sullivan, personal communication, September 23, 2014; C. Baun, personal communication, September 23, 2014). Whichever method the agencies agree on, the site will remain protected.
Native American cultural area.

The feasibility assessment did not identify any known Native American cultural sites in the area; but during the execution phase, a cultural analysis study will take place (C. Baun, personal communication, September 23, 2014).

Public transparency.

Public transparency begins even before the IDL submits the proposal to the BLM. The IDL will work with citizens like ranchers, the local governments, the Native American tribes, and conservationists, all who may have potential concerns with the proposed land exchange. The IDL will then present a proposal to the Idaho State Land Board, in an open forum, who has the final authority to approve the proposal that goes to the BLM. Once the BLM accepts the proposal, it will also meet with the parties listed above to discuss their concerns with the exchange. The BLM does not require public meetings at this point in the process but the BLM can provide input into the report about information concerning public feedback collected at IDL’s meetings (BLM: Land, 2005, p.2-7).

Land value.

In the proposed land exchange, the equalization of land value is less of an issue than accurately identifying the overall value of the federal land involved in the exchange. In regards to the equalization of land value, the State can add and subtract land from the exchange as necessary to ensure equal value. For example, if the federal land exceeds the value of the State’s land, the IDL has land located throughout Idaho that it can add to the exchange to achieve equality if the BLM agrees (B. Brammer, personal communication, October 14, 2014). This ability is a definite advantage a state like Idaho has over to a private landowner who might not have disposable land. At this point in the exchange, the IDL does not have an accurate appraised
value of the land in the proposal, because instead of valuing individual land tracts, the IDL’s current appraisal process values land based on large, similar geographic areas. This process occurs every five years, and this type of generic appraisal is less accurate. The IDL is currently reassessing the agency’s appraisal process (B. Brammer, personal communication, October 14, 2014).

The potential land use by both organizations will not change the DOI’s appraised value. The IDARNG will limit building on the land to possibly some electronic sensors and cameras that assist in evaluating maneuvering vehicles in the training area (C. Baun, personal communication, September 12, 2014). The BLM’s land use of the newly acquired land will not change from the surrounding land (J. Sullivan, personal communication, September 23, 2014).

Like the State, the BLM does not have a current appraisal of the public lands involved in the exchange. At this point in the process, the BLM must determine if the land value is above or below the $150,000 threshold allowed by the Title 36, Chapter 2, Part 254. This study will use the unofficial appraised value identified earlier in the results section by the IDARNG of $300 per acre (J. Sullivan, personal communication, September 23, 2014; C. Baun, personal communication, September 23, 2014). If the land appraises at $300 per acre and the amount of federal land involved in the exchange total 10,056 acres then the total value of the appraised land is $3,016,800. The proposal exceeds the $150,000 limit that the DOI’s Secretary can approve, so the exchange requires congressional approval according to Title 36.

**Measuring Public Interest and Land Value for the Owyhee Land Exchange**

As explained within the methodology, the next section analyzes the BLM’s latest approved version of the Owyhee Exchange feasibility assessment using the proposed exchanges criteria and units of analysis, where applicable. The analysis will serve as the basis to validate
the criteria selected to measure the proposed exchange’s results as well as the analysis that determined if the proposed exchange achieves the statutory requirements. Table E.1 displays the raw data broken down by criterion and units of analysis.

**Federal land management.**

**Consolidation of land tracts.**

The feasibility assessment identifies the consolidation of federal and state tracts as a direct benefit to the public, which would improve public access and “reduce the potential for future land use conflicts” (BLM: Amendment, 2012, p.1). The BLM declares that the IDL already struggles accessing the State’s more remote land, and it would become even more severe without the exchange when the entire area becomes part of the Wilderness Area or Wild and Scenic River corridor. The assessment says outright that this exchange would “create larger contiguous blocks of Federal and state-owned lands, which would simplify and make more efficient BLM and state resource management” (p.1).

**Conducting transactions of lands by the most efficient means.**

In the case of the Owyhee Exchange, it began as a means of accomplishing the Omnibus Act of 2009, but the planning, solicitation, and congressional requirements started long before 2009. The Owyhee County Commissioners and the Shoshone-Paiute Tribes began the process with Idaho Senator Mike Crapo in 2001. From the initiation of the proposal to the final exchange’s proposed completion, it will take 14 years (OwyheeInitiative.org, 2012, para.1).

**Enhancement of the State’s and local economies.**

The feasibility assessment identifies two positive effects on the State’s economy. First, the designation of surrounding public lands as designated Wilderness Areas or part of the Wild and Scenic Rivers corridor will negatively affect the State’s Endowment Fund because of the
development and use restrictions on those designated lands. The Owyhee Exchange’s feasibility assessment says the exchange will eliminate the threat to that fund by trading the State for federal land the state can develop. Second, the Federal Government reseeded much of the public land after recent fires causing an increase in the number of AUMs per acre, thus increasing the revenue generated by grazing leases (BLM: Amendment, 2012, p.1).

*Changes to county PILT payments.*

The PILT payment is outside the scope of the Owyhee feasibility assessment, but the data is available for comparison on the DOI PILT website. Owyhee County currently has 3,635,489 acres of public land within its borders and a population of about 11,400 residents. Using Alternative “B”, the DOI calculates the county’s current PILT payment at $1.308 million. When the Federal Government finalizes the Owyhee Exchange, the public land within the county will grow by approximately 5,900 acres. That will increase the PILT payment to the county by $2,125 (Figure 13). The land is remote and the county cannot develop it beyond grazing, so receiving the PILT payment is a lucrative alternative to managing land that does not produce income.

*State grazing and multi-use permits.*

As described in the proposed exchange, ranchers play a significant role in the Owyhee Exchange’s feasibility assessment. Grazing is the most predominant land-use permit purchased in Owyhee County. The exchange would increase the number of AUMs the State manages. Using current prices identified by IDL and a 550 increase in the number of AUMs based on the feasibility assessment the State will earn $3,790 more annually for the State Endowment Fund (Table F.1) (BLM: Amendment, 2012, pp.11-40).
Additionally, the feasibility assessment identifies the ranchers as being “supportive.” One rancher in particular has asked for a special provision. The rancher is asking to transfer ownership of a state lease to a federal piece of land after the exchange occurs. The BLM also identified that it will give the ranchers a two-year letter of intent to notify and prepare them for a change (BLM: Amendment, 2012, pp.6-7).

**Conservation measures.**

**Potential habitat.**

The land the BLM will receive will become part of the Owyhee Wilderness Area or part of the Wild and Scenic Rivers corridor. The statuses will protect the area from potential development, overgrazing, and ensure it remains preserved. The BLM believes that due to the State parcels’ remoteness, the quality of the land the BLM will acquire exceeds the quality of the land they currently hold. The protection of the acquired land will support habitat for animals and plants considered threatened or endangered and potentially increase the species’ populations. Sage grouse, pygmy rabbits, and big horn sheep are some of the threatened species that will enjoy increased protection (BLM: Amendment, 2012, p.1).

**Mitigative actions.**

The state land, although unrestricted for public recreation, remains pristine and untouched because of its remoteness. In contrast, the federal land the BLM is exchanging has easy access for the public and is a popular recreation destination. The newly acquired federal land would increase the habitat capability for sage grouse; a species under consideration for a special status as either endangered or threatened. It would give the BLM “greater control over land uses that could potentially affect populations and critical habitats” (BLM: Amendment, 2012, p.4).
**Environmental assessment.**

Like the proposed land exchange, the Owyhee Exchange land use for both the State and the BLM will not change so the BLM, under NEPA, will only complete an EA (BLM: Amended, 2012, p.4). An EA will take significantly less time and less money to accomplish.

**Recreation and public access.**

**Dispersed, unstructured activities.**

The BLM did not address this in the feasibility assessment because the exchange enhances recreational activities, and that is one of the primary reasons Congress passed the Act.

**Access to public lands.**

Unrestricted and unlimited public access is BLM’s ultimate goal and one of the primary reasons Congress passed the legislation.

**Efficient management and development of natural resources.**

**Mineral extraction.**

The feasibility assessment identified one parcel as having “mineral development potential” that could affect its value. The BLM would use the EA to identify if the area requires a more extensive mineral report (BLM: Amended, 2012, p.4).

**Land use priorities: renewable energy.**

The feasibility assessment does not address renewable energy sites.

**Fulfillment of public needs.**

**Cost share.**

The feasibility assessment states that the BLM and IDL will share the administrative costs associated with the exchange as identified in Exhibit D (BLM / IDL Land Exchange

**Military readiness.**

Unlike the proposed exchange, the military does not train on either the federal or state land, so the Owyhee Exchange does not affect military readiness.

**Water rights.**

The BLM did not identify any known historical sites located in the area when the BLM wrote the feasibility assessment.

**Historic sites.**

There were no known historical sites located in the area when the BLM wrote the feasibility assessment.

**Native American cultural area.**

The Owyhee feasibility assessment stated that the BLM’s EA will determine if the exchange requires a more extensive cultural report based on the “difficulty of access, proximity of the parcel…and the probable density of cultural sites/artifacts” (BLM: Amended, 2012, p. 4).

**Public transparency.**

The feasibility assessment does not discuss public transparency.

**Hazardous material contamination.**

The proposed land exchange does not address hazardous material contamination, but the Owyhee Exchange’s feasibility assessment stated that BLM would determine if the exchange requires a clearance report based on the “difficulty of access, proximity of the parcel…and likelihood of potential hazardous materials contamination” (BLM: Amended, 2012, p. 4).
Land Value.

When examining land value, the BLM looked at a number of factors to develop an approximate value for the Owyhee Exchange’s feasibility assessment. The BLM referred to public access, mineral development, commercial development, and grazing as factors that would increase the price of the land. The BLM stated that the agency believed the Owyhee County desert as a whole would appraise at $200 to $250 per acre. The BLM identified the federal lands ranging from $6.5 to $8 million while the state land would appraise from $7.7 to $9.6 million. To ensure equal value, like the proposed exchange, the agencies agreed to adjust the number of parcels until equalization occurred, but if an inequity remains, a final value equalization would occur by cash payment (Table F.1) (Appendix (BLM: Amendment, 2012, pp.4-5).

Discussion

As shown throughout the many parts of this paper, the State of Idaho’s proposed land exchange with the BLM is a complex undertaking for the agencies involved. This discussion will answer to the three research questions and confirm the thesis by first, identifying how the proposed exchange supports public interest and land value. Second, it will explain the outcome of the comparison between the proposed exchange and the Owyhee Exchange to support this study’s conclusions. Next, it will discuss if the State’s original objectives for the exchange still hold true after analyzing the data. It will conclude by providing thoughts about future research on the topic and last words of insight.

Achieving Public Interest

In each criterion’s case, the data provided a clearly definable value, with some criteria showing more support for the exchange than others did. The score breakdown for each of the seven criterions was: “Enhancement of the State’s and local economies” scored 100 percent;
“Conservation Measures” scored 93 percent; “Fulfillment of Public Needs” scored 82 percent; “Recreation and Public Access”, “Land Use Priorities”, “Efficient Management and Development of Natural Resources” all scored an 80 percent; and “Federal Land Management” scored a 70 percent (Tables C.1-C.7). The following explain the criteria’s score and the reasoning behind them. All of the criteria achieved a passing score of 70 or higher, which will allow the feasibility assessment to move forward to the next higher level and eventually to the execution phase.

The only criterion to receive a perfect score was “Enhancement of the State’s and local economies.” The State’s Endowment Fund would receive a significant increase in revenue if the State has multiple use permits like those with the grazers and the IDARNG. The State’s Endowment Fund would receive about $2.7 million over a 25-year period. Beside the State’s Endowment Fund, the counties could also benefit significantly from the increased military presence. The counties involved in the exchange would receive direct and indirect revenue based on the increase in the number of military units using the training area and the money used to support increased military operations. Additionally, Ada County’s PILT program funds would increase by about $40,000 while Elmore County’s payment would remain the same, even though Elmore County will lose 15,000 of federally managed acres. Economically this exchange is a clear win for the State of Idaho.

The criterion “Conservation Measures” received the second highest score at 93 percent. The outcome might surprise some who work with protected and endangered species, especially since the BLM does not allow disposal of protected species’ potential habitat. The BLM, the IDARNG, and the USFWS all agree that the IDARNG has an award winning environmental program; and using established techniques, the three organizations can come to a scientific
consensus to conclude if in fact the area identified as slickspot potential habitat would truly support expansion of that species. They also agreed that the higher quality management areas located in the northern portion of the OCTC serve as better potential habitat for future growth than those in the south.

In regards to the birds of prey, the IDARNG’s maneuver operations in the south would have limited effect on the birds’ habitat as opposed to the area currently used for heavy maneuver in the north. The IDARNG’s conservation and mitigation programs secured that criteria’s score. Based on the IDARNG’s proven background and plans, the Environmental Office will continue to protect both the slickspot and birds’ habitats.

The criterion “Fulfillment of Public Needs” scored third highest at 82 percent and was the largest of all of the categories. Of the seven units of analysis, the study exempted two of them. First, water rights do not exist anywhere within the proposed exchange. Second, without an additional study, neither the IDL nor BLM has identified any Native American cultural sites in the area.

“National/State defense military readiness” received a perfect score because of the significant increase the exchange would have on the military’s training capability and due to the BLM’s recognition of the military’s need for continued use of the training area. “Historical sites” and “Public transparency” also received perfect scores. There is one historical site located in the proposed exchange, and the BLM has multiple actions it can take to protect that site. “Public transparency” also received a perfect score because the IDL will conduct multiple public events before proposing the exchange. Additionally, both the IDL and BLM will reach out to individuals who the exchange directly affects to discuss the ramifications with them and hear their concerns.
While “Public transparency” received high marks, “Public reaction” scored an 80 percent. The lower score resulted from the anticipated reaction ranchers will have based on the changes to what they have become accustomed to for decades. These changes include an increase to ranchers’ grazing fees and the potential of their long-held leases expiring. These issues will ignite opposition to agencies’ moving forward with the exchange; the ranchers could earn a sympathetic ear with the State Land Board; and they could cause potential political issues for the Governor, who a rancher himself, has personal relationships with some of those affected (C. Baun, personal communication, September 23, 2014). With all of this attention, state and federal agencies will have to address their concerns and somehow, within the law, appease them. If united, the agencies can overcome this challenge.

The final unit of analysis for this criterion “Cost share...” earned a score of 80 percent. The reason this unit of analysis received the lower score was due to the BLM’s current workload and the additional requirements the proposed exchange could pose to the organization. The IDARNG already stated the Environmental Office would conduct many of the studies associated with the EA. This offer by the IDARNG significantly reduces the BLM’s workload and some of the associated costs of the exchange, but the BLM will still have responsibility for coordination and submission of its documentation, which all takes time away from other priorities.

The next criterion, “Recreation and Public Access” scored an 80 percent, as did all three of the units of analysis used to measure it. The first unit of analysis examined was “Dispersed, unstructured activities.” This unit of analysis received its score based on the data that the IDARNG would limit its heavy maneuver in the northern portion of the training area, which is a popular area used by recreational shooters. The IDARNG will continue to use the northern portion of the training area for light infantry maneuvers and other similar low impact activities,
but that use will still affect the public’s access to the area and their ability to recreate without interference.

The second unit of analysis “Access to public lands” received its score because of the mitigation measures the IDARNG will take to limit interruption to the public’s access to the southern portion of the training area and BPCA along Simco Road. While unrestricted access is the goal, the possibility of three brigade-size units maneuvering over Simco Road throughout the year will affect access. If the public does not time their passage correctly, they will have to wait while the armored vehicles cross the road. Railroad crossing signals will ensure their safety as long as the public adheres to them.

The criterion “Restrictions to disposed land” received a score of 80 percent. The reason for the reduction in the score was due to the concentration of military units maneuvering on the State’s acquired land. The IDL stated that the public would have continued access to the newly acquired state land. Ultimately, some limitations throughout the year will occur to ensure the public’s and soldiers’ safety.

Ultimately, the proposed exchange should increase the “Recreation and Public Access” in the northern portion of the training area with limited restrictions placed on the public in the southern portion. The only restrictions that would occur are while units are crossing Simco Road or if concerns for soldiers’ safety exist. If this study had weighted each of the criterions, this one would have received a larger weighting because the BLM management sees access and public recreation as a critical part of their mission.

“Land Use Priorities” is the last criterion to receive a score of 80 percent. There are five units of analysis that support this criterion but four of them (“Conservation measures”, “Recreation”, “Public access”, and “Resource utilization”) are duplicates previously discussed.
The last unit of analysis, “Renewable energy” is no longer a factor because the data indicates neither the State nor the BLM has renewable energy sources on their tracts.

“Efficient Management and Development of Natural Resources” also received a score of 80 percent. The two units of analysis that establish the measurements for this criterion are “Livestock grazing usage” and “Mineral extraction.” The score and associated discussion for “Livestock grazing usage” has already taken place in an earlier section. Additionally, “Mineral extraction” did not receive a score because neither the BLM nor the State has identified mineral sites in the proposed areas.

“Federal Land Management” is the criterion that received the lowest score at 70 percent. The criterion consists of two units of analysis “Consolidation of land tracts…” and “Dispose of public lands using the most efficient means.” The first unit of measure received a score of 80 percent due to the possibility of being able to align thousands of acres of federal and state lands in the region, thus reducing the checkerboard effect. This alignment will increase the agencies’ land management effectiveness and efficiency. The IDL and the BLM will have to overcome at least one minor divide. This divide concerns land located within the impact area that the BLM did not see a reason to acquire. The State will have to either persuade the BLM that consolidating all of the land in the OCTC achieves the public’s best interest or accept the fact there will be four state tracts surrounded by federal land and the IDARNG will have to continue leasing them from the state. Neither the State, the IDARNG, nor the BLM see this as a game-stopping issue.

The second unit of analysis for this criterion, “Dispose of public lands using the most efficient means” received a score of 70 percent. The Federal Government could use one of the two methods to complete the exchange, either through a congressional act or under the BLM’s
authority. In both cases, the BLM will have to complete the exchange process as outlined in the Land Exchange Handbook. In addition, for both courses of action Congress will have to approve the exchange because the federal land value will exceed $150,000.

The measure used to score the result is the amount of time it takes to complete the exchange. Depending on the political atmosphere of Congress as a whole and the level of support from the State’s congressional office, both processes could take approximately five years or more to complete. If the agency initiated the process, it might take less time to complete, and it does not require Congress to allocate funds, which is a positive action when seeking congressional approval. Alternatively, if the IDARNG and IDL can convince the State Representatives to draft a congressional bill, then the BLM could receive funds, or it might just die in committee. The congressional factors make the outcome in regards to time equal. There is no such thing as a “sure thing” when it comes to dealing with Congress; but in this case, the less congressional involvement it takes to complete the process the better the course of action with or without attached funding.

According to the results, the proposed land exchange achieved a score of 85 percent, which clearly supports the public’s interest. The citizens of the State of Idaho will feel the direct benefits of the exchange with only a few negative consequences. As a whole, the exchange will benefit Idahoans economically, the soldiers training on the newly acquired land will have a premier training area located in their backyard, and the birds of prey habitat will continue to flourish under the management of the IDARNG’s Environmental Office. The seven criteria and their units of analysis selected for this exchange fully support the feasibility assessment process.
Equitable Land Value

The State of Idaho has a unique way of achieving equitable land value. Instead of trying to identify capital outlay to fund the cost difference between the estimated value of the federal and state lands, IDL simply adjusts the number of tracts within the exchange using state land holdings. This method of equalization also helps the federal agency accomplish its goal of further consolidating federal land.

As the State creates its proposal to present to the BLM, one disadvantage the IDL must work through early in the process is access to a current land appraisal. The IDL’s current appraisal method is inadequate because the agency’s paintbrush approach of appraising land could delay completion of the feasibility assessment while it awaits a more accurate valuation of its tracts. The BLM faces a similar problem; it also requires a rough estimate of the land’s value and does not have one. The agencies will have to adjust the number of tracts involved in the exchange during the execution phase after the DOI completes the exchange’s appraisal. That could extend the length of time it takes the BLM to complete the exchange, and that equates to additional funding requirements.

For this proposed land exchange, equitable land value is achievable. Had the non-federal partner in the exchange been a private landowner without the land resources of the State, then the flexibility that the State of Idaho has could challenge the process. One advantage the private landowner has over the State and BLM is a good understanding of their land’s appraised value.

Comparison between the Newly Proposed and the Owyhee Land Exchanges

This study used the same method to measure the criteria and their units of analysis when comparing the proposed land exchange with the Owyhee Exchange. As shown, some of the units of analysis did not apply to both exchanges while others required some minor adjustments
in wording (Tables C.1-7). The study found the characteristics of the State’s proposed exchange had many of the same strengths and challenges as those found in the Owyhee Exchange. In the end, the two exchanges scored within 10 points of one another; the Owyhee land exchange scored a 94 percent, and the proposed exchange scored an 85 percent (Table C.7).

The nine-percentage points difference in the statutory requirement public interest signifies three conclusions. It shows the proposed land exchange achieves the statutory requirement public interest. It validates the dependability of the measures selected for the proposed exchange. In addition, it shows the reliability of the measures, suggesting the BLM could adopt these units of analysis as standard measures for future feasibility studies. There is a need for some flexibility when applying the standard measures. As shown in this study (Tables C.3 & C.6), if a certain unit of analysis does not apply, then the agency simply identifies and notes the exclusion. If the BLM utilizes and publishes these standard measures, the agency would permit a non-federal landowner the ability to conduct a self-evaluation of their proposal to determine if they achieve the statutory requirements before initiating it with the federal agency.

In this study, the land value comparison does not affect the outcome of either exchange; because in both cases, the State of Idaho will add and subtract land plots as necessary to equalize the land value. If that had not been the case, the criteria created could still have standardized the reporting requirements found in the feasibility assessment (Tables D.1-D.4).

An essential factor included in the feasibility assessment is the identification of the overall value of the federal land involved in the exchange. In the case of the proposed land exchange, it requires congressional approval because the federal land value exceeds $150,000 (Table D.4), which will affect the approval time. The federal land value factor does not affect the Owyhee Exchange because of its affiliation with the 2009 Omnibus Act. In these two
exchanges, it is clear that the land value for each would exceed $150,000 based on the number of acres involved in the exchanges, but neither of the agencies had accurate appraisals on hand for the feasibility assessment. Without an accurate appraisal, smaller exchanges that teeter on the edge of that threshold could suffer significant delays.

**Meeting the State’s Objectives**

When the State created this proposal, it developed specific objectives. Many times government organizations lose the original intent of their proposal after the bureaucracy of the process strips away or add aspects to it. Using the units of analysis and comparing them to the State’s initial objectives, the remainder of this study will discuss if objectives survived the data analysis process.

The State began with 12 objectives ranging from consolidating land to increasing the IDARNG’s ability to maneuver without adversely affecting the BPCA. For the most part, the criteria used to evaluate public interest applied to these objectives. The results unanimously concluded that the State’s objectives would remain intact after comparing the objectives to the supporting data (Table G.1).

Overall, by shifting the IDARNG heavy maneuver area from the northern portion of the BPCA to the southeastern corner, the State would create a maneuver area large enough to train to doctrinal standards a brigade-size unit and it would decrease negative impacts on portions of the conservation area. That results in supporting increased regeneration of management area 1 lands as well as reducing scrutiny by agencies and private conservation groups critical of the IDARNG’s use of the BPCA. The flexibility gained in land use will subsequently lead to an increase in money for the endowment fund and local economies. It eliminates most, if not all, of the checkerboard effect in the area, increasing the agencies’ land management efficiency and
effectiveness. Finally, it demonstrates government cooperation at work and places the Governor in a positive light.

For every positive outcome identified during the feasibility assessment, a potentially negative one looms during the execution phase. The State will have to work through a number of issues with the BLM, especially those involving the slickspot peppergrass potential habitat. The ranchers could also demonstrate their opposition to the proposed exchange and use their relationship to the governor to derail the process. The prospect of the State achieving all of its objectives once the proposed exchange is complete is impossible to predict at this stage in the process but unlikely.

**Conclusion**

The Federal Government, focused on disposal, created a land management quandary. For over 100 years, national policy failed to take into consideration the circumstances that created the checkerboard effect throughout the West. Since the creation of the U.S.’ first truly comprehensive land management policy the FLPMA, the Act has accomplished successes and weathered challenges. When acquiring or disposing of federal land, the FLPMA has only two salutatory requirements, to achieve public interest and the equalization of land value. Identifying supporting data for these statutory requirements starts with a feasibility assessment.

As the State of Idaho creates the proposal to conduct a land exchange, neither the FLPMA nor the BLM’s *Land Exchange Handbook* have within them a comprehensive list of criteria the State should use to evaluate the exchange’s ability to achieve those statutory requirements, and research found that many BLM offices use different criteria to define public interest. This study set out to create a set of standardized criteria and units of analysis to measure the level of public interest an exchange might have. Utilizing those measurements, it
effectively evaluated the State of Idaho’s proposed land exchange and determined that it achieved public interest. When identifying the equalization of land value for the proposed exchange, it did not require the use of standardized criteria because the State simply has the ability and land holdings to adjust the number of tracts necessary to account for the difference in value but those standardized criteria can measure other exchanges and help private landowners shape the process.

Future studies should expand on the criteria by including additional units of analysis that affect other regions of the United States and other agencies. This comprehensive list would essentially define the public interest and increase transparency in public land-management. Additionally, it would allow the private and other non-federal landowners the ability to evaluate their prospective transactions. Right now, those criteria remain a mystery except to those with experience within the federal agencies. Additionally, studies should focus on the consequences of increasing with inflation the $150,000 threshold that requires congressional review of exchanges. Since Congress put that ceiling in place in 1986, inflation alone has more than doubled the value of the land and the policy should reflect the adjustment.

The federal agencies have made significant improvements to their internal policies over the 38 years since the creation of the FLPMA. The State of Idaho’s proposed land exchange achieves both of the statutory requirements and serves as an example other entities can use to complete their own land management processes. Transparency will become even more important in the near future as federal land managers come under heavier scrutiny in the West and the public demands agencies increase policy adaptability within the law. Land exchanges continue to serve as the most economical method of acquiring or disposing of federal land, but if
non-federal landowners do not know the requirements, that may stop many of them before ever starting the process.
References


U.S. Constitution, Article IV, § 3, Clause 2.

U.S. Department of the Interior. *County Payments*. (2014). Retrieved from website: http://www.doio.gov/pilt/county-payments.cfm?term=county&state_code=ID&fiscal_yr=2014&as_sfid=AAAAAUYObuIIWfGaf%2FPq%2FKO6iVkGE0QEbjr8UWTvJ0EyWR%2B44FRvPiE3Jlrg5szX1Xpzd4P4K6tkdtN8osNHj1jvWSO5vSxAmWP4aFV7N8g%3D%3D&as_fld=mELFEX5bIS7vSy4CH%2FF8


Figure References

Figure 1.

Figures 2-5.
Figure 6.
http://www.fws.gov/idaho/home/2013_07_LEPA_CH_index_logo.jpg

Figure 7.

Figure 8.
&as_sfif=AAAAAAAYObsuIWFgf%2Fpq%2Fko6iVkgqOeBbr8UWTvjrOEvWR%2B44FRvhPiE3JlrG5szX1XpzdP4K6tdtN8osoNHjljvWSO5vfSmWP4vAfV7N8g%3D%3D&as_fid=mELFEX5blS7vSy4CH%2F8

Figure 10.
Baun, C. Idaho Army National Guard, Environmental Program. (2014). *Proposed OCTC reconfiguration-BLM/state of Idaho land swap*

Figure 11.

Figure 12.
## Appendix A

### Public Interest Criteria

Table A1

*Public Interest Criteria*

<table>
<thead>
<tr>
<th>FLPMA Criteria and Units of Analysis</th>
<th>Federal land management</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Consolidation of land tracts used as a means to increase the BLM’s effectiveness and efficiency (checkerboard effect)</strong></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Dispose of public lands utilizing the most efficient means</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Enhancement of the State’s and local economics</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PILT program funding of Elmore and Ada Counties</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Potential economic impacts to the state and county created by the expansion of the military training area</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Adjustments to State income caused by potential changes to State grazing and multi-use permits</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Conservation measures</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential habitat for Slickspot Peppergrass issues under conservation agreement</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Compensatory enhancive package – Identify SOP / Mitigative actions for potential habitat impacts</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Environmental Assessment</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Recreation and Public Access</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dispersed, unstructured activities, i.e. shooting, hunting, bird watching</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Access to public lands, i.e. ability to use roads to access isolated federal tracts</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Restrictions to the public to disposed of lands</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Efficient Management and Development of Natural Resources</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livestock grazing usage</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Mineral extraction</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td><strong>Land Use Priorities</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conservation measures for birds of prey and Lepidium habitat</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Resource utilization</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Renewable energy</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Public Access</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>Fulfillment of Public Needs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost share analysis between BLM and State of Idaho</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>National/State Defense military readiness</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Water rights</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Public reaction</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Historic Sites</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Native American cultural areas</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Hazard Material Contamination</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>Public transparency</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>
### Appendix B

**Land Value Criteria**

Table B1

*Land Value Criteria*

<table>
<thead>
<tr>
<th>Land Value Criteria and Units of Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Value of resources on land</strong></td>
</tr>
<tr>
<td>Grazing resources per acre</td>
</tr>
<tr>
<td>Non-Federal Land appraised value</td>
</tr>
<tr>
<td>Federal Land appraised value</td>
</tr>
<tr>
<td><strong>Current fair market value</strong></td>
</tr>
<tr>
<td>Idaho Department of Lands appraisal of land holdings</td>
</tr>
<tr>
<td>Non-Federal Land appraised value</td>
</tr>
<tr>
<td>Federal Land appraised value</td>
</tr>
<tr>
<td><strong>Potential use land value</strong></td>
</tr>
<tr>
<td>Potential use of the disposed land by BLM</td>
</tr>
<tr>
<td>Non-Federal Land appraised value</td>
</tr>
<tr>
<td>Federal Land appraised value</td>
</tr>
<tr>
<td>Potential for development on the exchange land</td>
</tr>
<tr>
<td>The IDARNG does not propose developing the land with the exception of the some remote cameras and electronic monitoring sites.</td>
</tr>
<tr>
<td>The BLM cannot develop the land based on the BPCS</td>
</tr>
<tr>
<td><strong>Overall land value of the exchange</strong></td>
</tr>
<tr>
<td>Land is valued over &gt;150,000</td>
</tr>
<tr>
<td>Equalization is achievable if the land is within 25 percent of the two appraised values</td>
</tr>
</tbody>
</table>

Table B1. Land value criteria and units of analysis for a feasibility assessment to determine land value
### Appendix C

Measurement Tables with Results for Public Interest for the Proposed and Owyhee Exchanges

#### Table C1

**Federal Land Management**

<table>
<thead>
<tr>
<th>Federal land management</th>
<th>Proposed Unit Score</th>
<th>Owyhee Unit Score</th>
<th>Weight</th>
<th>Potential Points</th>
<th>Proposed Total Points</th>
<th>Owyhee Total Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consolidation of land tracts used as a means to increase the BLM’s effectiveness and efficiency (checkerboard effect)</td>
<td>4</td>
<td>5</td>
<td>1</td>
<td>5/5</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Dispose of public lands utilizing the most efficient means</td>
<td>3</td>
<td>4</td>
<td>1</td>
<td>5/5</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

**Total**

<table>
<thead>
<tr>
<th>Proposed Total Points</th>
<th>Owyhee Total Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/10</td>
<td>7</td>
</tr>
<tr>
<td>9</td>
<td></td>
</tr>
</tbody>
</table>

#### Table C2

**Enhancement of the State’s and Local Economics**

<table>
<thead>
<tr>
<th>Enhancement of the State’s and local economics</th>
<th>Proposed Unit Score</th>
<th>Owyhee Unit Score</th>
<th>Weight</th>
<th>Potential Points</th>
<th>Proposed Total Points</th>
<th>Owyhee Total Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>PILT program funding of Elmore and Ada Counties</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>10/10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Potential economic impacts to the state and county created by the expansion of the military training area</td>
<td>5</td>
<td>NA</td>
<td>2</td>
<td>10/0</td>
<td>10</td>
<td>NA</td>
</tr>
<tr>
<td>State Endowment Land increases caused by potential changes to State grazing permits issued</td>
<td>5</td>
<td>5</td>
<td>1</td>
<td>5/5</td>
<td>5</td>
<td>5</td>
</tr>
</tbody>
</table>

**Total**

<table>
<thead>
<tr>
<th>Proposed Total Points</th>
<th>Owyhee Total Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>25/15</td>
<td>25</td>
</tr>
<tr>
<td>15</td>
<td></td>
</tr>
</tbody>
</table>
Table C3

Conservation Measures

<table>
<thead>
<tr>
<th>Conservation measures*</th>
<th>Proposed Unit Score</th>
<th>Owyhee Unit Score</th>
<th>Weight</th>
<th>Potential Points</th>
<th>Proposed Total Points</th>
<th>Owyhee Total Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potential habitat for Slickspot Peppergrass issues under conservation agreement</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>10/10</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>Compensatory enhancive package – Identify SOP / Mitigative actions for potential habitat impacts</td>
<td>5</td>
<td>5</td>
<td>3</td>
<td>15/15</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td>Environmental Assessment Report</td>
<td>5</td>
<td>5</td>
<td>1</td>
<td>5/5</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>30/30</strong></td>
<td><strong>28</strong></td>
<td><strong>30</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*For the Owyhee Exchange apply other conservation potential habitat

Table C4

Recreation and Public Access

<table>
<thead>
<tr>
<th>Recreation and Public Access</th>
<th>Proposed Unit Score</th>
<th>Owyhee Unit Score</th>
<th>Weight</th>
<th>Potential Points</th>
<th>Proposed Total Points</th>
<th>Owyhee Total Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dispersed, unstructured activities, i.e. shooting, hunting, bird watching</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>10/10</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>Access to public lands, i.e. ability to use roads to access isolated federal tracts</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>10/10</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>Restrictions to the public to disposed of lands</td>
<td>4</td>
<td>5</td>
<td>1</td>
<td>5/5</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>25/25</strong></td>
<td><strong>20</strong></td>
<td><strong>25</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table C5

Efficient Management and Development of Natural Resources

<table>
<thead>
<tr>
<th>Efficient Management and Development of Natural Resources</th>
<th>Proposed Unit Score</th>
<th>Owyhee Unit Score</th>
<th>Weight</th>
<th>Potential Points</th>
<th>Proposed Total Points</th>
<th>Owyhee Total Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Livestock grazing usage</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>10/10</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Mineral extraction</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA/NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>10/10</strong></td>
<td><strong>8</strong></td>
<td><strong>6</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table C6

*Land Use Priorities*

<table>
<thead>
<tr>
<th>Land Use Priorities</th>
<th>Proposed Unit Score</th>
<th>Owyhee Unit Score</th>
<th>Weight</th>
<th>Potential Points</th>
<th>Proposed Total Points</th>
<th>Owyhee Total Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation measures for birds of prey and Lepidium habitat*</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>15/15</td>
<td>12</td>
<td>15</td>
</tr>
<tr>
<td>Recreation</td>
<td>4</td>
<td>5</td>
<td>1</td>
<td>5/5</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Resource utilization</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>5/5</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Renewable energy</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA/NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Public Access</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>10/10</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>35/35</td>
<td></td>
<td></td>
<td>41/30</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*For the Owyhee Exchange apply other conservation potential habitat

Table C7

*Fulfillment of Public Needs*

<table>
<thead>
<tr>
<th>Fulfillment of Public Needs</th>
<th>Proposed Unit Score</th>
<th>Owyhee Unit Score</th>
<th>Weight</th>
<th>Potential Points</th>
<th>Proposed Total Points</th>
<th>Owyhee Total Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost share analysis between BLM and State of Idaho</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>5/5</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>National/State defense military readiness</td>
<td>5</td>
<td>NA</td>
<td>2</td>
<td>10/NA</td>
<td>10</td>
<td>NA</td>
</tr>
<tr>
<td>Water rights</td>
<td>NA</td>
<td>3</td>
<td>1</td>
<td>5/5</td>
<td>NA</td>
<td>3</td>
</tr>
<tr>
<td>Public reaction</td>
<td>4</td>
<td>4</td>
<td>3</td>
<td>15/15</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Historic Sites</td>
<td>5</td>
<td>NA</td>
<td>1</td>
<td>5/NA</td>
<td>5</td>
<td>NA</td>
</tr>
<tr>
<td>Native American cultural areas</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
<td>NA/NA</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Public transparency</td>
<td>5</td>
<td>NA</td>
<td>2</td>
<td>10/NA</td>
<td>10</td>
<td>NA</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>50/25</td>
<td></td>
<td></td>
<td>41/30</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Overall FLPMA Criteria Score

<table>
<thead>
<tr>
<th>FLPMA Criteria</th>
<th>Potential Score</th>
<th>Proposed Unit Score</th>
<th>Owyhee Unit Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal land management</td>
<td>10/10</td>
<td>7</td>
<td>9</td>
</tr>
<tr>
<td>Enhancement of the State’s and local economics</td>
<td>25/15</td>
<td>25</td>
<td>15</td>
</tr>
<tr>
<td>Conservation measures</td>
<td>30/30</td>
<td>28</td>
<td>30</td>
</tr>
<tr>
<td>Recreation and Public Access</td>
<td>25/25</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Efficient Management and Development of Natural Resources</td>
<td>10/10</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Land Use Priorities</td>
<td>35/35</td>
<td>28</td>
<td>34</td>
</tr>
<tr>
<td>Fulfillment of Public Needs</td>
<td>50/25</td>
<td>41</td>
<td>30</td>
</tr>
</tbody>
</table>

| Overall Results | 185/150 | 157 | 149 |

Fulfillment of Public Needs  

### Scoring Key:
- 1=Serious Consequences  
- 2=No Positive Change with Minor Consequences  
- 3=No Advantage/Disadvantage  
- 4=Positive Change with Minor Consequences  
- 5=Positive Without Consequences
### Appendix D
Measurement Tables with Results for Land Value for the Proposed Exchange

#### Table D1
Value of Resources on Land

<table>
<thead>
<tr>
<th>Value of resources on land</th>
<th>Does the proposed exchange equate in value?</th>
<th>Does the Owyhee Exchange equate in value?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grazing resources per acre</td>
<td>UNK*</td>
<td>Yes/No</td>
</tr>
</tbody>
</table>

*The number of AUMs for the acres involved in the proposed exchange is unknown*

#### Table D2
Current Fair Market Value

<table>
<thead>
<tr>
<th>Current fair market value</th>
<th>Does the proposed exchange equate in value?</th>
<th>Does the Owyhee Exchange equate in value?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho Department of Lands appraisal of land holdings</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
</tbody>
</table>

#### Table D3
Potential Land Use Value

<table>
<thead>
<tr>
<th>Potential use land value</th>
<th>Does the proposed exchange equate in value?</th>
<th>Does the Owyhee Exchange equate in value?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potential use of the disposed land by BLM</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Potential for development on the exchange land</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
</tbody>
</table>
Table D4

**Land Value Decision**

<table>
<thead>
<tr>
<th>Do the Federal and State Lands Equate in Value or Can the Exchange Achieve the FLPMA Requirements?</th>
<th>Does the proposed exchange meet Federal Requirements?</th>
<th>Does the Owyhee Exchange meet Federal Requirements?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land is valued over &gt;150,000</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Is the land value equitable?</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
<tr>
<td>Equalization is achievable if the land is within 25 percent of the two appraised values.</td>
<td>Yes/No</td>
<td>Yes/No</td>
</tr>
</tbody>
</table>
Appendix E
Comparisons of Proposed/Owyhee Land Exchange Feasibility Data

Table E1

Comparisons of Proposed/Owyhee Land Exchange Feasibility Data

<table>
<thead>
<tr>
<th>FLPMA Criteria and Units of Analysis</th>
<th>Federal land management</th>
<th>Owyhee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consolidation of land tracts used as a means to increase the BLM’s effectiveness and efficiency (checkerboard effect)</td>
<td>With the potential exception of the four tracts of state land within the impact area the BLM accomplishes its goal to consolidate federal land</td>
<td>“…allow the BLM to block up Federal ownership in southern Owyhee County. This would allow for more efficient and effective management, and would also reduce the potential for future land use conflicts involving State ownership of lands in Wilderness Areas and Wild and Scenic River corridors” (p.1)</td>
</tr>
<tr>
<td>Dispose of public lands utilizing the most efficient means</td>
<td>Though this will require congressional approval, the time will still be significantly shorter 3 to 5 years.</td>
<td>It took eight years to get Congress to include the Owyhee land exchange in the Omnibus Act. Congressional Act with an exchange process. Introduced in Jan 2009. Passed into law April 2009 (“Govtrack.us: H.R. 146,” 2009). Anticipated completion October 2015 (Sullivan, 2014). That is a total of 14 years from the proposal’s conception.</td>
</tr>
</tbody>
</table>

Enhancement of the State’s and local economics

<table>
<thead>
<tr>
<th>Proposed</th>
<th>Owyhee</th>
</tr>
</thead>
<tbody>
<tr>
<td>*PILT program funding of Elmore and Ada Counties</td>
<td>Elmore County would lose approximately 10,000 acres of federal land but not lose PILT funds. Ada County would increase by almost 16,000 acres and could receive as much as an additional $40,000 in PILT funds.</td>
</tr>
<tr>
<td>Potential economic impacts to the state and county created by the</td>
<td>The State will receive significant positive economic impacts because of the additional</td>
</tr>
</tbody>
</table>
expansion of the military training area
Endowment funds and the increased income from more units using the OCTC.
more animal-unit months (AUM) of forage per acre from non-native seedings than the State lands being transferred to the United States” (p.1).

Adjustments to State income caused by potential changes to State grazing and multi-use permits
While initially the loss of acres could negatively affect the fund, the ability to increase the value of leases by adding water to the range will balance that loss.
Adjustments to grazing area as discussed above will result in a $3,790 gain in revenue for the State. Using current figures identified by IDL.

<table>
<thead>
<tr>
<th>Conservation measures</th>
<th>Proposed</th>
<th>Owyhee</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area 1 verses Area 3 “potential” habitat development</strong></td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Potential habitat for Slickspot Peppergrass issues under conservation agreement</td>
<td>The protection of critical and potential slickspot peppergrass habitat will continue to occur under the IDARNG’s management program</td>
<td>“…reduce the potential for future land use conflicts involving State ownership of lands in Wilderness Areas and Wild and Scenic River corridors. Much of the State land contains habitat for sage grouse, pygmy rabbits, and big horn sheep, all species of special concern. Because of their location within or near Wilderness Areas, the State land parcels are generally remote, have limited access, and thus support higher quality wildlife habitat than exists on the Federal lands. The State lands have generally suffered fewer effects from human use and management, and for the most part, are in good to excellent condition, and lie within designated ranges for the above species, which are known to flourish in higher quality habitat.” (p.1).</td>
</tr>
<tr>
<td>Compensatory enhance package –</td>
<td>The IDARNG will mitigate and increase slickspot peppergrass</td>
<td>“Thus, acquisition of this habitat would constitute a net gain in</td>
</tr>
</tbody>
</table>
Identify SOP / Mitigative actions for potential habitat impacts and birds of prey habitat by continuing its efforts to protect and improve the ecology. special status species habitat, and would enhance future BLM management should one or more of the species be listed as threatened or endangered…” (p.2)

Environmental Assessment An EA will take place with only one major issue identified: slickspot potential habitat on the federal land. “Thus, acquisition of this habitat would constitute a net gain in special status species habitat, and would enhance future BLM management should one or more of the species be listed as threatened or endangered” (p.1)

***Requirements outlined in Snake River Birds of Prey National Conservation Area Resource Management Plan and Record of Decision/conservation agreement (BLM MOU IDSO 201408) The IDARNG is currently maximizing it ability to positively affect the BPCA and slickspot peppergrass habitat by conducting mitigation activities as outlined by the agreement. Additionally, the IDARNG’s management techniques have received praise from the USFWS for its efforts to increase the quality of the habitat, i.e. creating management level 3 habitat. Reduce land use conflicts for Wilderness Areas and Wild and Scenic River corridors. Much of the State land contains habitat for sage grouse, pygmy rabbits, and big horn sheep, all species of special concern (p.1).

<table>
<thead>
<tr>
<th>Recreation and Public Access</th>
<th>Proposed</th>
<th>Owyhee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dispersed, unstructured activities, i.e. shooting, hunting, bird watching</td>
<td>The IDARNG’s limited use of the northern portion of the training area will lessen the effects on shooting and other recreational activities</td>
<td>No mention of recreation in the feasibility assessment.</td>
</tr>
<tr>
<td>Access to public lands, i.e. ability to use roads to access isolated federal tracts</td>
<td>Though the IDARNG may interrupt unlimited access as military maneuvers cross Simco Road, the IDARNG will limit those interruptions.</td>
<td>No mention of access to federal lands in the feasibility assessment. Access discussion limited to state lands easements (p.2)</td>
</tr>
<tr>
<td>Restrictions to the public to disposed of lands</td>
<td>The State will allow full access to the newly acquired lands except when military maneuvers impact the public’s safety.</td>
<td>No discussion about restrictions to public land.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Efficient Management and Development of Natural Resources</th>
<th>Proposed</th>
<th>Owyhee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Livestock grazing usage</td>
<td>Initially ranchers could oppose this exchange because of the</td>
<td>The State land that the IDL is receiving from the BLM could be</td>
</tr>
</tbody>
</table>
difference in cost to lease land for grazing, but the limitations placed on them on federal lands as opposed to state lands will be fewer significantly higher in production because it was reseeded, increasing the AUM (pp.1-2) “The effects on Federal and State grazing permittees/lessees, including changes in grazing fees, will be evaluated in the environmental assessment (EA) during the processing of the exchange. To the extent allowed by Federal and State laws, and subject to review and approval by the Department of the Interior Solicitor (Solicitor), the BLM Idaho State Director and the IDL Director have agreed that allocated AUMs, authorized livestock management systems, and any other requirements that may exist for affected BLM and IDL grazing permits/leases would remain in effect (and be recognized and honored by the receiving agency) for whatever term remains on the respective permits/leases as of the date of title transfer. Thus, following review by the Solicitor, the BLM and the IDL will amend their exchange proposal to conform to the Solicitor’s legal opinion on these grazing issues. Regardless, as required by Federal regulations, BLM permittees having grazing preference in allotments proposed for transfer to the State in this exchange will be provided a two-year notification before their grazing permit can be modified or cancelled” (p.2). Following expiration or termination of a BLM grazing permit or a State grazing lease, the affected permittee / lessee would be subject to whatever
Mineral extraction | N/A | Future study necessary (p.4)

<table>
<thead>
<tr>
<th>Land Use Priorities</th>
<th>Proposed</th>
<th>Owyhee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conservation measures***</td>
<td>Conservation of the both the birds of prey and slickspot peppergrass habitats could actually prosper because of both would come under the IDARNG’s management program. Evaluations of the Lepidium potential areas will need to take place.</td>
<td>Explained in detail in the conservation measure criterion.</td>
</tr>
<tr>
<td>Recreation</td>
<td>The exchange supports increased recreation in the northern portion of the training area with fewer restrictions posed by the IDARNG for training purposes.</td>
<td>No mention of recreation in the feasibility assessment.</td>
</tr>
<tr>
<td>Resource utilization</td>
<td>This table covers grazing in multiple locations and there are no mineral deposits on either the federal or state lands.</td>
<td>See grazing.</td>
</tr>
<tr>
<td>Renewable energy</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Public Access</td>
<td>Though the IDARNG may interrupt unlimited access as military maneuvers cross Simco Road, the IDARNG will limit those interruptions. The State will allow full access to the newly acquired lands except when military maneuvers impact the public’s safety.</td>
<td>“Title would be transferred subject to valid existing rights, and there is a possibility that some current holders would request to have their right-of-way grants converted to a perpetual term or an easement prior to title transfer. The existence of easements could potentially influence the appraised value of affected Federal land parcels” (p.2).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fulfillment of Public Needs</th>
<th>Proposed</th>
<th>Owyhee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost share analysis between BLM and State of Idaho</td>
<td>The IDARNG will provide support to the BLM by conducting most of the studies and the EA as required by the FLPMA. This will reduce the BLM’s costs associated with</td>
<td>Not required because congressional act</td>
</tr>
</tbody>
</table>
producing or contracting those studies.

<table>
<thead>
<tr>
<th>Water rights</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title to the Federal land would be transferred to the IDL in one patent, with a reservation to the United States of a right-of-way for ditches and canals pursuant to the Act of August 30, 1890 (43 U.S.C. 945).</strong></td>
<td></td>
</tr>
</tbody>
</table>

“Six State parcels contain lessee-constructed and owned stock ponds, and two State parcels contain lessee-constructed and owned spring developments. According to IDL staff, the stock ponds are constructed to intermittently capture and hold overland flow from spring snowmelt, and as such, do not require a water right. However, in a November 28, 2008, telephone conversation, Steve Lester, of the Idaho Department of Water Resources (IDWR), informed John Sullivan, former Assistant Four Rivers Field Manager, that most stock ponds require a water right unless they capture water from such a diffuse source that it would not otherwise end up flowing into a drainage system. A specific evaluation would need to be done on each of these stock ponds. The developed springs would definitely require a water right. IDWR records reveal that the only water right showing for any of the six stock ponds and two springs is water right No. 55-10025A, held by Joseph Black and Sons for stockwater storage in the NW¼NW¼ of Section 36,
Public reaction

Public reaction for the most part should be positive. The local communities could see a boost to their economies; Ada County will receive an increase to its PILT payment while Elmore County will not lose PILT money. The ranchers could use their political connections with the governor to stop the exchange from occurring.

“The public interest will be well served by consummating this land exchange. The BLM’s acquisition of valuable habitat for sage grouse, pygmy rabbits, and big horn sheep would enhance future management initiatives if these species are either listed under the Endangered Species Act, and/or warrant more intensive management. The exchange would also enhance and make more efficient and cost-effective the management of the respective Federal and State lands. It is in the State’s and the Nation’s best interest to have lands designated as Wilderness and Wild and Scenic River under BLM administration. Should a land exchange not be accomplished, the management of State Endowment lands that are surrounded by designated Wilderness or Wild and Scenic...
River corridors would be unnecessarily complicated, and would diminish the State’s ability to maximize revenues from their affected lands, which is the State’s mandate for the benefit of endowment beneficiaries” (p.7).

| Historic Sites | There is one historic site located on the federal land. The IDARNG will protect the dam by fencing it off to ensure military maneuvers do not affect its preservation. Additional analysis required | Additional analysis required (p. 4) |
| Native American cultural areas | Additional analysis required | Additional analysis required (p.4) |

| Public transparency | The public will have multiple opportunities to hear about the exchange beginning at the State Land Board meeting. Additionally, when the BLM creates the feasibility assessment, public hearings will follow as part of the execution phase. | Full disclosure and multiple meetings involving private citizens, the County, and the Native American tribes (p.6). |

Table 3. Public interest criteria used to compare the proposed exchange with Owyhee Exchange to determine public interest. The comments found in the Owyhee column for the most part come directly from feasibility assessment.

* Exchange PILT program funding of Elmore and Ada Counties or Owyhee County
** Removed: Area 1 verses Area 3 “potential” habitat development
*** Edited to add Conservation BLM MOU 201408
## Appendix F
Comparisons of Proposed/Owyhee Land Exchange Land Value Data

Table F1

Comparisons of Proposed/Owyhee Land Exchange Land Value Data

<table>
<thead>
<tr>
<th>Land Value Criteria and Units of Analysis</th>
<th>Owyhee</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Value of resources on land</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grazing resources per acre</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Federal Land appraised value</td>
<td>3,452</td>
<td>UNK</td>
</tr>
<tr>
<td>AUMs</td>
<td>4,002</td>
<td>UNK</td>
</tr>
<tr>
<td>x $6.89</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$23,784</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Land appraised value</td>
<td>4,002</td>
<td>UNK</td>
</tr>
<tr>
<td>AUMs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>x $1.35</td>
<td></td>
<td></td>
</tr>
<tr>
<td>$5,402</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Current fair market value</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho Department of Lands appraisal of land holdings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Federal land appraised value</td>
<td>$7.7-</td>
<td>4.7m</td>
</tr>
<tr>
<td>$9.6m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal land appraised value</td>
<td>$6.5-</td>
<td>$3m</td>
</tr>
<tr>
<td>$8m</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Potential use land value</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential use of the disposed land by BLM</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Federal land appraised value</td>
<td>$7.7-</td>
<td>4.7m</td>
</tr>
<tr>
<td>$9.6m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal land appraised value</td>
<td>$6.5-</td>
<td>$3m</td>
</tr>
<tr>
<td>$8m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Potential for development on the exchange land</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td><strong>Overall land value of the exchange</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land is valued over &gt;150,000</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Equalization is achievable if the land is within 25 percent of the two appraised values</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Note: Land value criteria and units of analysis to compare the proposed exchange with Owyhee Exchange to determine land value.
Appendix G
State of Idaho Validation/Refutation of Proposed Land Exchange

Table G1

<table>
<thead>
<tr>
<th>State Published Motives</th>
<th>Supporting/Refuting Data</th>
<th>Does the State meet its goals?</th>
<th>Yes/ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. State of Idaho:</td>
<td>IDARNG will pay $311,000 per acre or $7.8 million over a 25-year period. The State Endowment Fund currently receives $3,336 a year or $258,597 over a 25-year period.</td>
<td>The State achieves its goal of increasing revenue for the State Endowment Fund through multi-use leases.</td>
<td>Yes</td>
</tr>
<tr>
<td>Significant increase</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>in endowment fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(currently livestock)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Significant increase from out of state training dollars (IDARNG training and construction),</td>
<td>The IDARNG’s OCTC could host up to three brigades a year. This will bring in $2.6 million more than it currently receives and 13 more full time positions.</td>
<td>For every dollar spent the State and local economies receive approximately 1.67% output from the IDARNG input (Garder, Harris, &amp; Chambers, 2012, p.36)</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Consolidated ownership, IDARNG support of land swap (Clearances, Scoping, NEPA…)</td>
<td>By eliminating the checkerboard effect, the State can increase revenue and eliminate many of the environmental restrictions that limit development or usage.</td>
<td>The new addition to the OCTC will not be subject to federal environmental laws but will comply as partners. This will allow the units using the OCTC to train without restrictions for the most part while giving the IDARNG the ability to manage the land as necessary.</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Great PR for Governor/State</td>
<td>The Governor can claim a victory for the State Endowment fund due to the substantial increase in revenue. Additionally, the Governor can demonstrate his efforts to protect the environment.</td>
<td>The Governor on multiple occasions has tried to reduce the checkerboard effect and this would achieve that goal.</td>
<td>Yes</td>
</tr>
<tr>
<td>5. BLM: Consolidated ownership</td>
<td>BLM consolidated ownership will reduce the checkerboard effect and increase the efficiency for the agency while maintaining all of the necessary requirements like recreation, public access, and environmental controls.</td>
<td>The State would dispose of land it cannot manage and develop.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>6. Reduced impacts and increased restoration for Priority 3 habitat area</td>
<td>By limiting heavy maneuver in the northern portion of the training area, the IDARNG will continue to enhance the Priority 3 habitat. The heavy maneuvers will happen primarily in the south or only during specific training events.</td>
<td>The IDARNG’s Environmental Office would continue to effectively manage the training area and focus on those areas that have regeneration ability.</td>
<td>Yes</td>
</tr>
<tr>
<td>7. IDARNG: Increased Training Flexibility (Type and Intensity)</td>
<td>By expanding the training area in the south, the OCTC will become the second largest training area in the U.S. and it will allow heavy maneuver forces to train utilizing doctrinal distances.</td>
<td>It gives units flexibility and allows them to train to standard with few environmental restrictions.</td>
<td>Yes</td>
</tr>
<tr>
<td>8. State lands allow for greater site control vs. BLM lands (Restrict Public Access)</td>
<td>By consolidation of land in the south would significantly reduce the restrictions the checkerboard pattern of state lands currently face</td>
<td>The IDARNG can fully utilize the OCTC and become a national training center without the BLM’s troop and environmental restrictions.</td>
<td>Yes</td>
</tr>
<tr>
<td>9. Reduced training impacts to NCA priority habitat result in less scrutiny from agencies and the public</td>
<td>IDARNG will have additional restrictions in the northern portion of the training area based on new Lepidium critical habitat sites but IDARNG will have the ability to train unhindered for the most part for 40 kms.</td>
<td>Conservation groups, who are educated about the OCTC and BPCA, will support the State’s movement out of the northern portion of the training area.</td>
<td>Yes</td>
</tr>
<tr>
<td>10. Public: Enhanced Soldier Preparedness</td>
<td>Exchange would give the IDARNG and other military organizations the ability to train using maneuver distances the support doctrine</td>
<td>The IDARNG can show how its units from within the state and throughout the nation have the capability to train to standard.</td>
<td>Yes</td>
</tr>
<tr>
<td>11. Increased Enhancement of NCA Habitat,</td>
<td>The IDARNG would enhance increase the Lepidium and birds of prey habitat in the north</td>
<td>The State would continue its partnership with USFWS and other federal agencies to protect the Lepidium and the birds of prey habitat.</td>
<td>Yes</td>
</tr>
<tr>
<td>12. Reduced Conflicts with Military Use in NCA</td>
<td>By limiting use of the northern portion of the training area the IDARNG will have eliminate conflicts with the BPCA.</td>
<td>The IDARNG and other units restricting use within the northern portion of the OCTC reduces the chances of an accident with the public or interfering with their rights to conduct recreational activities.</td>
<td>Yes</td>
</tr>
</tbody>
</table>
Figure 1. Percent of Federally Owned Acreage, by State (Hardy Vincent, 2004)
Figure 2. Morley Nelson Snake River Birds of Prey Conservation Area (Baun, 2014, p.2).
Figure 3. Morley Nelson Snake River Birds of Prey Conservation Area Management Areas (Baun, 2014, p.6)
Figure 4. Orchard Combat Training Center with the IDARNG’s input of the management levels (Baun, 2014, p.5)
Figure 5. Proposed land exchange between the BLM and State of Idaho. The light blue outline in the lower right corner of the OCTC boundary is the proposed federal land for the blue boxes (State land) inside the OCTC boundaries and the state land located just south of the boundary (Baun, 2014, p.13).
Figure 6. Critical habitat for Lepidium in southwestern Idaho. The red box identifies the location of the proposed land exchange.
<table>
<thead>
<tr>
<th>Elmore County</th>
<th>Size of Population</th>
<th>Cost Multiplied by</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Population Limit:</strong></td>
<td>26,000</td>
<td>$88.57</td>
<td>$2,302,802</td>
</tr>
<tr>
<td><strong>Number of Acres</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deduction for Prior Year’s Payment (-) (this applies to both calculations)</td>
<td></td>
<td></td>
<td>$945</td>
</tr>
<tr>
<td>Net Amount Before Population Limitation</td>
<td></td>
<td></td>
<td>$3,500,520</td>
</tr>
<tr>
<td>Net Amount after Comparing Population Limit vs Acreage (Lower of Two)</td>
<td></td>
<td></td>
<td>$2,301,875</td>
</tr>
<tr>
<td><strong>Alternative &quot;B&quot;</strong></td>
<td>1,357,157</td>
<td>$0.36</td>
<td>$488,577</td>
</tr>
<tr>
<td>No Deductions</td>
<td></td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>$488,577</td>
</tr>
</tbody>
</table>

**Select Higher Alternative "A" vs Alternative "B"**

Use Alternative "A" $2,301,875

**Figure 7.** Elmore County PILT 2014 calculation using the DOI data. The DOI used Alternative “A” is the amount of funding Elmore County receives from the Federal Government.
Figure 8. Ada County 2014 PILT calculation using the DOI data. The DOI used Alternative “A” is the amount of funding Elmore County receives from the Federal Government.
**Figure 9.** Ada County PILT calculation using the DOI data with the proposed land exchange’s additional acreage. Alternative “A” is the amount of funding Elmore County would receive from the Federal Government.
Figure 10. BLM potential Lepidium habitat. This map shows how the potential sites could affect the proposed land exchange.
Four units of critical habitat are proposed, one each in Payette, Ada, Elmore, and Owyhee Counties, Idaho. The four PCEs are:
1. Ecologically functional microsites or “slickspots,” characterized by:
   a. High sodium and clay content and a three-layer soil horizonation sequence.
   b. Sparse vegetation with low to moderate introduced, invasive, non-native plant species cover.
2. Relatively intact, native Wyoming big sagebrush vegetation assemblages, represented by native bunchgrasses, shrubs, and forbs, within 820 feet of slickspot peppergrass element occurrences to protect slickspots and plants from disturbance from wildlife, slow the invasion of slickspots by non-native species and native harvester ants, and provide the habitats needed by slickspot peppergrass’s pollinators.
3. A diversity of native plants whose blooming times overlap to provide pollinator species with sufficient flowers for foraging throughout the seasons and to provide nesting and egg-laying sites; appropriate nesting materials; and sheltered, undisturbed places for hibernation and overwintering. In order for genetic exchange of slickspot peppergrass to occur, pollinators must be able to move freely between slickspots. Alternative pollen and nectar sources are needed to support pollinators during times when slickspot peppergrass is not flowering, when distances between slickspots are large, and in years when slickspot peppergrass is not a prolific flowerer.
4. Sufficient pollinators for successful fruit and seed production, particularly pollinator species of the sphexid and vespid wasp families, species of the bombyliid and tachnid fly families, honeybees, and halictid bee species, most of which are solitary insects that nest outside of slickspots in the surrounding sagebrush-steppe vegetation, both in the ground and within the vegetation.

*Figure 11.* BLM Lepidium (slickspot peppergrass) defining criteria of potential habitat. Found in the Environmental Impact Study for Gateway West.
Figure 12. Potential Access Restricted Sites. Using designated crossing sites protected by railroad signals would allow the public to use Simco Road and prevent accidents.
### Figure 13. Owyhee County PILT payments.

Using Alternative “B”, the left sheet identifies the current PILT payment to Owyhee County while the second sheet shows the expected payment by the DOI to the county after the Owyhee land exchange takes place. The county will receive approximately $2,125 more annually.