



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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In Reply Refer To:
2710P
CA-910

APR 18 2005

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Honorable Wally Herger
410 Hemsted Drive, Suite 115
Redding, CA 96002

Dear Congressman Herger:

This letter is in response to a recent inquiry by property owners living adjacent to the Federal parcel involved in the proposed Salmon Creek Resources exchange, locally referred to as Area 51. It is our understanding the inquiry was whether or not adjoining landowners have preference rights when the Bureau of Land Management (BLM) decides to dispose of adjacent public lands.

The legal authority in these cases is the Federal Land Policy and Management Act (FLPMA). Section 203 governs sale of public lands; Section 206 governs exchanges. While the sale authority provided by Congress does set preference requirements, the exchange authority does not. FLPMA gives BLM the authority to make a determination on which method of disposal best meets identified public policy objectives as set forth in its land use plan for the area developed under Section 202 land use planning authority of FLPMA. BLM is in the process of making the determination that the public interest can best be served by disposing of these lands through an exchange, which will allow for the acquisition of lands with important public and resource values.

If BLM had made the determination to sell the public lands involved, FLPMA states that the Secretary [of the Interior] "shall give consideration to the following potential purchasers: (1) the State in which the land is located; (2) the local government entities in such State which are in the vicinity of the land; (3) adjoining landowners; (4) individuals; and (5) any other person." The Act does not provide any such consideration regarding exchanges. In fact, the exchange provision states that public lands may be exchanged when the "Secretary concerned determines that the public interest will be well served by making the exchange: Provided, that when considering public interest the Secretary concerned shall give full consideration to better Federal land management and the needs of State and local people, including needs for lands for the economy, community expansion, recreation areas, food, fiber, minerals, and fish and wildlife..."

BLM is currently going through the public process required by law in determining the best use of these lands. BLM's land use plan decision, the method of disposal determination, and the exchange process all follow the legal requirements of FLPMA in making such land allocations. BLM is now in the final stages of considering the public comments received, evaluating the environmental analysis, and will soon reach a decision on the land exchange proposal. We hope this adequately answers your constituents' inquiry. We will continue to keep you and your office informed of our progress.

Sincerely,

Mike Pool
State Director