

Bureau of Land Management, Interior

§ 3515.25

- (1) Agricultural production potential;
- (2) Scenic values;
- (3) Biological values including threatened or endangered species habitat;
- (4) Geologic values;
- (5) Archeological, historic or other cultural values;
- (6) Other public interest values such as recreational use;
- (7) Residential or urban areas;
- (8) Potential inclusion in the wilderness or wild and scenic rivers systems; or
- (9) Other public uses, including public highways, airports, and rights-of-way from lease operations.

(b) The lands proposed for exchange must be free from hazardous waste as defined under the authorities of the Federal Water Pollution Control Act (33 U.S.C. 1251), Resource Conservation and Recovery Act (42 U.S.C. 6901) and the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601).

§ 3515.18 Will I be notified when BLM is considering initiating an exchange that will affect my lease?

Yes. The notice you receive will:

- (a) State why we believe an exchange would be in the public interest;
- (b) Ask whether you are willing to negotiate for an exchange;
- (c) Contain a description of the lands for which we would offer exchange terms; and
- (d) Ask you to describe the lands on which you would accept a lease in exchange for your present holdings.

TYPES OF LEASE EXCHANGES

§ 3515.20 May I exchange preference rights?

Yes. To have a preference right that can be exchanged, you must have timely submitted a preference right lease application. If you have demonstrated a right to a lease, BLM may, in lieu of issuing the preference right lease, negotiate for the selection of appropriate lands to exchange and establish lease terms for those lands.

§ 3515.21 What types of lands can be exchanged?

The lands to be leased in exchange for your existing rights must be:

- (a) Subject to leasing under the authorities of this part; and
- (b) Acceptable to both you and BLM as a lease tract containing a deposit of leasable or hardrock minerals of equal value to your existing rights.

§ 3515.22 What if the lands to be exchanged are not of equal value?

If the lands are not equal in value, either party may equalize the value by paying money to the party receiving the property of lesser value. Such payments may not exceed 25 percent of the total value of the land or interest transferred out of Federal ownership. The parties may mutually agree to waive the monetary payment, if the Secretary determines that:

- (a) A waiver will expedite the exchange;
- (b) The public interest will be better served by the waiver than by the payment; and
- (c) The amount to be waived is no more than 3 percent of the value of the lands being transferred out of Federal ownership, or \$15,000, whichever is less.

LEASE EXCHANGE PROCEDURES

§ 3515.23 May BLM require me to submit additional information?

Yes. You must be willing to provide geologic and economic data we need to determine the fair market value of your preference right or lease to be relinquished.

§ 3515.25 Is BLM required to publish notice or hold a hearing?

Yes. After you and BLM agree on the lands for exchange, we will publish a notice of the proposed exchange in the FEDERAL REGISTER and in a newspaper(s) in the county(s) where the lands involved are located. The notice will include:

- (a) The time and place of a public hearing(s);
- (b) Our preliminary findings that the exchange is in the public interest; and
- (c) A request for public comments on the merits of the proposed exchange.