

RE: Buffalo Horn Land Exchange, Notice of Appeal-(refiled) – appeal includes Statement of Reasons
RE: Buffalo Horn Land Exchange, Request for Stay – attached (Pages 9-11)

10.2.23

**RE: Buffalo Horn Land Exchange, Notice of Appeal-(refiled) – appeal includes Statement of Reasons
(Pages 1-8)**

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- CC: Phil Wieser, Colorado Attorney General, teamphil@philforcolorado.com

Regarding the BLM Dismissal received 9.13.23 of my Buffalo Horn Land Exchange Protest (dated 2.3.21 (attached)). References: **(2200, 2100 CO-923), COC-76595 FD PT, COC-79653, COC-79652 PT.**

This is a Notice of Appeal (with Reasons and attached Request for Stay) to the BLM Colorado State Office and any other required offices/persons in accordance with the regulations contained in 43 CFR Part, Form 1842-1 and the applicable Notice of Decision Serial No. COC-76595. This filing replaces my previous Notice of Appeal, dated 9.28.23. ****NOTE ALL VERBIAGE THAT IS BLUE IN COLOR AND UNDERLINED HAS AN ELECTRONIC LINK TO THE REFERENCED MATERIAL, LAW, OR FEDERAL REPORT.

Appeal #1 - In the BLM Response #1 (dated 9.7.23) to my Appeal (dated 2.3.21), the BLM failed to answer by misquoting the portion of CRS 3.1.102 (1) that the appeal was directed towards. The BLM quoted the first sentence of CRS 3-1-102 (1), see BLM Response #1 picture below, my appeal was entirely based on the second sentence of CRS 3-1-102 (1), **“However, before any privately owned land in the state is acquired for any purpose other than for public highways, custom houses, courthouses, post offices, arsenals, or other governmental buildings, the United States shall...”**. See picture below of my 2.3.21 Appeal (Issue #1 per BLM 9.7.23 Response)

[2.3.21 Appeal]

The BLM is not using these, soon to acquired private lands, from the Buffalo Horn Land Exchange, for any critical government use, such as: public highways, custom houses, courthouses, post offices, arsenals, or other governmental buildings. Consent to Acquire, does apply when the BLM acquires Colorado private lands for general public land uses (meaning these lands being acquired have no crucial value for the federal gov't to function).

CRS 3.1.102 states the following:

“However, before any privately owned land in the state is acquired for any purpose other than for public highways, custom houses, courthouses, post offices, arsenals, or other governmental buildings, the United States shall give written notice of intention to acquire the land to the

[9.7.23 BLM Response]

RESPONSE #1

C.R.S. 3-1-102 specifically, and importantly, provides in relevant part that “[e]xcept as provided in this section, the consent of the state of Colorado ***is hereby given***, in accordance with section 8 (17) of article I of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the state required for custom houses, courthouses, post offices, arsenals, or other buildings whatever, or for any other proper purpose of the United States government.” Emphasis added.

Other provisions in C.R.S. 3-1-102 are not applicable to this land exchange, such as the

I ask, in this appeal, that the BLM respond to my numbered appeals in their entirety and include them in their Responses to avoid misquoting and misleading the public.

Appeal #2 – In the BLM Response #1 (dated 9.7.23) to my Appeal (dated 2.3.21), the BLM claims with Emphasis that the consent of the state “**is hereby given**” in accordance with the Enclave Clause (aka Jurisdiction Clause) Article 1, Section 8, Clause 17 of the US Constitution. With this Response, the BLM is declaring that automatic consent “**is hereby given**” by Colorado for the acquisition of the Buffalo Horn Land Exchange (1800 acres vacant private land) because the lands to be acquired fall under “any other proper purpose of the United States government. **Emphasis Added**” (actual Response in picture box below)

[9.7.23 BLM Response]

RESPONSE #1

C.R.S. 3-1-102 specifically, and importantly, provides in relevant part that “[e]xcept as provided in this section, the consent of the state of Colorado **is hereby given**, in accordance with section 8 (17) of article I of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the state required for custom houses, courthouses, post offices, arsenals, or other buildings whatever, or for any other proper purpose of the United States government.” Emphasis added.

Recognition must be given to the wording in the title of “CRS 3-1-102 “Consent to acquire land - **when notice required**- directive to the attorney general”. The very foundation and title of the law is to define when notice is required so the state can unilaterally stop the federal government from acquiring state/private land if they wish. Sentence two of CRS 3-1-102 (quoted in Appeal) reveals that when the federal government has no intent to develop private lands for highways, buildings, and arsenals that automatic consent is not given. The federal government is not utilizing the 1800 acres acquired in the Buffalo Horn Land Exchange for highways, buildings or arsenals so automatic consent by the State is not achieved.

Appeal #3 -The BLM claims in their 9.7.23 Response #1, to my Appeal (dated 2.3.21), that CRS 3-1-102 procures consent of the Buffalo Horn Land Exchange, because CRS 3-1-102 states ... “consent of the state of Colorado **is hereby given**” and “**or for any other proper purpose of the United States government. Emphasis Added**”. See below picture/quote from BLM response.

[9.7.23 BLM Response]

RESPONSE #1

C.R.S. 3-1-102 specifically, and importantly, provides in relevant part that “[e]xcept as provided in this section, the consent of the state of Colorado **is hereby given**, in accordance with section 8 (17) of article I of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the state required for custom houses, courthouses, post offices, arsenals, or other buildings whatever, or for any other proper purpose of the United States government.” Emphasis added.

Other provisions in C.R.S. 3-1-102 are not applicable to this land exchange, such as the

[Appeal #3 cont'd]

The BLM has failed to disclose/consider the entirety of Title 3 in the Colorado Revised Statutes (CRS), of which CRS 3-1-102 is only one of a series of Title 3 state laws that define how to procure automatic consent for Exclusive Jurisdiction Federal Enclaves within the State of Colorado, when the federal government acquires private lands within its borders. The BLM is claiming that CRS 3-1-102 provides automatic consent by “So Acquired” status, however, CRS 3-1-101 and CRS 3-1-103 must also be considered when claiming CRS 3-1-102 consent. Title 3 state law/s summaries are below, please see full state laws verbiage in CRS Title 3:

CRS 3-1-101. Consent to acquisition of lands by United States:

The consent of this state is hereby given to the purchase by the United States of such ground in the city of Denver, or any other city or incorporated town in this state, as its authorities may select, for the accommodation of the United States circuit and district courts, post offices, land offices, mints, or other government offices in said cities or incorporated towns, and also to the purchase by the United States of such other lands within this state as its authorities may from time to time select for the erection of forts, magazines, arsenals, and other needful buildings.

CRS 3-1-102. Consent to acquire land - **when notice required - directive to the attorney general:**

Except as provided in this section, the consent of the state of Colorado is hereby given, in accordance with section 8 (17) of article I of the constitution of the United States, to the acquisition by the United States, by purchase, condemnation, or otherwise, of any land in the state required for custom houses, courthouses, post offices, arsenals, or other buildings ,...

CRS 3-1-103. Jurisdiction of United States over land:

***Exclusive jurisdiction** in and over any land **so acquired** by the United States shall be and the same is hereby ceded to the United States for all purposes, except the service of all civil and criminal process of the courts of this state; but the jurisdiction so ceded shall continue no longer than the said United States shall own such land.*

If the BLM is correct in this assumption that “automatic consent” is achieved per CRS 3-1-102, they have failed to disclose to all parties requiring notice and the residents of Colorado that the federal government will acquire Exclusive Jurisdiction (federal enclave) over the newly acquired Buffalo Horn private lands based on state laws CRS 3-1-101, CRS 3-1-102, and CRS 3-1-103. This would activate Enclave Law status within the newly acquired BLM Lands. This is because it would match the definition of “**land so acquired**” in CRS 3-1-103 and the legal result of the referenced three state laws within CRS Title 3 and Article 1, Section 8, Clause 17 of the US Constitution (Enclave Clause).

The BLM has failed to disclose this fact and notice must be given to the public, sheriffs, county commissioners and state representatives, that these lands are now an Exclusive Jurisdiction Federal Enclave, and the state and local law enforcement agencies are without law enforcement authority/ jurisdiction within the boundaries of the BLM's newly acquired 1800 acres of the Buffalo Horn Land Exchange.

Appeal #4 – In the BLM Response Issue #1 (dated 9.7.23) to my Appeal (dated 2.3.21). Research of the BLM’s claims with regards to CRS 3-1-102 also reveal the BLM did not disclose to the public, County, and State that all BLM lands within the state already match the definition of federal enclave status. The BLM has failed to disclose that they unilaterally acquired much of the States jurisdiction by assimilating 115 state laws without a cession of jurisdiction by the State on all BLM lands within Colorado (over 8.3 million acres). The BLM is currently enforcing these state laws as a federal crime in federal court under enclave law status. This undisclosed fact will pertain to the newly acquired Buffalo Horn lands and this unilateral action by the DOI/BLM is documented below as unconstitutional and illegal.

Per the attached and electronically linked FOIA document ([FOIA CO-20-015 1278 \(CO-951\)](#)), the BLM has unilaterally assimilated [115 Colorado laws](#), without a cession of jurisdiction by the State and the required recorded federal acceptance per 40 USC § 255, 40 USC § 355, 40 USC § 3112. With this apparently unconstitutional and illegal unilateral action, the BLM ignored, [18 USC 7](#), [18 USC 13 – Assimilative Crimes Act](#) and the Enclave Clause (aka Jurisdiction Clause) of the US Constitution (Art 1 Sect 8 Clause 17). Additionally, the BLM ignored the federal policy guidelines defined in Federal Jurisdiction reports and federal laws referenced below, regarding how to legally acquire a states’ jurisdiction on federal lands within the States and enforce enclave law- 12 citations defined and linked/quoted below:

1. [Part I, Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas within the States](#). “The term Exclusive legislative jurisdiction as used in this report refers to the power “to exercise exclusive legislation” granted to Congress by article I, section 8, clause 17, of the Constitution, and to the like power, which may be acquired by the United States through cession by a State, or by a reservation made by the United States through cession by a State, or by a reservation made by the United States in connection with the admission of a State into the Union.”
2. [Part II, Interdepartmental Committee for the Study of Jurisdiction Over Federal Areas within the States](#). “Constitutional consent –The Constitution gives express recognition to but one means of Federal acquisition of legislative jurisdiction– by State consent under article I, section 8, clause 17.... No federal legislative jurisdiction without consent, cession, or reservation. It scarcely needs to be said that unless there has been a transfer of jurisdiction (1) pursuant to clause 17 by a Federal acquisition of land with State consent, or (2) by cession from the State to the Federal Government, or (3) unless the Federal Government has reserved jurisdiction upon the admission of the State, the Federal Government possesses no legislative jurisdiction over any area within a State.”

Ch. 3 (Acquisition of Legislative Jurisdiction), Pages 47-48 declare: “NECESSITY OF STATE ASSENT TO TRANSFER OF JURISDICTION TO FEDERAL GOVERNMENT: Constitutional consent.–The Federal Government cannot, by unilateral action on its part, acquire legislative jurisdiction over any area within the exterior boundaries of a State. Article I, section 8, clause 17, of the Constitution, provides that legislative jurisdiction may be transferred pursuant to its terms, only with the consent of the legislature of the State in which is located the area subject to the jurisdictional transfer. As was indicated in Chapter II, the consent requirement of Article I, Section 8, Clause 17, as intended by the framers of the Constitution to preserve the States’ jurisdictional integrity against Federal encroachment.”

3. President Eisenhower Commissioned the [Federal GSA Inventory Report on Jurisdictional Status of Federal Areas within the States](#). Defines what level of jurisdiction the federal government has on every acre of federal land within the United States. Four types of jurisdiction defined – Exclusive, Concurrent, Partial, and Proprietary Interest Only. 95% of federally owned lands within the United States is held in a Proprietary Interest Only by the federal government.
4. [1973 Military Administrative Law Handbook, Ch 6.8 “\(a\) Methods of Acquisition](#). “There are 3 methods of acquiring Federal legislative jurisdiction over areas within a State: purchase with consent; cession of jurisdiction by the state; and reservation federal legislative jurisdiction at the time the State is admitted to the Union.” Page 27-21 “The requirement for state consent was deliberately inserted by the framers of the Constitution, and **it is not possible for the United States to unilaterally assume Federal jurisdiction over an area within a State**”.
5. [1974 US Army Jurisdiction Regulation 405-20](#) “ (a) Characteristics of exclusive legislative jurisdiction. Only Congress has the authority to legislate for areas held under exclusive legislative jurisdiction and the Federal Government has the responsibility for law enforcement. The State cannot enforce its laws and regulations in such areas”
6. 18 USC 7, [Department of Justice, Criminal Resource Manual 664](#) “the United States may exercise plenary criminal jurisdiction over lands within state borders: A. Where it reserved such jurisdiction upon entry of the state into the union; B. Where, prior to February 1, 1940, it acquired property for a purpose enumerated in the Constitution with the consent of the state; C. Where it acquired property whether by purchase, gift or eminent domain, and thereafter, but prior to February 1, 1940, received a cession of jurisdiction from the state; and D. Where it acquired the property, and/or received the state’s consent or cession of jurisdiction after February 1, 1940, and has filed the requisite acceptance.”
7. 18 USC 7, [Section 1630, DOJ Criminal Resource Manual](#) “Yet it is clear that federal criminal jurisdiction does not exist over real property simply because the United States owns it. See *Adams v. United States*, 319 U.S. 312 (1943). “...”There are three methods by which the United States obtains exclusive or concurrent jurisdiction over federal lands in a state: (1) a state statute consenting to the purchase of land by the United States for the purposes enumerated in Article 1, Section 8, Clause 17, of the Constitution of the United States; (2) a state cession statute; and (3) a reservation of federal jurisdiction upon the admission of a state into the Union. See *Collins v. Yosemite Park Co.*, 304 U.S. 518 (1938). Since February 1, 1940, the United States acquires no jurisdiction over federal lands in a state until the head or other authorized officer of the department or agency which has custody of the lands formally accepts the jurisdiction offered by state law. See 40 U.S.C. § 255; *Adams v. United States*, 319 U.S. 312 (1943). Prior to February 1, 1940, acceptance of jurisdiction had been presumed in the absence of evidence of a contrary intent on the part of the acquiring agency or Congress. See *Silas Mason Co., Inc. v. Tax Commission*, 302 U.S. 186 (1937). See also JM 9-20.000 et seq., for a discussion of federal enclave jurisdiction.”
8. In 1940, Congress enacted the following statute, which now appears as 50 U.S.C. § 175 (the same statute also appears as 40 U.S.C. § 255), and reads as follows: "Notwithstanding any other

provision of law, the obtaining of exclusive jurisdiction in the United States over lands or interests therein which have been or shall hereafter be acquired by it shall not be required; but the head or other authorized officer of any department or independent establishment or agency of the Government may, in such cases and at such times as he may deem desirable, accept or secure from the State in which any lands or interests therein under his immediate jurisdiction, custody, or control are situated, consent to or cession of such jurisdiction, exclusive or partial, not theretofore obtained, over any such lands or interests as he may deem desirable and indicate acceptance of such jurisdiction on behalf of the United States by filing a notice of such acceptance with the Governor of such State or in such other manner as may be prescribed by the laws of the State where such lands are situated. Unless and until the United States has accepted jurisdiction over lands hereafter to be acquired as aforesaid, it shall be conclusively presumed that no such jurisdiction has been accepted."

9. In 22 C.J.S. Criminal Law § 139, p. 373, appears the following: "Generally in order to deprive the state courts of criminal jurisdiction over lands ceded to the United States there must be a surrender of jurisdiction by the state and an acceptance of jurisdiction by the United States. Moreover, where the federal government has not given notice of acceptance of jurisdiction over land acquired by it in a state, the federal courts are without jurisdiction of prosecution for an alleged crime committed therein although a state statute authorizes the United States to take jurisdiction, or at least the United States is without exclusive jurisdiction over the offense, and a state may enforce its criminal laws within the area acquired by the United States."
10. As to 50 U.S.C. § 175, see *Adams v. United States* (1943), 319 U.S. 312, 63 S.Ct. 1122, 87 L.Ed. 1421, the Supreme Court of the United States stated that "the Act [50 U.S.C. § 175] created a definite method of acceptance of jurisdiction so that all persons could know whether the government had obtained `no jurisdiction at all, or partial jurisdiction, or exclusive jurisdiction."
11. In *Kleppe v. New Mexico*, 426 U.S. 529, 543, 96 S.Ct. 2285, 2293, 49 L.Ed.2d 34, 45 (1976), the United States Supreme Court stated: "Absent consent or cession a State undoubtedly retains **jurisdiction over** federal lands within its territory, but Congress equally surely retains the power to enact legislation respecting those lands pursuant to the Property Clause." Congress can surely pass laws under the Property Clause for rules and regulations on federal lands as defined within the Property Clause. If State laws conflict with those Congressional laws, "the federal legislation necessarily override conflicting state laws under the Supremacy Clause". However, the Property Clause does not define the process for forming a federal enclave or enacting enclave law within a state, that process is exclusively controlled by the Enclave Clause and applicable federal laws referenced above regarding acceptance of cessions of state jurisdiction. Also note, that CFR regulations are unilaterally enacted by federal agencies, not laws passed by Congress.
12. FLPMA [43 USC 1701] Section 701 (G) (2) "Nothing in this Act shall be construed as limiting or restricting the power and authority of the United States or – as expanding or diminishing Federal or State jurisdiction".

Title 3 CRS (including CRS 3-1-102) in conformity with the federal laws that the government has power to accept exclusive jurisdiction or less, Congress, in order to create a defined method of acceptance of jurisdiction so that all persons could know whether, as to particular property, the government had obtained no jurisdiction at all, or partial jurisdiction, or exclusive jurisdiction, enacted a law providing that United States agencies and authorities may accept any level of jurisdiction of lands acquired by the United States by filing a notice with the Governor of the state, and that unless and until that is done, it shall be conclusively presumed that no such jurisdiction has been accepted. *People v. Sullivan*, 151 Colo. 434, 378 P.2d 633 (1963).

This legal process prevents the federal government from unilaterally forming federal enclaves within the state and ensures the BLM must disclose current and new federal enclaves and the federal enclave law status of newly acquired private lands in Colorado. In this case the DOI/BLM, per the attached FOIA ([FOIA CO-20-015 1278 \(CO-951\)](#)), have given themselves permission to violate the rule of law/Constitution by unilaterally enacting CFR 43 CFR 8341.1(d). The Property Clause of the US Constitution allows the DOI/BLM to make needful rules and regulations on federal lands, it does not allow the federal government to unilaterally form federal enclaves within the States and activating enclave law status. These actions are solely reserved for the Enclave Clause, Article 1, Section Clause 17 of the US Constitution as defined in the federal jurisdiction reports and federal laws reference herein. This is the federal overreach that is defined in the federal jurisdiction reports herein, if this overreach was allowed, the federal government could declare all federal lands in the United State as Exclusive Jurisdiction Federal Enclaves (with unilateral action) tomorrow. All in the name of “protecting the lands”.

*“The acquisition of jurisdiction is dependent on the consent of or cession of jurisdiction by the state”. See *Mason Co. v. Tax Commission*, 302 U.S. 97 (1937); *James v. Dravo Contracting Co.*, 302 U.S. at 141-42.*

Appeal #5- Per the 9.7.23 BLM Response, as required in CRS 3-1-102, as to which State Officials were to be notified, it is revealed that the BLM has failed to give notice of the Buffalo Horn land exchange to the Colorado Department of Taxation (now called Colorado Department of Revenue).

Appeal #6- Per the 9.7.23 BLM response the BLM claims to have followed all federal rules/laws in this process. The BLM does not claim to follow Colorado Laws in this land acquisition, so it can be presumed that they have not. BLM rules and regulations do not apply to private lands in Colorado. The BLM must follow the Colorado Constitution, the US Constitution, and Colorado Laws when acquiring Colorado private lands just like a sole proprietor would. Once the federal government has acquired private lands within the state of Colorado not only are they no longer taxable, but the federal government by default removes/limits much of Colorado’s authority regardless of the level of jurisdiction ceded over said lands and as defined herein the residents of Colorado are subject to the BLM unilaterally (illegally) adopting state laws and enforcing them as enclave law.

Respectively,



Brandon Siegfried
PO Box 3712
Grand Junction, CO 81502

10/2/2023

RE: Buffalo Horn Land Exchange, Request for Stay (see attached Appeal w/Reasons)

BLM Colorado State Office
Attn: Doug Vilsack
PO Box 151029
Lakewood, CO 80215

- CC: US Department of the Interior
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Lakewood, CO 80215
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CC: Malia Burton, BLM Colorado State Office, mkburton@blm.gov
CC: Doug Overton, Rio Blanco County Commissioner, doug.overton@rbc.us
CC: Tony Bohrer, Moffat County Commissioner, tbohrer@moffatcounty.net
CC: Phil Wieser, Colorado Attorney General, teamphil@philforcolorado.com

Regarding the BLM dismissal (received 9.13.23) of my Buffalo Horn Land Exchange Protest, dated 2.3.21 (attached). Reference (**2200, 2100 CO-923**), **COC-76595 FD PT, COC-79653, COC-79652 PT**.

This is a Request for Stay to be filed with the above Appeal, to the Interior Board of Land Appeals, Office of Hearings and Appeals, and any other required offices/persons in accordance with the regulations contained in 43 CFR Part, Form 1842-1 and the State of Colorado. The standards for obtaining the Stay are defined within Form 1842-1.

- 1) The relative harm to the parties if the stay is denied.
- 2) The likelihood of the appellants success on the merits.
- 3) The likelihood of immediate and irreparable harm if the stay is not granted.
- 4) Whether the public interest favors granting the stay.

All 4 Standards for obtaining a Stay are easily met when the details and legal references of the 8-page Appeal (attached w/Reasons) are fully considered. The burden of proof is met and well documented. Based on the rule of law and US Constitution the appellants' success is guaranteed. The likelihood of illegal activity and breach of the US Constitution is guaranteed if the stay is not granted, and the course is not corrected. By granting the stay, the public trust is restored, and the public interests are protected. Anytime the federal government is overreaching outside the constraints of the law it can harm the parties involved.

Note - must read full attached Appeal in detail and review the linked/referenced state laws, federal laws, Supreme Case references as well a federal jurisdiction reports reference. Only brief summaries are provided on the Stay. Its apparent:

1. Per Appeal #1, In the BLM Response #1 (dated 9.7.23) to my Appeal (dated 2.3.21), the BLM failed to answer by misquoting the portion of CRS 3.1.102 (1) that the appeal was directed towards. The BLM quoted the first sentence of CRS 3-1-102 (1), my appeal was entirely based on the second sentence of CRS 3-1-102 (1).
2. Per Appeal #2, In the BLM Response #1 (dated 9.7.23) to my Appeal (dated 2.3.21), the BLM claims with Emphasis that the consent of the state “**is hereby given**” in accordance with the Enclave Clause (aka Jurisdiction Clause) Article 1, Section 8, Clause 17 of the US Constitution. With this Response, the BLM is declaring that automatic consent “**is hereby given**” by Colorado for the acquisition of the Buffalo Horn Land Exchange (1800 acres vacant private land) because the lands to be acquired fall under “any other proper purpose of the United States government.

Recognition must be given to the wording in the title of “CRS 3-1-102 “Consent to acquire land **-when notice required-** directive to the attorney general”. The very foundation and title of the law is to define when notice is required so the state can unilaterally stop the federal government from acquiring state/private land if they wish. Sentence two of CRS 3-1-102 (quoted in Appeal) reveals that when the federal government has no intent to develop private lands for highways, buildings, and arsenals that automatic consent is not given.

3. Per Appeal #3, The BLM has failed to disclose/consider the entirety of Title 3 in the Colorado Revised Statutes (CRS), of which CRS 3-1-102 is only one of series of Title 3 state laws that define how to procure automatic consent for Exclusive Jurisdiction Federal Enclaves within the State of Colorado, when the federal government acquires private lands within its borders. The BLM is claiming that CRS 3-1-102 provides automatic consent by “So Acquired” status, however, CRS 3-1-101 and CRS 3-1-103 must also be considered when claiming CRS 3-1-102 consent. If the BLM is correct in this assumption that “automatic consent” is achieved per CRS 3-1-102 for the Buffalo Horn Lands, then they have failed to disclose to all parties requiring notice and the residents of Colorado that the federal government will acquire Exclusive Jurisdiction (federal enclave status) over the newly acquired Buffalo Horn private lands based on Title 3 and state laws CRS 3-1-101, CRS 3-1-102, and CRS 3-1-103. This would activate Enclave Law status within the newly acquired BLM Lands. This is because it would match the definition of “**land so acquired**” in CRS 3-1-103 and the legal result of the referenced three state laws within CRS Title 3 and Article 1, Section 8, Clause 17 of the US Constitution (Enclave Clause).
4. Per Appeal #4, In the BLM Response Issue #1 (dated 9.7.23) to my Appeal (dated 2.3.21). Research of the BLM’s claims with regards to CRS 3-1-102 also reveal the BLM did not disclose to the public, County, and State that all BLM lands within the state already match the definition of federal enclave status. The BLM has failed to disclose that they unilaterally acquired much of the States jurisdiction by assimilating 115 state laws without a cession of jurisdiction by the State on all BLM lands within Colorado (over 8.3 million acres). The BLM is currently enforcing these states laws as a federal crime in federal court under enclave law status. This undisclosed fact will pertain to the newly acquired Buffalo Horn lands and this unilateral action by the DOI/BLM is documented within the Appeal as unconstitutional and illegal. Per the attached and electronically linked FOIA document ([FOIA CO-20-015 1278 \(CO-951\)](#)), the BLM has unilaterally assimilated [115 Colorado laws](#), without a cession of jurisdiction by the State and the required

recorded federal acceptance per 40 USC § 255, 40 USC § 355, 40 USC § 3112 has not been executed. With this apparently unconstitutional and illegal unilateral action, the BLM ignored, [18 USC 7](#), [18 USC 13 – Assimilative Crimes Act](#) and the Enclave Clause (aka Jurisdiction Clause) of the US Constitution (Art 1 Sect 8 Clause 17). Additionally, the BLM ignored the federal policy guidelines defined in Federal Jurisdiction reports and federal laws referenced regarding how to legally acquire a states' jurisdiction on federal lands within the States and enforce enclave law. Please see the 12 citations defined and linked/quoted within the Appeal

5. Per Appeal #5, Per the 9.7.23 BLM Response, as required in CRS 3-1-102, as to which State Officials were to be notified, it is revealed that the BLM has failed to give notice of the Buffalo Horn land exchange to the Colorado Department of Taxation (now called Colorado Department of Revenue).
6. Per the 9.7.23 BLM response the BLM claims to have followed all federal rules/laws in this process. The BLM does not claim to follow Colorado Laws in this land acquisition, so it can be presumed that they have not. BLM rules and regulations do not apply to private lands in Colorado. The BLM must follow the Colorado Constitution, the US Constitution, and Colorado Laws when acquiring Colorado private lands just like a sole proprietor would. Once the federal government has acquired private lands within the state of Colorado not only are they no longer taxable, but the federal government by default removes/limits much of Colorado's authority regardless of the level of jurisdiction ceded over said lands and as defined herein the residents of Colorado are subject to the BLM unilaterally (illegally) adopting state laws and enforcing them as enclave law.

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