



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT



Colorado State Office  
Denver Federal Center, Building 40  
Lakewood, Colorado 80225  
[www.blm.gov/colorado](http://www.blm.gov/colorado)

September 7, 2023

In Reply Refer To:  
2200, 2100 (CO-923)  
COC-76595 FD PT  
COC-79653  
COC-79652 PT

CERTIFIED MAIL – Return Receipt Requested

**DECISION**

Brandon Siegfried  
PO Box 3712  
Grand Junction, CO 81502

Buffalo Horn Land Exchange  
43 CFR 2200  
43 CFR 2100

**Protest Dismissed**  
**Public Land to Be Exchanged**

In December of 2016, the Bureau of Land Management (BLM) and Buffalo Horn Properties LLC (Buffalo Horn) signed an agreement to initiate a land exchange. The private lands proposed for the Buffalo Horn Land Exchange are located in the Indian Valley and Smith Gulch areas, while the public lands are located in the Strawberry Creek and Price Creek area. The parcels subject to the exchange are further described in detail in an Environmental Assessment (EA) (DOI-BLM-CO-N050-2017-0009-EA) and Finding of No Significant Impact (FONSI) dated January 14, 2021, as well as in a Decision Record by BLM's Northwest District Office, dated January 14, 2021. The public land has been found suitable for disposal, as Northwest District Office determined that the exchange is in the public interest and the donation improves management by consolidating land ownership. The purpose of the exchange is to reduce the number of scattered BLM tracts, to consolidate the BLM lands for more efficient management, and to improve public access to the newly acquired public lands. A Notice of Decision (NOD) was published on January 20, 2021 in the Craig Press and on January 21, 2021 in the Rio Blanco Herald Times, notifying the public of BLM's decision. A 45-day comment period invited written comments.

On February 8, 2021, you filed a protest opposing the January 14, 2021 Decision Record. You assert that the BLM did not comply with Colorado Revised Statute (C.R.S.) 3-1-102. The BLM's response to this issue is described below.



## ISSUE #1

*“The BLM has failed to adhere to Colorado Revised Statute (C.R.S.) 3.1.102 -Consent to Acquire Land, while acquiring private lands in the State of Colorado, that are to be converted to federal lands at the completion of the Buffalo Land Exchange.” “...per CRS 3.1.102, the County and State must be provided the opportunity to object and possibly stop the transfer of private lands to the BLM.”*

## 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 exception in the statute as it relates to condemnation actions regarding lands related to the Pinon Canyon Maneuver Site. Two Acts were enacted by the General Assembly of the State of Colorado that relate to C.R.S. 3-1-102 (LexisNexis, Official Publisher of the Colorado Revised Statutes).

First, House Bill 07-1069, “An Act Concerning Withdrawal of the Consent Given by the State to the Federal Government for the Acquisition of Land Within the State for Military Training Purposes by Means of Eminent Domain,” amended C.R.S. 3-1-102, and applies “...to condemnation actions commenced on or after the effective date of this act” ([https://leg.colorado.gov/sites/default/files/images/olls/2007a\\_sl\\_183.pdf](https://leg.colorado.gov/sites/default/files/images/olls/2007a_sl_183.pdf)). The Buffalo Horn land exchange does not involve any condemnation action.

Second, House Bill 09-1317, “An Act Concerning State Lands Sought to be Acquired by the Federal Government Associated with the Expansion of the Pinon Canyon Maneuver Site,” again amended C.R.S. 3-1-102, and applies to “...transactions involving state lands on or after the effective date of this act” ([https://leg.colorado.gov/sites/default/files/images/olls/2009a\\_sl\\_381.pdf](https://leg.colorado.gov/sites/default/files/images/olls/2009a_sl_381.pdf)). The Buffalo Horn land exchange does not involve acquisition of any State lands.

If the overriding concern is whether or not the BLM properly notified the State and County governments of the proposed land exchange, written notification was provided on numerous occasions. As discussed on p. 8 of the Buffalo Horn Land Exchange EA, external scoping was initiated when the public was formally notified of the proposed land exchange through the Notice of Exchange Proposal (NOEP) which was published in the *Rio Blanco Herald Times* on 12/8/16, 12/15/16, 12/29/16, 1/5/17, 1/12/17, and 1/19/17, and in the *Craig Daily Press* on 12/9/16, 12/16/16, 12/23/16, and 12/30/16. The BLM also issued a press release soliciting scoping comments from the public on 12/8/16 and presented an overview of the exchange to the Northwest Resource Advisory Council. The BLM sent letters directly to potentially affected



individuals and organizations (including livestock grazing permittees, oil and gas lessees and operators, rights-of-way holders, special recreation permit holders, and adjacent landowners) and elected officials (Senator Bennet, Senator Gardner, Representative Tipton, Moffat County Commissioners, and Rio Blanco County Commissioners) to inform them of the scoping period. A public meeting was held on 1/5/17 at the Meeker Public Library to discuss the proposal.

Finally, the County and State governments have the right, as do all members of the public, to protest the land exchange decision. In addition, there are appeal rights that may be exercised after any protests are resolved and/or dismissed.

The Buffalo Horn land exchange was considered and analyzed in conformance with applicable federal laws and regulations, including Section 206 of the Federal Land and Policy Management Act (FLPMA) and the regulations at 43 CFR Part 2200, which direct how the BLM will manage land exchanges.

### CONCLUSION

After careful review of the case record, it is evident that the exchange meets the management objectives of the 1997 White River Resource Management Plan (RMP), as amended, the 2011 Little Snake RMP, as amended, and is in accordance with applicable laws and regulations, including those found in 43 CFR Part 2200. Accordingly, the BLM provided multiple opportunities for public involvement, including by local and State governments. The decision of the Northwest District Manager to proceed with the Buffalo Horn land exchange is well supported and the analysis of the proposal carefully and openly evaluates the pros and cons of the exchange. The decision to proceed recognizes and will help achieve the greatest benefits for the general public. The public interest will be well served by completion of this exchange transaction. Therefore, your protest is hereby dismissed.

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, the procedures outlined in the enclosed form must be strictly followed. A notice of appeal must be filed in this office within 30 days from receipt of this decision. The mailing address for the BLM Colorado State Office is P.O. Box 151029, Lakewood, CO 80215. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR § 4.21 (58 FR 4939, January 19, 1993) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the appropriate Office of the Solicitor (*see* 43 CFR § 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal must show sufficient justification based on the following standards:

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

Sincerely,

DOUGLAS  
VILSACK

Digitally signed by DOUGLAS  
VILSACK  
Date: 2023.09.07 13:58:20 -06'00'

Doug Vilsack  
State Director

Enclosure

cc: White River Field Office Field Manager  
Northwest District Manager