

This is a Legal Protest, regarding Buffalo Horn Land Exchange, Serial No COC-76595. Defined in the attached Notice of Decision dated 1-14-2021.

2.3.2021

**Bureau of Land Management (BLM)
White River Field Office - Kent Walter
220 East Market Street
Meeker, CO 81641**

Protest

The BLM has failed to adhere to Colorado Revised Statute (CRS) **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. CRS 3.1.102 is attached to this communication. The BLM has failed to announce to the public that the County/State have the legal ability to object and stop this transfer of private lands to the federal government based on State Law. This ability for the State/County to object is not defined or addressed in any detail in BLM released land exchange documents. Communications with Heather Saul (BLM- White River Office) have revealed that the BLM feels ***“The statute that you have cited (CRS 3.1.102) does not pertain to a BLM land exchange conducted under section 206 of the Federal Land Policy and Management Act since the BLM is not seeking exclusive jurisdiction once the land is acquired.”***

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 board of county commissioners of the county wherein the land is situated and to the division of property taxation, which notice shall be given at least sixty days prior to the date of the intended acquisition. If the notice is not given **or if the board of county commissioners or the division files with the secretary of state of the state of Colorado within the sixty-day period a request that the acquisition be considered by the general assembly** of the state of Colorado, then the **consent of the state of Colorado shall not be deemed to have been given** to the acquisition unless and until the general assembly of the state of Colorado shall have by law specifically **consented** thereto.”

Let us think about CRS 3.1.102, if the County/State can't object to a basic land acquisition that will turn private lands into general multi-use federal lands, then when else could they actually object and request that the acquisition be considered by the general assembly of Colorado? I believe the basic function of this State law is to protect the County/State from losing control of lands within their borders. My County is 72% federally managed lands, which leaves only 28% of the lands taxable.

FLPMA does not apply to private lands. Section 206 of FLPMA , Section i1, "*(i)(1) Upon receipt of an offer to exchange lands or interests in lands pursuant to this Act or other applicable laws, at the request of the head of the department **or agency having jurisdiction over the lands involved***".

The State of Colorado holds complete legislative jurisdiction over the private lands involved with this transaction. It seems to me that to acquire private lands in any State/County, the BLM would need the approval of the County/State with jurisdiction over the private lands in question. The BLM is acquiring over 1800 acres of private land in this land exchange.

The Code of Federal Regulations (CFR) does not apply to private lands in Colorado. The BLM has no jurisdiction or management authority over Colorado's private lands. Section 701 of FLPMA- defines that FLPMA does not alter any form of the State's jurisdiction over federal lands within Colorado.

In closing, 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. The BLM has failed to announce to the public that the County/State can object to this transfer of these private lands, based on Colorado having full legislative jurisdiction over private lands within its borders. This ability for the State/County to object is not defined or addressed in any detail on any land exchange BLM documents. I would presume the ability for the County/State to object has not been explained to County Commissioners and the extensions that would be required if the acquisition was sent State General Assembly has not been accounted for. The communities involved are not being told they can address concerns with their elected officials at the State and County level when it comes to the private lands involved with this transfer.

Thank you for your attention to this matter.
Respectfully,