



## Public Lands & Natural Resources

### LAND EXCHANGES

Having been engaged in the practice of land and water resources law for over thirty years, Van Ness Feldman has extensive experience in representing private and other non-federal landowners in federal land exchange transactions.

Land exchanges, where the federal government “trades” or “swaps” public lands with corporations, individuals, States, or local governments, can be a valuable tool for landowners. They enable landowners to acquire lands with greater development or economic potential—for commercial, industrial, residential, and/or agricultural purposes—in return for lands that have less development or economic potential but that may offer public recreation, wildlife, or resource values warranting public acquisition. Land exchanges also are an important component of the federal government’s land management strategy, enabling federal agencies to improve resource management by consolidating federal land ownership, and to obtain property needed to protect endangered species, promote biological diversity, increase recreational opportunities, and/or preserve cultural resources.

Van Ness Feldman assists its private and other non-federal landowner clients in all aspects of federal land exchange transactions, including: providing general strategic counsel; structuring transactions; negotiating with land conservation organizations and federal, state, and local government agencies; helping manage the appraisal process; preparing transaction documents; ensuring compliance with applicable governmental laws and regulations, including the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), Coastal Zone Management Act (CZMA), and National Historic Preservation Act (NHPA); and coordinating multi-party closings. Where appropriate, the firm also can assist clients in drafting and advocating legislation to authorize particular exchanges of lands.

Our attorneys are experienced with the various authorities that authorize the exchange of federal land, including the Federal Land Policy and Management Act of 1976 (FLPMA) and the Federal Land Exchange Facilitation Act of 1988 (FLEFA) and supplemental laws such as the Act of March 1, 1911 (known as the Weeks Law), Land and Water Conservation Fund Act, National Wildlife Refuge System Administration Act, NEPA, NHPA, Archaeological Resources Protection Act, CZMA, Wilderness Act, Wild & Scenic Rivers Act, and National Parks and Recreation Act. In addition, we have specific expertise with regard to the unique issues presented by transactions involving the exchange of lands in Alaska under the Alaska National Interest Lands Conservation Act (ANILCA) and other relevant legal authorities.

### *Representative Projects*

Van Ness Feldman has drafted and helped enact various federal land exchanges that have permitted our clients to proceed with their desired land use objectives.

Following are just a few success stories from the firm's extensive land exchange practice:

- The firm represented a client in what was at the time the largest interstate land exchange ever consummated. This complex exchange required ratification by the Congress and involved more than 100,000 acres of Florida wetlands and endangered species habitat in exchange for 68 acres of federal real estate holdings in central Phoenix. As part of the transaction, the City of Phoenix received 20 acres of dedicated land for use as a city park and the client contributed \$35 million to a Native American education trust fund.
- The firm assisted one of the largest homebuilders in the United States in successfully completing a land exchange agreement between the company, the United States, and Fairfax County, Virginia, pursuant to which the company acquired approximately 285 acres of developable land from the former Lorton Correctional Complex in exchange for over 800 acres of open land located about 20 miles south of Washington, DC, now managed by the Bureau of Land Management for recreation, environmental education, and wild horse and burro interpretation purposes.
- The firm represented an Alaska Native Corporation in an exchange of lands in which the Native Corporation returned to the United States over 100,000 acres of surface land that it had received under the Alaska Native Claims Settlement Act, in exchange for over 90,000 acres of subsurface mineral rights from the United States to lands in which the surface estate was owned by a Native Village Corporation. The exchange provided important economic benefits for Alaska Natives, and, at the same time, enabled the United States to acquire highly desirable private inholdings within an existing national park.