

House Committee on Natural Resources
Rob Bishop, Chairman
Markup Memo

April 27, 2015

To: Natural Resource Committee Staff

From: Federal Lands Subcommittee Republican Staff

Hearing: April 29-30, 2015 Markup of H.R. 1214 (Amodei, NV), “*National Forest Small Tracts Act Amendments of 2015.*”

To amend the Small Tracts Act to expand the authority of the Secretary of Agriculture to sell or exchange small parcels of National Forest System land to enhance the management of the National Forest System, to resolve minor encroachments, and for other purposes.

“National Forest Small Tracts Act Amendments of 2015”

Bill Summary

H.R. 1214 was introduced by Rep. Amodei and would amend the Small Tracts Act (P.L. 97-465) to allow for the sale of small isolated parcels as well as parcels encumbered with certain special uses such as cemeteries. Proceeds from the sale of National Forest System lands would be deposited into a Sisk Act account and may be used for acquisition of lands for administrative sites or recreation, to address deferred maintenance for administrative sites or recreational access or to reimburse the agency for administrative costs for preparing the sales.

Background

The proposed authority would allow the Forest Service to more efficiently resolve land ownership challenges that exist on virtually every Ranger District. The benefits of expanded small parcel conveyance authority include the ability to:

- Sell parcels under 40 acres that are isolated, inaccessible, and are difficult to administer.
- Convey small parcels currently authorized under long-term special use permits with accompanying potential liability issues; specifically cemeteries, landfills, and sewage treatment facilities.
- Reduce efforts spent addressing individual legislative proposals needed to address these same categories; e.g., “cemetery bills.”
- Resolve certain encroachments of permanent, habitable structures which cannot readily be resolved under existing authorities.
- Retain sale proceeds which can be used to acquire lands for recreational access or administrative sites, for deferred maintenance for recreation and administrative sites or to reimburse for administrative costs of preparing competitive sales. (Acquisitions would be

proponent funded for non-competitive sales.)

Cost

There would be no cost to the federal government.

Administration Position

The Agency has expressed support for the legislation and has been working with Congressional majority and minority staff in developing bill language.

Effect on Current Law (Ramseyer)

§521d. Sale, exchange, or interchange of National Forest System land

(a) *[The Secretary is authorized]* **Conveyance Authority; Consideration- The Secretary is authorized** when the Secretary determines it to be in the public interest-

(1) to sell, exchange, or interchange by quitclaim deed, all right, title, and interest, including the mineral estate, of the United States in and to National Forest System lands described in section 521e of this title; and

(2) to accept as consideration for the lands sold, exchanged, or interchanged other lands, interests in lands, or cash payment, or any combination of such forms of consideration, which, in the case of conveyance by sale or exchange, is at least equal in value, including the mineral estate, or, in the case of conveyance by interchange, is of approximately equal value, including the mineral estate, to the lands being conveyed by the Secretary.

(b) *[The Secretary shall insert]* **Inclusion of Terms, Covenants, Conditions, and Reservations- The Secretary shall insert** in any such quitclaim deed such terms, [covenants] **covenants**,¹ conditions, and reservations as the Secretary deems necessary to ensure protection of the public interest, including protection of the scenic, wildlife, and recreation values of the National Forest System and provision for appropriate public access to and use of lands within the System. The preceding sentence shall not be applicable to deeds issued by the Secretary to lands outside the boundary of units of the National Forest System.

(c) Disposition of Proceeds-

(1) DEPOSIT IN SISK FUND- The net proceeds derived from any sale or exchange conducted under the authority of paragraph (4), (5), or (6) of section 3 shall be deposited in the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a).

(2) USE- Amounts deposited under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for—

(A) the acquisition of land or interests in land for administrative sites for the National Forest System in the State from which the amounts were derived;

(B) the acquisition of land or interests in land for inclusion in the National Forest System in that State, including land or interests in land which enhance opportunities for recreational access; or

(C) the performance of deferred maintenance on administrative sites for the National Forest System in that State or other deferred maintenance activities in that State which enhance opportunities for recreational access.

§521e. Small parcels and road rights-of-way

The National Forest System lands which may be sold, exchanged, or interchanged under sections 521c to 521i of this title are those the sale or exchange of which is not practicable under any other authority of the Secretary, which have a value as determined by the Secretary of not more than [\$150,000] **\$500,000** and which are-

(1) parcels of forty acres or less which are interspersed with or adjacent to lands which have been transferred out of Federal ownership under the mining laws and which are determined by the Secretary, because of location or size, not to be subject to efficient administration;

(2) parcels of ten acres or less which are encroached upon by improvements occupied or used under claim or color of title by persons to whom no advance notice was given that the improvements encroached or would encroach upon such parcels, and who in good faith relied upon an erroneous survey, title search, or other land description indicating that there was not such encroachment [; or];

(3) road rights-of-way, reserved or acquired, which are substantially surrounded by lands not owned by the United States and which are no longer needed by the United States, subject to the first right of abutting landowners to acquire such rights-of-way [.];

(4) parcels of 40 acres or less which are determined by the Secretary to be physically isolated, to be inaccessible, or to have lost their National Forest character;

(5) parcels of 10 acres or less which are not eligible for conveyance under paragraph (2), but which are encroached upon by permanent habitable improvements for which there is no evidence that the encroachment was intentional or negligent; or

(6) parcels used as a cemetery, a landfill, or a sewage treatment plant under a special use authorization issued by the Secretary.