

112TH CONGRESS
2D SESSION

H. R. 4976

To provide for the conveyance of small parcels of National Forest System land and small parcels of public lands administered by the Bureau of Land Management to landowners whose lands share a boundary with the National Forest System land or public lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2012

Mr. AMODEI introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the conveyance of small parcels of National Forest System land and small parcels of public lands administered by the Bureau of Land Management to landowners whose lands share a boundary with the National Forest System land or public lands, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Lands Tracts
5 Conveyance Act”.

1 **SEC. 2. SPECIAL CONVEYANCE AUTHORITY REGARDING**
2 **SMALL PARCELS OF NATIONAL FOREST SYS-**
3 **TEM LAND AND PUBLIC LANDS.**

4 (a) DEFINITIONS.—In this section:

5 (1) DIRECTOR CONCERNED.—The term “Direc-
6 tor concerned” means the Director of the Bureau of
7 Land Management for a State.

8 (2) ELIGIBLE FEDERAL LANDS PARCEL.—The
9 term “eligible Federal lands parcel” means a parcel
10 of National Forest System land or the public lands
11 that—

12 (A) shares one or more boundaries with
13 non-Federal land;

14 (B) is located within the boundaries of an
15 incorporated or unincorporated area with a pop-
16 ulation of at least 500 residents;

17 (C) is not subject to existing rights held by
18 a non-Federal entity;

19 (D) does not contain an exceptional re-
20 source; and

21 (E) is not habitat for an endangered spe-
22 cies or a threatened species determined under
23 section 4 of the Endangered Species Act of
24 1973 (16 U.S.C. 1533).

25 (3) EXCEPTIONAL RESOURCE.—The term “ex-
26 ceptional resource” means a resource of scientific,

1 historic, cultural, or recreational value on a parcel of
2 public lands that the Director concerned or Regional
3 Forester concerned determines, on the record and
4 after an opportunity for a hearing—

5 (A) is documented by a Federal, State, or
6 local governmental authority; and

7 (B) requires extraordinary conservation
8 and protection to maintain the resource for the
9 benefit of the public.

10 (4) NATIONAL FOREST SYSTEM LAND.—

11 (A) IN GENERAL.—The term “National
12 Forest System land” means land within the Na-
13 tional Forest System, as defined in section
14 11(a) of the Forest and Rangeland Renewable
15 Resources Planning Act of 1974 (16 U.S.C.
16 1609(a)), including the National Grasslands
17 and land utilization projects designated as Na-
18 tional Grasslands administered pursuant to the
19 Act of July 22, 1937 (7 U.S.C. 1010–1012).

20 (B) EXCLUSIONS.—The term does not in-
21 clude any land managed by the Forest Service
22 that is included in a national monument, an
23 area of critical environmental concern, a na-
24 tional conservation area, a national riparian
25 conservation area, a national recreation area, a

1 national scenic area, a research natural area, a
2 national outstanding natural area, a national
3 natural landmark, a wilderness area, a wilder-
4 ness study area, the national wild and scenic
5 rivers system, or the national system of trails.

6 (5) PUBLIC LANDS.—

7 (A) IN GENERAL.—The term “public
8 lands” has the meaning given that term in sec-
9 tion 103(e) of the Federal Land Policy and
10 Management Act of 1976 (43 U.S.C. 1702(e)).

11 (B) EXCLUSIONS.—The term does not in-
12 clude any land managed by the Bureau of Land
13 Management that is included in a national
14 monument, an area of critical environmental
15 concern, a national conservation area, a na-
16 tional riparian conservation area, a national
17 recreation area, a national scenic area, a re-
18 search natural area, a national outstanding nat-
19 ural area, a national natural landmark, a wil-
20 derness area, a wilderness study area, the na-
21 tional wild and scenic rivers system, or the na-
22 tional system of trails.

23 (6) REGIONAL FORESTER CONCERNED.—The
24 term “Regional Forester concerned” means the Re-
25 gional Forester with jurisdiction over the National

1 Forest System land of a specific Forest Service Re-
2 gion.

3 (b) SELECTION OF PARCELS FOR CONVEYANCE.—

4 (1) TWO SELECTION METHODS.—The Director
5 concerned or the Regional Forester concerned shall
6 select an eligible Federal lands parcel for conveyance
7 under this section—

8 (A) in response to a request submitted by
9 an owner of non-Federal land that shares one
10 or more boundaries with the parcel; or

11 (B) upon the recommendation of the Dis-
12 trict Office of the Bureau of Land Management
13 or unit of the National Forest System exer-
14 cising administration over the parcel.

15 (2) REVIEW OF LANDOWNER REQUEST.—When
16 a landowner submits a request under paragraph
17 (1)(A) for conveyance of a parcel of National Forest
18 System land or public lands, the Director concerned
19 or the Regional Forester concerned shall review the
20 parcel and determine, within 30 days after receipt of
21 the request, whether the parcel satisfies the defini-
22 tion of eligible Federal lands parcel for conveyance.

23 (3) REJECTION OF LANDOWNER REQUEST.—If
24 the Director concerned or the Regional Forester con-
25 cerned determines under paragraph (2) that all or a

1 portion of the parcel of National Forest System land
2 or public lands covered by a landowner request
3 under paragraph (1)(A) fails to satisfy the definition
4 of eligible Federal lands parcel, the Director con-
5 cerned or the Regional Forester concerned shall give
6 the landowner—

7 (A) a written explanation of the reasons
8 for the rejection, which specifically specifies—

9 (i) which of the elements of the defini-
10 tion of eligible Federal lands parcel the
11 parcel fails to satisfy and how and why the
12 parcel fails to satisfy that element;

13 (ii) how the continued administration
14 of the parcel by the Bureau of Land Man-
15 agement or the Forest Service would im-
16 pact the parcel and surrounding economy;
17 and

18 (iii) why the Federal Government
19 needs to maintain ownership of the parcel
20 and would be the best land ownership
21 steward of the parcel; and

22 (B) an opportunity to appeal the rejection
23 under subsection (e).

24 (c) PARCEL AND ACREAGE LIMITATIONS.—

1 (1) ACREAGE.—An eligible Federal lands parcel
2 conveyed under this section may not exceed 160
3 acres unless a request for additional acreage is ap-
4 proved by the Director concerned or the Regional
5 Forester concerned.

6 (2) NUMBER OF PARCELS.—A person may only
7 acquire one eligible Federal lands parcel under this
8 section per year, except that, if the parcel is less
9 than 160 acres in size, the person may acquire addi-
10 tional eligible Federal lands parcels during that year
11 so long as the total acreage acquired does not exceed
12 160 acres unless a request for additional acreage is
13 approved by the Director concerned or the Regional
14 Forester concerned.

15 (d) CONVEYANCE PROCESS.—

16 (1) PUBLIC NOTICE.—The Director concerned
17 or the Regional Forester concerned shall provide
18 public notice of the availability of an eligible Federal
19 lands parcel, even in cases in which the parcel
20 shares a boundary with only a single parcel of non-
21 Federal land or with multiple parcels owned by the
22 same landowner. The notice shall state that the par-
23 cel satisfies the definition of eligible Federal lands
24 parcel for conveyance.

1 (2) SINGLE ADJACENT LANDOWNER.—If the el-
2 igible Federal lands parcel shares a boundary with
3 only a single parcel of non-Federal land or with mul-
4 tiple parcels owned by the same landowner, the Di-
5 rector concerned or the Regional Forester concerned
6 shall carry out a negotiated sale of the eligible Fed-
7 eral lands parcel with the landowner.

8 (3) MULTIPLE ADJACENT LANDOWNERS.—If
9 multiple parcels of non-Federal land, owned by dif-
10 ferent landowners, share a boundary with an eligible
11 public lands parcel, the sale of the eligible public
12 lands parcel under this section shall be conducted
13 using competitive bidding procedures established
14 under section 203(f) of the Federal Land Policy and
15 Management Act of 1976 (43 U.S.C. 1713(f)).

16 (4) REJECTION OF OFFERS.—The Director con-
17 cerned or the Regional Forester concerned may re-
18 ject any offer made under this subsection that does
19 not offer the minimum consideration required by
20 subsection (f). The landowner shall be given an op-
21 portunity to appeal the rejection under subsection
22 (e).

23 (5) COMPLIANCE WITH LOCAL PLANNING AND
24 ZONING.—As a condition of the conveyance of an eli-
25 gible public lands parcel under this section, the Di-

1 rector concerned or the Regional Forester concerned
2 shall require the purchaser of the parcel to agree to
3 comply all local land use ordinances and any master
4 zoning plan applicable to the parcel or the adjacent
5 non-Federal land of the purchaser.

6 (6) FORM OF CONVEYANCE.—When an eligible
7 Federal lands parcel is to sold under this section,
8 the Director concerned or the Regional Forester con-
9 cerned shall convey, by quitclaim deed, all right,
10 title, and interest, including the mineral estate, of
11 the United States in and to the parcel.

12 (e) APPEALS PROCESS.—

13 (1) AVAILABILITY OF APPEAL.—If the Director
14 concerned or the Regional Forester concerned rejects
15 a landowner request under subsection (b)(1)(A) for
16 selection of a parcel of National Forest System land
17 or public lands for conveyance under this section or
18 rejects a landowner offer for purchase of an eligible
19 Federal lands parcel under subsection (d), the Direc-
20 tor concerned or the Regional Forester concerned
21 shall provide an appeals process for reconsideration
22 of the rejection using the expedited Forest Service
23 appeals process available under section 322(d) of
24 Public Law 102–381 (16 U.S.C. 1612 note).

1 (2) ADMINISTERING OFFICIAL.—For purposes
2 of applying section 322(d) of Public Law 102–381
3 (16 U.S.C. 1612 note), references to the Chief of the
4 Forest Service or the Secretary of Agriculture shall
5 be deemed to mean the Director concerned or the
6 Regional Forester concerned.

7 (f) CONSIDERATION.—

8 (1) FAIR MARKET VALUE.—As consideration for
9 the sale of an eligible Federal lands parcel under
10 this section, the Director concerned or the Regional
11 Forester concerned shall require a cash payment in
12 an amount that is equal to not less than the fair
13 market value of the parcel, including the mineral es-
14 tate, being conveyed by the Director concerned or
15 the Regional Forester concerned.

16 (2) ESTABLISHMENT.—The fair market value
17 of an eligible Federal lands parcel shall be estab-
18 lished by an appraisal submitted by the landowner
19 seeking to purchase the parcel, unless the Director
20 concerned or the Regional Forester concerned rejects
21 such appraisal within 45 days after submission. In
22 the case of the rejection of the appraisal, the Direc-
23 tor concerned or the Regional Forester concerned
24 shall cause another appraisal to be conducted, within
25 30 days, in accordance with the regulations regard-

1 ing appraisals issued under section 206(f) of the
2 Federal Land Policy and Management Act of 1976
3 (43 U.S.C. 1716(f)).

4 (g) TREATMENT OF PROCEEDS.—

5 (1) SHARING AND DEPOSIT OF PROCEEDS.—Of
6 the consideration received by the Director concerned
7 or the Regional Forester concerned under subsection
8 (f) for the sale of an eligible Federal lands parcel
9 under this section, the Director concerned or the Re-
10 gional Forester concerned shall—

11 (A) subject to paragraph (2), pay 50 per-
12 cent of the consideration to the county govern-
13 ment of the county in which the parcel is lo-
14 cated; and—

15 (B) deposit the remainder in the general
16 fund of the Treasury.

17 (2) EFFECT OF COUNTY PURCHASE.—If an eli-
18 gible Federal lands parcel is purchased by a State,
19 county, or city government or any agency thereof,
20 the county government in which the parcel is located
21 shall not receive a portion of the consideration paid
22 for the parcel. Instead, the entire amount of the con-
23 sideration shall be deposited in the general fund of
24 the Treasury.

25 (h) PAYMENT OF COSTS OF CONVEYANCE.—

1 (1) PAYMENT REQUIRED.—The Director con-
2 cerned or the Regional Forester concerned shall re-
3 quire the purchaser of an eligible Federal lands par-
4 cel under this section to cover the costs to be in-
5 curred, or to reimburse the Director concerned or
6 the Regional Forester concerned for costs incurred,
7 to carry out the conveyance, including survey and
8 appraisal costs, costs for environmental documenta-
9 tion, and any other administrative costs related to
10 the conveyance. If amounts are collected from the
11 purchaser of the parcel in advance of the Director
12 concerned or the Regional Forester concerned incur-
13 ring the actual costs, and the amount collected ex-
14 ceeds the costs actually incurred by the Director
15 concerned or the Regional Forester concerned to
16 carry out the conveyance, the Director concerned or
17 the Regional Forester concerned shall refund the ex-
18 cess amount to the purchaser.

19 (2) TREATMENT OF AMOUNTS RECEIVED.—
20 Amounts received as reimbursement under para-
21 graph (1) shall be credited to the fund or account
22 that was used to cover those costs in carrying out
23 the conveyance. Amounts so credited shall be merged
24 with amounts in such fund or account, and shall be
25 available for the same purposes, and subject to the

1 same conditions and limitations, as amounts in such
2 fund or account.

3 (i) TIME FOR CONVEYANCE.—It is the intent of the
4 Congress that the sale of an eligible Federal lands parcel
5 under this section, from selection of the parcel for convey-
6 ance through completion of the sale, should take no more
7 than 18 months.

8 (j) NEPA EXEMPTION.—The conveyance of eligible
9 Federal lands parcels under this section is not a major
10 Federal action significantly affecting the quality of the
11 human environment under section 102(2)(C) the National
12 Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C))
13 because each conveyance involves only a small parcel of
14 National Forest System land or the public lands and has
15 no significant impact on critical habitats or endangered
16 or threatened species, critical environments, exceptional
17 resources.

18 (k) ADDITIONAL AUTHORITY.—The conveyance au-
19 thority provided by this section is in addition to the sale
20 authority provided by section 203 of the Federal Land
21 Policy and Management Act of 1976 (43 U.S.C. 1713)
22 or any other provision of law.

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