

115TH CONGRESS
1ST SESSION

H. R. 1106

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 private landowners, State, county, and local governments, or Indian tribes whose lands share a boundary with the National Forest System land or public lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

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 private landowners, State, county, and local governments, or Indian tribes 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Small Tracts Convey-
3 ance Act”.

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

7 (a) DEFINITIONS.—In this section:

8 (1) ADJACENT LANDHOLDER.—The term “ad-
9 jacent landholder” means any holder of non-Federal
10 land (including a holder that is a State, county, or
11 local government or any agency thereof, or an In-
12 dian tribe) that shares one or more boundaries with
13 an eligible Federal lands parcel and who makes a re-
14 quest to purchase an eligible Federal lands parcel.

15 (2) DIRECTOR CONCERNED.—The term “Direc-
16 tor concerned” means the Director of the Bureau of
17 Land Management for a State.

18 (3) ELIGIBLE FEDERAL LANDS PARCEL.—The
19 term “eligible Federal lands parcel” means a parcel
20 of National Forest System land or the public lands
21 that—

22 (A) shares one or more boundaries with
23 non-Federal land;

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

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

3 (D) does not contain an exceptional re-
4 source; and

5 (E) is not habitat for an endangered spe-
6 cies or a threatened species determined under
7 section 4 of the Endangered Species Act of
8 1973 (16 U.S.C. 1533).

9 (4) EXCEPTIONAL RESOURCE.—The term “ex-
10 ceptional resource” means a resource of scientific,
11 historic, cultural, or recreational value on a parcel of
12 public lands that the Director concerned or Regional
13 Forester concerned determines, on the record and
14 after an opportunity for a hearing—

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

17 (B) requires extraordinary conservation
18 and protection to maintain the resource for the
19 benefit of the public.

20 (5) INDIAN TRIBE.—The term “Indian tribe”
21 has the meaning given that term in section 102 of
22 the Federally Recognized Indian Tribe List Act of
23 1994 (25 U.S.C. 479a).

24 (6) NATIONAL FOREST SYSTEM LAND.—

1 (A) IN GENERAL.—The term “National
2 Forest System land” means land within the Na-
3 tional Forest System, as defined in section
4 11(a) of the Forest and Rangeland Renewable
5 Resources Planning Act of 1974 (16 U.S.C.
6 1609(a)), including the National Grasslands
7 and land utilization projects designated as Na-
8 tional Grasslands administered pursuant to the
9 Act of July 22, 1937 (7 U.S.C. 1010–1012).

10 (B) EXCLUSIONS.—The term does not in-
11 clude any land managed by the Forest Service
12 that is included in a national monument, an
13 area of critical environmental concern, a na-
14 tional conservation area, a national riparian
15 conservation area, a national recreation area, a
16 national scenic area, a research natural area, a
17 national outstanding natural area, a national
18 natural landmark, a wilderness area, a wilder-
19 ness study area, the national wild and scenic
20 rivers system, the national system of trails, or
21 land held in trust by the United States for the
22 benefit of any Indian tribe.

23 (7) PUBLIC LANDS.—

24 (A) IN GENERAL.—The term “public
25 lands” has the meaning given that term in sec-

tion 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

(B) EXCLUSIONS.—The term does not include any land managed by the Bureau of Land Management that is included in a national monument, an area of critical environmental concern, a national conservation area, a national riparian conservation area, a national recreation area, a national scenic area, a research natural area, a national outstanding natural area, a national natural landmark, a wilderness area, a wilderness study area, the national wild and scenic rivers system, the national system of trails, or land held in trust by the United States for the benefit of any Indian tribe.

(8) REGIONAL FORESTER CONCERNED.—The term “Regional Forester concerned” means the Regional Forester with jurisdiction over the National Forest System land of a specific Forest Service Region.

(b) SELECTION OF PARCELS FOR CONVEYANCE.—

(1) TWO SELECTION METHODS.—The Director concerned or the Regional Forester concerned shall

1 select an eligible Federal lands parcel for conveyance
2 under this section—

3 (A) in response to a request submitted by
4 an adjacent landholder; or

5 (B) upon the recommendation of the Dis-
6 trict Office of the Bureau of Land Management
7 or unit of the National Forest System exer-
8 cising administration over the parcel.

9 (2) ADJACENT LANDHOLDER REQUEST.—

10 (A) PROCESS REQUIRED.—The Secretary
11 of Agriculture and the Secretary of the Interior
12 each shall create a process by which an adja-
13 cent landholder may request to purchase an eli-
14 gible Federal lands parcel.

15 (B) GUIDELINES.—To the maximum ex-
16 tent practicable, the process shall be consistent
17 with other public purchase request processes
18 used by the Forest Service and the Bureau of
19 Land Management to convey Federal land
20 under their respective statutory and regulatory
21 authority.

22 (C) PUBLIC ACCESSIBILITY.—The process
23 shall be open to the public and available on the
24 Internet.

1 (D) DEADLINE.—The process shall be
2 available to the public within 90 days of the
3 date of the enactment of this Act.

4 (3) REVIEW OF ADJACENT LANDHOLDER RE-
5 QUEST.—When an adjacent landholder submits a re-
6 quest under paragraph (1)(A) for conveyance of a
7 parcel of National Forest System land or public
8 lands, the Director concerned or the Regional For-
9 ester concerned shall review the parcel and deter-
10 mine, within 30 days after receipt of the request,
11 whether the parcel satisfies the definition of eligible
12 Federal lands parcel for conveyance.

13 (4) REJECTION OF ADJACENT LANDHOLDER
14 REQUEST.—If the Director concerned or the Re-
15 gional Forester concerned determines under para-
16 graph (2) that all or a portion of the parcel of Na-
17 tional Forest System land or public lands covered by
18 an adjacent landholder request under paragraph
19 (1)(A) fails to satisfy the definition of eligible Fed-
20 eral lands parcel, the Director concerned or the Re-
21 gional Forester concerned shall give the landowner—

22 (A) a written explanation of the reasons
23 for the rejection, which specifies—

24 (i) which of the elements of the defini-
25 tion of eligible Federal lands parcel the

1 parcel fails to satisfy and how and why the
2 parcel fails to satisfy that element;

3 (ii) how the continued administration
4 of the parcel by the Bureau of Land Man-
5 agement or the Forest Service would im-
6 pact the parcel and surrounding economy;
7 and

8 (iii) why the Federal Government
9 needs to maintain ownership of the parcel
10 and would be the best land ownership
11 steward of the parcel; and

12 (B) an opportunity to appeal the rejection
13 under subsection (e).

14 (c) PARCEL AND ACREAGE LIMITATIONS.—

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

20 (2) NUMBER OF PARCELS.—An adjacent land-
21 holder may only acquire one eligible Federal lands
22 parcel under this section per year, except that, if the
23 parcel is less than 160 acres in size, the adjacent
24 landholder may acquire additional eligible Federal
25 lands parcels during that year so long as the total

1 acreage acquired does not exceed 160 acres unless a
2 request for additional acreage is approved by the Di-
3 rector concerned or the Regional Forester concerned.

4 (d) CONVEYANCE PROCESS.—

5 (1) PUBLIC NOTICE.—The Director concerned
6 or the Regional Forester concerned shall provide
7 public notice of the availability of an eligible Federal
8 lands parcel, even in cases in which the parcel
9 shares a boundary with only a single parcel of non-
10 Federal land or with multiple parcels owned by the
11 same adjacent landholder. The notice shall state that
12 the parcel satisfies the definition of eligible Federal
13 lands parcel for conveyance.

14 (2) SINGLE ADJACENT LANDHOLDER.—If the
15 eligible Federal lands parcel shares a boundary with
16 only a single parcel of non-Federal land or with mul-
17 tiple parcels owned by the same adjacent landholder,
18 the Director concerned or the Regional Forester con-
19 cerned shall carry out a negotiated sale of the eligi-
20 ble Federal lands parcel with the adjacent land-
21 holder.

22 (3) MULTIPLE ADJACENT LANDHOLDERS.—If
23 multiple parcels of non-Federal land, owned by dif-
24 ferent adjacent landholders, share a boundary with
25 an eligible public lands parcel, the sale of the eligible

1 public lands parcel under this section shall be con-
2 ducted using competitive bidding procedures estab-
3 lished under section 203(f) of the Federal Land Pol-
4 icy and Management Act of 1976 (43 U.S.C.
5 1713(f)).

6 (4) REJECTION OF OFFERS.—The Director con-
7 cerned or the Regional Forester concerned may re-
8 ject any offer made under this subsection that does
9 not offer the minimum consideration required by
10 subsection (f). The adjacent landholder shall be
11 given an opportunity to appeal the rejection under
12 subsection (e).

13 (5) COMPLIANCE WITH LOCAL PLANNING AND
14 ZONING.—As a condition of the conveyance of an eli-
15 gible public lands parcel under this section, the Di-
16 rector concerned or the Regional Forester concerned
17 shall require the purchaser of the parcel to agree to
18 comply with all local land use ordinances and any
19 master zoning plan applicable to the parcel or the
20 adjacent non-Federal land of the purchaser.

21 (6) FORM OF CONVEYANCE.—When an eligible
22 Federal lands parcel is to be sold under this section,
23 the Director concerned or the Regional Forester con-
24 cerned shall convey, by quitclaim deed, all right,

1 title, and interest, including the mineral estate, of
2 the United States in and to the parcel.

3 (e) APPEALS PROCESS.—

4 (1) AVAILABILITY OF APPEAL.—If the Director
5 concerned or the Regional Forester concerned rejects
6 an adjacent landholder request under subsection
7 (b)(1)(A) for selection of a parcel of National Forest
8 System land or public lands for conveyance under
9 this section or rejects an adjacent landholder offer
10 for purchase of an eligible Federal lands parcel
11 under subsection (d), the Director concerned or the
12 Regional Forester concerned shall provide an ap-
13 peals process for reconsideration of the rejection
14 using the expedited Forest Service appeals process
15 formerly available under section 322(d) of Public
16 Law 102–381 (106 Stat. 1419; 16 U.S.C. 1612
17 note), before its repeal by section 8006(a) of the Ag-
18 ricultural Act of 2014 (Public Law 113–79; 128
19 Stat. 913).

20 (2) ADMINISTERING OFFICIAL.—For purposes
21 of applying the expedited appeals process required
22 by paragraph (1), references to the Chief of the For-
23 est Service or the Secretary of Agriculture shall be
24 deemed to mean the Director concerned or the Re-
25 gional Forester concerned.

1 (f) CONSIDERATION.—

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

10 (2) ESTABLISHMENT.—The fair market value
11 of an eligible Federal lands parcel shall be estab-
12 lished by an appraisal submitted by the adjacent
13 landholder seeking to purchase the parcel, unless the
14 Director concerned or the Regional Forester con-
15 cerned rejects such appraisal within 45 days after
16 submission. In the case of the rejection of the ap-
17 praisal, the Director concerned or the Regional For-
18 ester concerned shall cause another appraisal to be
19 conducted, within 30 days, in accordance with the
20 regulations regarding appraisals issued under section
21 206(f) of the Federal Land Policy and Management
22 Act of 1976 (43 U.S.C. 1716(f)).

23 (g) TREATMENT OF PROCEEDS.—

24 (1) ESTABLISHMENT OF FUND.—The Secretary
25 of the Treasury shall establish in the Treasury of

1 the United States a special fund to provide for the
2 collection and distribution of funds under this sub-
3 section.

4 (2) COLLECTION.—Funds collected from the
5 conveyance of an eligible Federal lands parcel under
6 this section shall be deposited into the Treasury
7 fund created under paragraph (1).

8 (3) DISTRIBUTION.—Funds collected under this
9 subsection shall be distributed annually to those
10 States in which the Federal Government owns more
11 than 33 percent of the land area of that State ac-
12 cording to the calculation provided in paragraph (4).

13 (4) CALCULATION OF DISTRIBUTION.—From
14 amounts collected and deposited under this section—

15 (A) 50 percent of the amount collected
16 from a conveyance shall be distributed to the
17 State in which the conveyance took place; and

18 (B) the remaining 50 percent shall be dis-
19 tributed equally between the remaining States
20 identified under paragraph (3).

21 (5) LIMITATION OF USE.—As a condition of re-
22 ceipt of funds under this subsection, a State receiv-
23 ing such funds shall agree to use the funds only for
24 the following purposes:

1 (A) PURCHASE.—To purchase additional
2 eligible Federal lands parcels, that are con-
3 sistent with land use management under the
4 Federal Land Policy and Management Act of
5 1976 (43 U.S.C. 1701).

6 (B) COMPLIANCE.—To comply with a Fed-
7 eral requirement under—

8 (i) the Endangered Species Act of
9 1973 (16 U.S.C. 1531 et seq.);

10 (ii) the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1251 et seq.); or

12 (iii) the National Environmental Pol-
13 icy Act of 1969 (42 U.S.C. 4321 et seq.).

14 (h) PAYMENT OF COSTS OF CONVEYANCE.—

15 (1) PAYMENT OF COSTS REQUIRED.—The Di-
16 rector concerned or the Regional Forester concerned
17 shall require the purchaser to cover the costs to be
18 incurred, or to reimburse the Director concerned or
19 the Regional Forester concerned for costs incurred,
20 to carry out the conveyance, including survey and
21 appraisal costs, costs for environmental documenta-
22 tion, and any other administrative costs related to
23 the conveyance.

24 (2) REFUND OF EXCESS.—If amounts are col-
25 lected from the purchaser in advance of the Director

1 concerned or the Regional Forester concerned incur-
2 ring the actual costs, and the amount collected ex-
3 ceeds the costs actually incurred by the Director
4 concerned or the Regional Forester concerned to
5 carry out the conveyance, the Director concerned or
6 the Regional Forester concerned shall refund the ex-
7 cess amount to the purchaser.

8 (3) TREATMENT OF AMOUNTS RECEIVED.—
9 Amounts received as reimbursement under para-
10 graph (1) shall be credited to the fund or account
11 that was used to cover those costs in carrying out
12 the conveyance. Amounts so credited shall be merged
13 with amounts in such fund or account, and shall be
14 available for the same purposes, and subject to the
15 same conditions and limitations, as amounts in such
16 fund or account.

17 (i) TIME FOR CONVEYANCE.—It is the intent of the
18 Congress that the conveyance of an eligible Federal lands
19 parcel under this section, from selection of the parcel for
20 conveyance through completion of the sale, should take no
21 more than 18 months.

22 (j) CATEGORICAL EXCLUSION.—Because the scope of
23 a conveyance is limited and excluded from any exceptional
24 resource, a conveyance of an eligible Federal lands parcel
25 under this section is categorically excluded from the re-

1 quirement to prepare an environmental assessment or an
2 environmental impact statement under the National Envi-
3 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

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

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