

other land description indicating that there was not such encroachment;

(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 that are determined by the Secretary—

- (A) to be physically isolated from other Federal land;
- (B) to be inaccessible; or
- (C) to have lost National Forest character;

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

(6) parcels used as a cemetery (including a parcel of not more than 1 acre adjacent to the parcel used as a cemetery), a landfill, or a sewage treatment plant under a special use authorization issued or otherwise authorized by the Secretary.

(Pub. L. 97-465, §3, Jan. 12, 1983, 96 Stat. 2535; Pub. L. 115-334, title VIII, §8621(a), (b), Dec. 20, 2018, 132 Stat. 4852.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-334, §8621(a), substituted “\$500,000” for “\$150,000” in introductory provisions.

Pars. (4) to (6). Pub. L. 115-334, §8621(b), added pars. (4) to (6).

§ 521f. Costs of conveyance and value of improvements

Any person to whom lands are conveyed under sections 521c to 521i of this title shall bear all reasonable costs of administration, survey, and appraisal incidental to such conveyance, as determined by the Secretary. In determining the value of any lands or interest in lands to be conveyed under sections 521c to 521i of this title, the Secretary may, in those cases in which the Secretary determines it would be in the public interest, exclude from such determination the value of any improvements to the lands made by any person other than the Government. In the case of road rights-of-way conveyed under sections 521c to 521i of this title, the person to whom the right-of-way is conveyed shall reimburse the United States for the value of any improvements to such right-of-way which may have been made by the United States. The Secretary may, in those cases in which the Secretary determines that it would be in the public interest, waive payment by any person of costs incidental to any conveyance authorized by sections 521c to 521i of this title or reimbursement by any person for the value of improvements to rights-of-way otherwise required by this section.

(Pub. L. 97-465, §4, Jan. 12, 1983, 96 Stat. 2536.)

§ 521g. Road rights-of-way subject to State or local law

Conveyance of any road rights-of-way under sections 521c to 521i of this title shall not be con-

strued as permitting any designation, maintenance, or use of such rights-of-way for road or other purposes except to the extent permitted by State or local law and under conditions imposed by such law.

(Pub. L. 97-465, §5, Jan. 12, 1983, 96 Stat. 2536.)

§ 521h. Regulations; contents

The Secretary shall issue regulations to carry out the provisions of sections 521c to 521i of this title, including specification of—

(1) criteria which shall be used in making the determination as to what constitutes the public interest;

(2) the definition of and the procedure for determining “approximately equal value”; and

(3) factors relating to location or size which shall be considered in connection with determining the lands to be sold, exchanged, or interchanged under clause (1) of section 521e of this title.

(Pub. L. 97-465, §6, Jan. 12, 1983, 96 Stat. 2536.)

§ 521i. Unaffected lands

Nothing in sections 521c to 521i of this title shall authorize conveyance of Federal lands within the National Wilderness Preservation System, National Wild and Scenic Rivers System, National Trails System, or National Monuments. Nothing in sections 521c to 521i of this title shall authorize sale of Federal lands, within National Recreation Areas.

(Pub. L. 97-465, §7, Jan. 12, 1983, 96 Stat. 2536.)

§ 522. Omitted

Editorial Notes

CODIFICATION

Section, act Feb. 15, 1901, ch. 372, 31 Stat. 790; Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793; Pub. L. 113-287, §7, Dec. 19, 2014, 128 Stat. 3272, which authorized the Secretary of the Interior to permit the use of rights-of-way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant national parks, California, for various public utility purposes, was omitted in view of the repeal of its provisions insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System by Pub. L. 94-579. Act Feb. 15, 1901 is also classified to section 959 of Title 43, Public Lands, and was also classified to section 79 of this title prior to its omission from the Code.

§ 523. Omitted

Editorial Notes

CODIFICATION

Section, acts Mar. 4, 1911, ch. 238, 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95; Pub. L. 94-579, title VII, §706(a), Oct. 21, 1976, 90 Stat. 2793; Pub. L. 113-287, §7, Dec. 19, 2014, 128 Stat. 3272, which authorized heads of departments to grant easements for rights-of-way on “the public lands, national forests, and reservations of the United States” for electrical power and communications purposes, was omitted because its provisions, as they related to public lands and lands in the National Forest System, were repealed by Pub. L. 94-579 and because act Mar. 4, 1911, is also classified to section 961 of Title 43, Public Lands. It was also classified to