

Selling Land to the United States of America

Monongahela National Forest

Questions and Answers

Q: What does the Forest Service look for when considering a land purchase from private landowners?

A: The Forest Service looks for the following when considering a land purchase:

- Land that is within the overall Monongahela National Forest boundary.
- Land that is surrounded by or is adjacent to existing Monongahela National Forest land.
- Land with water frontage such as lakes, rivers, and streams.
- Lands which can provide protection of sensitive fish, wildlife or plant species.
- Environmentally sensitive lands such as wetlands, riparian areas, or caves.
- Lands which can provide protection of significant historical or cultural resources.
- Lands that enhance recreation opportunities, public access, and protection of aesthetic values.
- Lands which can provide protection and improve management of congressionally designated areas (examples: Wildernesses, Spruce Knob -Seneca Rocks National Recreation Area).
- Lands which would provide more efficient land management patterns and reduce expenses of both the Forest Service and the public in administration and utilization.
- Lands with water rights.
- Major corporate parcels that become available.
- Lands or partial interests whose ownership by the federal government will reunite or consolidate split estates.
- Lands which can protect resource values by eliminating or reducing fire risks, soil erosion, or occupancy trespass.
- Lands with single ownership.

Q: What are you paying for land?

A: There is no set price for land purchased by the United States within the Monongahela National Forest. Each property is appraised according to its own merits. Factors such as access, size, location, timber value, mineral rights, and buildings influence value. The value or purchase price is based on what private individuals are paying for similar land in the local area and is referred to as fair market value. If the Forest Service is interested in acquiring a property, the Monongahela National Forest will arrange for an appraisal, which will determine the fair market value of that particular property.

Q: Am I obligated to sell if you put my name on a list?

A: No. We buy from willing sellers. If you choose not to accept a federal offer of fair market value, you are under no obligation to sell. However, once you sign an option, then you are obligated to sell at the determined fair market value.

Q: How does the process work?

A: The steps are as follows:

1. First approach us to see if there is federal interest in acquisition of your property.
2. Your deed and a map are submitted to a local attorney along with a request for a title search of the local records. All matters affecting title to the land must be reviewed and we may have to work together with the landowner to resolve any issues that have arisen.
3. An appraisal will be prepared to government standards to determine the fair market value of the offered land. The Forest Service cannot negotiate that value. If the offer of fair market value is acceptable to you, then you will be asked to sign an option. The option legally obligates you to sell at the agreed upon amount, and it allows the Forest Service time to process the case.
4. Once an option is signed, a cadastral survey may be needed to help accurately locate and describe the property.
5. An environmental site assessment will be conducted on the property to assure the government that no unacceptable hazardous materials issues exist on the property.
6. The Forest Service attorneys will prepare a warranty deed for the property.
7. The Forest Service and the local attorney will conduct a property closing with the seller.

Q: How long does it take for a seller to get paid?

A: Case processing usually takes 9- 18 months from the time an appraisal has begun.

Q: Are there any expenses I must bear as the seller?

A: The landowner's major responsibility is to furnish marketable title and to pay your share of the taxes. The Forest Service often bears the costs of title insurance, appraisal, survey, and recording fees. Sometimes costs are shared on larger properties.

Q: What if I get a better offer or change my mind after I have signed the option?

A: Once the option is signed, the landowner is bound to the sale. If the option is accepted and signed by the Forest Service, it becomes a legal contract binding upon both parties. You need to decide carefully, before you sign the option. Act with your best interest at heart. Title certificates, appraisals, and surveys are very expensive. The option is meant to give us confidence that public time and money will be well-spent.

Q: Does the Forest Service buy buildings?

A: We prefer not to buy improvements. Many landowners keep their buildings along with a couple of acres of land and only sell the unimproved land to the Forest Service.

Q: May I reserve minerals?

A: The Monongahela National Forest Land and Resource Management Plan directs that we purchase minerals whenever possible. Ownership of both surface and sub-surface rights gives us more flexibility

in managing the land and helps lessen the conflicts with other resources. Oil and gas rights are sometimes reserved for a short period, but those who sell with mineral rights may get a higher price for the land depending on the value of mineral rights in your area.

Q: What if I do not own the coal mineral rights?

A: Many landowners do not own the coal, and this presents a problem in getting approval for the purchase from the U.S. Department of Justice. The United States cannot purchase land that may be subject to surface mining or coal repurchase rights. In some cases, the coal owner will agree to modify their rights to allow the purchase to proceed. In other cases, the purchase will be disapproved.

Q: What will the United States do with my land?

A: The land will become part of the Monongahela National Forest. The Forest is managed for a variety of uses including recreation, watershed protection, wildlife habitat, timber production, oil and gas production, and for the protection of resources such as archaeological sites and threatened and endangered plant and animal species. The Forest Land and Resource Management Plan specifies the desired future condition of various management areas across the forest. You may wish to talk with the forest planner about specific management of the forest.

Q: How do I get started?

A: Contact the Lands Program Manager at the Monongahela National Forest at the following location:

Lands Program Manager
Monongahela National Forest
200 Sycamore Street
Elkins, WV 26241

(304) 636-1800, ext. 271

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