

**Forest Service Manual
National Headquarters - Washington Office
Washington, DC**

**Forest Service Manual 5500 – Landownership Title Management
Chapter 5570 – Sales, Grants, Special Acts**

Amendment: 5500-2011-1

Effective date: January 31, 2011

Duration: This amendment is effective until superseded or removed.

Superseded Directive: 5570 (Amendment 5500-2003-1, 5/21/2003)

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Date approved: January 28, 2011

Responsible Staff:

Explanation of changes: Following is an explanation of the changes throughout the directive by section.

5570.11: Adds paragraph 7, “Forest Service Facilities Realignment Act of 2005” to Authorities.

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5570.1 - Authority

5570.11 - Sales

1. Small Tracts Act of January 12, 1983 (96 Stat. 2535; 16 U.S.C. 521c-i). This Act provides the Secretary of Agriculture with discretionary authority to sell, exchange, or interchange by quitclaim deed all of the United States' right, title, and interest, including the mineral estate, in and to certain limited categories of National Forest System lands.
2. National Forest Townsite Act of July 31, 1958 (72 Stat. 483; 7 U.S.C. 1012a; 16 U.S.C. 478a) as amended by Section 213 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2760). This Act authorizes the Secretary of Agriculture to set aside and designate National Forest System land for townsite purposes. Areas so designated may be sold to any qualifying county, city, or other governmental subdivision.
3. Weeks Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519). Under section 10 of this Act, certain valuable agriculture lands, inadvertently or of necessity acquired along with Weeks Act purchases and not needed for public purposes, may be sold to actual settlers.
4. Bankhead-Jones Farm Tenant Act of July 22, 1937, as amended (50 Stat. 525; 75 Stat. 318; 7 U.S.C. 1011). Section 32(c) and 32(d) of this Act authorizes the Secretary of Agriculture to sell, exchange, lease, or otherwise dispose of such property to public authorities and agencies under such terms and conditions as the Secretary deems would accomplish the purposes of the Act .
5. Federal Property and Administrative Services Act of June 30, 1949 (63 Stat. 378; 40 U.S.C. 471), as amended. This Act authorizes the sale of property that is surplus to the needs of the United States. However, the Act does not apply to lands reserved or dedicated for National Forest purposes.
6. Forest Service Omnibus Act of June 20, 1958 (72 Stat. 217; 16 U.S.C. 565b). Section 5 of this Act authorizes the Secretary of Agriculture to transfer to States and political subdivisions or agencies fire lookout towers and other structures or improvements as well as the land upon which they are located, if such land is outside National Forest boundaries .
7. Forest Service Facilities Realignment Act of 2005 (119 Stat 559-563; 16 U.S.C. 580d, as amended). This Act provides for sale lease or exchange of administrative lands and facilities which are excess to the needs of the Forest Service. The proceeds must be retained for the acquisition, improvement, maintenance, reconstruction, or construction of a facility or improvement for the National Forest System.

5570.12 - Grants

1. Bankhead-Jones Farm Tenant Act of July 22, 1937, as amended (50 Stat. 525; 7 U.S.C. 1011).
2. Forest (Indian) Allotment Act of June 25, 1910 (36 Stat. 863; 25 U.S.C. 337). Section 31 provides for allotments, in conformity with the general allotment laws, of certain types of National Forest land occupied by Indians.
3. Airport and Airway Development Act of September 3, 1982 (96 Stat. 692; 49 U.S.C. 2215). Title V, Section 516 authorizes the grant of property interests to public agencies for airport-related use of any lands owned or controlled by the United States, except lands within National Forests.

5570.13 - Special Acts

1. Title Claims. The Wisconsin Land Title Act of August 24, 1954 (168 Stat. 789; 43 U.S.C. #1221-1223) provides for patenting certain "public lands" in Wisconsin.
2. Sales. The Tongass National Forest Timber Act of August 8, 1947 (61 Stat. 920) authorizes the sale of Tongass National Forest lands needed for or in connection with the processing of timber.
3. Grants. Section 6(a) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340), amended by the act of October 8, 1963 (77 Stat. 223), grants to the State of Alaska the right to select National Forest lands for the development and expansion of communities.

5571 - Sales

The sale authorities for National Forest System lands are narrow in scope and application. They provide for the conveyance of specific and limited categories of land to relieve or to resolve title conflicts and certain management problems. (See FSH 5509.11, ch. 20).

5571.1 - Small Tracts Act of 1983

Regional foresters have the discretionary authority under this Act to sell, exchange, or interchange certain National Forest System lands or interest in lands to resolve certain encroachment problems and the management problems associated with mineral survey fractions and unused road rights-of-way (FSH 5509.11, sec. 21 and 36 CFR 254, Subpart C).

5571.11 - Encroachments

Encroachments include innocent occupancy and use of improvements constructed on National Forest System lands under claim or color of title.

5571.12 - Mineral Survey Fractions

Mineral survey fractions include parcels of land that are not possible to manage efficiently because of location and size.

5571.13 - Road Rights-of-Way

Road rights-of-way include excepted fee strips and other unneeded rights-of-way substantially surrounded by non-Federal land.

5571.2 - Townsite Act

National Forest System land in the 11 contiguous western states and Alaska may be set aside and designated as a townsite upon receipt of proper application from a governmental subdivision, including proof that there is a need to use the land for the stated purpose (FSH 5509.11, sec. 22 and see 36 CFR, Subpart B).

Regional foresters may convey the designated land at fair market value for townsite purposes upon determination that:

1. The land is suitable for community purposes.
2. The community may use the land without creating undue risk of resource damage to adjoining lands.
3. It is possible to use the land without creating sanitary problems or endangering public health.
4. The land is not necessary for more important Federal purposes.

5571.3 - Agricultural Land with Weeks Act Status

Purchase practices under the Weeks Act have precluded the acquisition of lands deemed more valuable for agricultural than National Forest purposes. Deny applications for sale of lands under this authority.

5571.4 - National Grassland and Land Utilization Project Land

The possibility of the sale of land with Bankhead-Jones Act status is remote. The region's request to sell land under authority of section 32(c) of the Act of July 22, 1937, must have the approval of the Washington Office, Director of Lands. If the sale is approved, the Washington Office, lands staff forwards instructions for sale procedure and preparation of the necessary documents to the regional forester. Use FSH 5409.16, section 13.11, for guidance in preparing reports. Each proposal to sell such lands must have the approval of the Secretary of Agriculture before the start of negotiations (FSH 5509.11, sec. 24).

5571.5 - Excess Property

As used in this chapter, excess property is any property that is not necessary for the needs of or the discharge of Forest Service responsibilities. It does not include land reserved or dedicated for National Forest purposes (FSM 6440).

5571.51 - Determination

Consider lands for disposal as excess property only after determining whether the lands are in fact excess property. The Washington Office, Director of Lands, makes the final determination whether or not the property is excess to Forest Service program needs, based on a comprehensive report from the regional forester (FSH 5509.11, sec. 23).

5571.6 - Fire Control Improvements and Land Outside National Forest Boundary

Regional foresters are authorized to approve the transfer of fire control improvements when the total market value of the items for transfer does not exceed the following amounts: \$5,000 without reimbursement by the State; and \$10,000 with reimbursement by the State. Land may also be transferred with the improvements, if it is located outside the National Forest boundary. Any proposals for transfers valued in excess of these amounts must have the approval of the Washington Office, Director of Lands (FSH 5509.11, sec. 25).

5572 - Grants

Should a grant application be received, follow the procedures contained for the following authorities in FSH 5509.11, chapter 30.

5572.1 - National Grassland and Land Utilization Project Land

The U.S. Department of Agriculture has completed the grant program under section 32(c) of the Bankhead-Jones Farm Tenant Act (FSH 5509.11, sec. 30.11).

5572.11 - Airports

Title V, section 516 of the Airport and Airway Improvement Act of 1982 authorizes the grant of property interest owned or contracted by the United States to public agencies for airport-related uses. National Forest lands are specifically exempted. Other lands may be restricted by acts under which they are reserved or dedicated to public use. The authority for transfer of National Grasslands and Land Utilization Lands is contained in Section 32 (c) and (d) of the Bankhead-Jones Farm Tenant Act. Although this Act does not exempt the lands from transfer, the restrictions in the Bankhead-Jones Act would have to be considered. Other lands owned and controlled by the United States and administered by the Forest Service, such as administrative sites outside the National Forest, may fall under provisions of the Airport Act (FSH 5509.11, ch. 30).

5572.2 - Indian Settler Allotments

Forest supervisors shall process all Indian Allotment applications following the procedures found in FSH 5509.11, section 30.2.

5573 - Special Acts

Special acts affect administration of title claims sales and grants of National Forest System lands in the various States. Prepare regional supplements to provide specific information and instructions pertaining to them based on general guidelines in FSH 5509.11, and on specific guidelines from the Chief's office.

5574 - Reports and Records

(See FSM 5580).