

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

**Forest Service Handbook 5509.12 – Land Status Records System
Chapter 10 – Land Status Records Data Management**

Amendment: 5509.12-2012-2

Effective date: May 17, 2012

Duration: This amendment is effective until superseded or removed.

Superseded Directive:

Approved by: Faye L. Krueger, Associate Deputy Chief, NFS

Date approved: April 16, 2012

Responsible Staff:

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

10: Establishes chapter, caption “Land Status Records Data Management,” and sets forth policy, procedures, and direction for the Land Status Records System. Clarifies ownership and status information and identifies the Land Status Records System (LSRS) as the official repository for all realty records.

11: Establishes code, caption “Land Status File,” and sets forth direction on which documents to maintain in the land status title file and the length of time for protection and retention of the documents.

12: Establishes code, caption “Other Non-Forest Service Agency Files,” and sets forth direction to identify other agency files and how the information may be helpful in land status research.

13: Establishes code, caption “Land Status Records System Database,” and sets forth direction designating the Geographic Information System (GIS), as the database for storing land status information and producing required reports. Identifies the mandatory portion of the records system. Lists training requirements for LSRS.

14: Establishes code, caption “Reports,” and sets forth direction on the Forest Service reports that are prepared on an annual basis.

15: Establishes code, caption “Reporting Tool,” and sets forth direction on the maintenance and use of the Land Status Atlas.

Table of Contents

10.1 - Authority	4
10.2 - Objectives	4
10.3 - Policy	4
10.4 - Responsibility.....	5
10.41 - Agency	5
10.42 - Regional Foresters	5
10.5 - Definitions	5
10.6 - Historical References.....	6
11 - Land Status File.....	7
12 - Other Non-Forest Service Agency Files	7
13 - Land Status Records System Database.....	9
13.04 - Responsibility	10
13.04a - Washington Office, Director of Lands	10
13.04b - Regional Foresters	10
13.04c - Forest Supervisors	10
13.04d - District Rangers.....	11
13.1 - Maintenance.....	11
13.11 - Title Files	11
13.12 - Public Access to Data	11
13.2 - Status Title Record	12
13.3 - Training.....	12
14 - Reports.....	13
15 - Reporting Tool - Land Status Atlas.....	15

10.1 - Authority

1. Title 36, Code of Federal Regulations, section 200.12 (36 CFR 200.12). Establishes the Land Status Records System (LSRS) as the official public record evidencing title and jurisdiction for all National Forest System lands. This authority also is expressed in legislation enacted to resolve specific situations, as well as in the rules, regulations, and directives implementing those laws, and their interpretations by court decisions.
2. FSM 5501 and FSM 1010. These manuals specify the authority for the protection and adjustment of land title and interests.
3. FSM 5590.1. Contains additional direction concerning authorities relating to the Land Status Records System.

10.2 - Objectives

The objectives of the Land Status Records System (LSRS) program are to:

1. Ensure that the Federal government has uniform, accurate, complete, and current title and other realty information on lands, including all partial interests, encumbrances, dominant tenements, and reservations in lands, administered by the Forest Service;
2. Ensure that the public has reasonable access to and opportunity to inspect Forest Service realty information; and
3. Provide a reliable basis for reporting to the Secretary, the Congress, and the public on the status of lands administered by the Forest Service.

10.3 - Policy

1. Follow U.S. Department of the Interior, Bureau of Land Management (BLM) standards and guidance for implementing the Land Status Records System (LSRS) program on National Forest System (NFS) lands.
2. Establish the LSRS as the official, permanent repository for all Agency realty records and land title documents for all National Forest System (NFS) lands.
3. Develop, protect, and maintain the LSRS so that it is responsive to requests for land status information for Forest Service program needs, as well as other Federal, State, and private inquiries.

4. Provide land status information for recurring reports, such as Land Areas Report (LAR), Payment in Lieu of Taxes (PILT), the Small Tracts Act Report (STA), and the Twenty-Five Percent Fund receipts; and special requests and studies, such as the Bureau of Land Management withdrawal reviews, congressional inquiries, corrections, revisions, and additions related to updated land surveys.

5. Ensure that all case and title documents are accessible for use, including legal contests, and are protected from destruction or loss.

10.4 - Responsibility

10.41 - Agency

The Agency shall develop, protect, and maintain the LSRS to be responsive to requests for land status information with respect to Forest Service program needs and for other Federal, State, and private inquiries.

10.42 - Regional Foresters

Regional foresters shall be responsible for maintaining the Land Status Records System (LSRS) and ensuring that Forest Service personnel are adequately trained in the interpretation, maintenance, and use of land status records; including ensuring the LSRS is protected from destruction or loss. Refer to FSM 5590.4 for additional responsibilities.

10.5 - Definitions

Land ownership status. The condition of title, consisting of the rights and obligations conferred when land or interest in land is reserved from the public domain, or is acquired or divested, as well as those rights and obligations that may increase or decrease over time through other actions.

Land Status Records System (LSRS). The official repository for all realty records and land title documents for National Forest System (NFS) lands.

National Forest System Land. National Forest System lands include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and utilization projects, and other lands or interest therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system (16 U.S.C. 1609).

10.6 - Historical References

By law, specific areas or certain categories of National Forest System (NFS) lands must be managed for specific purposes or may have specific management restrictions. In addition, there are many private property rights, both on NFS lands and on intermingled or adjacent private land that may affect or be affected by Forest Service management.

The LSRS must contain historical references that authorize or influence Federal ownership or interests.

1. Public Laws. Public laws (P.L.) are the statutes passed by Congress, who has exclusive authority under the Constitution to determine the management and disposition of public lands. Public laws implement this constitutional authority of Congress.
2. Proclamations. When authorized by public law, a high-level governmental executive, usually the President of the United States may issue proclamations. Until Congress withdrew the authority, most national forest land was reserved from the public domain through proclamations issued by the President.
3. Executive Orders. An Executive order (E.O.) is a written command or regulation issued by the President of the United States, to interpret, implement, or provide administrative direction to a provision of the Constitution, law, or treaty. Executive orders are governed by the functions or management practices of the Executive Branch of the Government.
4. Secretary Orders. Secretary orders (S.O.) are issued by the Secretary of Agriculture or the Secretary of the Interior to govern the functions or management practices of the respective department. Secretary orders are binding only on the department within which they are issued.
5. Public Land Orders. A Public Land order (P.L.O.) is an order effecting, modifying, or cancelling a withdrawal or reservation. A PLO is issued by the Secretary of the Interior pursuant to powers delegated to the Secretary by law, primarily the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1701 et seq).
6. Treaties. A treaty is an agreement, league, or contract between two or more nations or sovereigns, formally signed by commissioners properly authorized, and ratified by the several sovereigns or the supreme power of each State. For example, treaties with Mexico established the United States Mexico boundary and protect the rights of Mexican citizens. Treaties with Indian tribes affect many national forests.

11 - Land Status File

The land status title file must include those documents deemed necessary for permanent retention and protection of the United States title and interest in land. Maintain a copy of the land status file in accordance with FSM 6200 and FSH 6209.11. Microfilm one copy of the title file for the regional office and one for the supervisor's office on which the land is located. Send original title files to the Federal Records Center (FRC) when there is no longer a need to maintain the file in the regional office.

Title files include, but are not limited to:

1. Deeds, copies of patents, and other conveyance documents to or from the United States, including any curative documents and Policy of Title Insurance.
2. Preliminary and final title opinion(s) and title acceptance.
3. Documents relative to reservations and outstanding rights.
4. Agreement to initiate, offers to sell or donate by landowners, exchange agreements, purchase options and contracts, decision notice or memorandum, certificates of possession, and certificates of use and consent.
5. Summary of estimates of value, just compensation document, appraisal review, cash equalization payment receipt, statement and summary of estimated just compensation, and uniform relocation assistance.
6. Vouchers and tax notices.
7. Status reports, mineral reports, hazardous materials site assessments, concurrence letters from the State Historical Preservation Office (when related to land acquisition), the U.S. Fish and Wildlife Service, and so forth; and specialist reports; such as water rights, wetlands/floodplain, soils, threatened and endangered species, and so forth.
8. Documents or notes essential for the protection of United States right, title, or interest to land, including but not limited to: maps, plats, drawings, photographs, letters, memorandums, hand written notes, certificates related to protests, environmental and decision documents, land description verification documentation, and other legal documents.

12 - Other Non-Forest Service Agency Files

There are other department, State, and county records that contain land status information. These records are helpful when performing land status research.

1. Congressional District Atlas. The Congressional District Atlas is compiled by the Bureau of the Census and is produced in a new version when districts are re-drawn after each 10-year census. Use this document to determine within which Congressional

district a particular parcel falls. Electronic files containing a spatial representation of census data are used to aid in the development of the electronic Land Status Records System (LSRS).

2. Bureau of Land Management (BLM). The Bureau of Land Management, successor to the General Land Office (GLO), is responsible for the permanent retention of all land disposal and land survey records, and the various documents on laws, proclamations, leases, easements, withdrawals, mining claims, and other documents affecting the public domain and other lands or interests subject to the Secretary of the Interior authorities. The BLM Master Title Plats (MTP) and Historical Indices (HI) are intended to show public and private lands, the method and authority, and the above information for the status of particular parcels. In some States, the BLM has transferred their records to the State.

The BLM land survey records are the basis for the Public Land Survey System (PLSS) and other land description systems in the United States. Use these documents to define the framework for other descriptions and designations. A resurvey or survey of public lands performed under special instructions issued by the BLM is considered conclusive as to location of those lands for Forest Service purposes. Acreage returned as a part of an official BLM land survey is used as the official acreage for the PLSS.

3. Department of Transportation (DOT) Records. The Federal Highway Administration (FHA) may have survey and title information of parcels in the vicinity of some federally funded highways. These records may be valuable resources to indicate locations of property or controlling corners, and in some cases locations of boundary lines. A Forest Service land surveyor, licensed in the appropriate State, and an individual trained in the investigation of title records, should evaluate these records before use.

4. State. State records are an important source of information for resolving title conflicts, identifying State-owned or -claimed rights-of-way, easements, and leases that may affect National Forest System lands. In many cases where highways pass through private landholdings, the State obtained a fee interest when the highway was constructed.

Where these lands are acquired by the Forest Service, a check should be made to determine both title and boundary conditions with regard to State ownership rights. A Forest Service land surveyor, licensed in the appropriate State, and an individual trained in the investigation of title records, should evaluate these records before use.

5. Local Government Units (Counties, Parishes, Towns, Boroughs). The local government unit recorders are responsible for the recording and permanent retention of deeds, plats, and a multitude of other landownership documents for lands within their jurisdictional boundaries. Local government unit records are the primary source for current information on non-Forest Service lands as well as information on mining claim location certificates.

Local government unit records are also a prime source of local land survey records, which may provide the most fruitful and recent location of information regarding both

title and land survey conditions for a given parcel. There is, however, no guarantee that a local government unit surveyor or tax assessor makes as to the veracity of boundary and title evidence shown on land survey records. Each record obtained from local government sources must be evaluated by a Forest Service land surveyor licensed in the appropriate State, and an individual trained in the investigation of title records, before use.

13 - Land Status Records System Database

The Land Status Records System is in a Geographic Information System (GIS) database which is capable of producing a Land Status Atlas and associated narrative, graphs, tables, other forms, and reports. The GIS database has the capability to integrate with other corporate databases, allowing specialists and the public access to land status information. Land status data contained in the GIS database must be maintained, updated, and provided to all appropriate users.

The Land Status Records System (LSRS) contains master case files, title documents, and an automated database representing the location of land. The LSRS provides the essential and fundamental information required for the administration and management of all NFS lands. Refer to FSM 5590 for additional information.

The LSRS includes a uniform, accurate account of acreage, condition of title, administrative jurisdiction, rights held by the United States, administrative and legal use restrictions, encumbrances, and access rights on land or interests in land in the NFS as well as rights held by others.

The LSRS must also provide land status information for recurring reports (described in section 14) such as the Land Areas Report (LAR), Payment in Lieu of Taxes (PILT), Small Tracts Act (STA) Report, Twenty-Five Percent Fund receipts, and for special requests and studies, such as Bureau of Land Management (BLM) withdrawal reviews; Congressional inquiries; and corrections, revisions, and additions related to updated land surveys.

The LSRS must include the final review, handling, posting, and permanent retention of the records related to any change in the status of NFS lands. This includes all land ownership adjustments (surface, subsurface, and water), boundary modification, and use restrictions including but not limited to:

1. Withdrawals.
2. Congressional designations.
3. Dedications.
4. Special areas.
5. Rights-of-ways (acquired or granted).
6. Special uses that are long-term or permanent in nature.
7. National Forest System interest in other lands.

The LSRS ensures that all case and title documents are accessible for use, including legal contests.

13.04 - Responsibility

13.04a - Washington Office, Director of Lands

The Washington Office, Director of Lands is responsible for:

1. Developing and recommending standards for compilation and maintenance of data in the Land Status Records System. This includes design and development of automated land status databases and systems to store and retrieve standard data elements such as landownership status and land-use reporting.
2. Reviewing the adequacy of system maintenance by field units, and the publication of the annual Land Areas of the National Forest System report.

13.04b - Regional Foresters

Each regional forester is responsible for:

1. The implementation and maintenance of the land status database for each national forest within the region, including support of the national automated land status system.
2. The retention of the official land status master file for all lands in the region.
3. The transmitting of copies of applicable records to each forest on a recurrent basis.
4. The documentation and maintenance in case files of all necessary title and realty information for land acquisition or disposal or other landownership adjustments executed by the regional forester.

13.04c - Forest Supervisors

Each forest supervisor is assigned the responsibility to:

1. Report to the regional lands director on a timely basis any action that affects the full use of National Forest System lands and associated land status data under the supervisor's jurisdiction that needs to be noted in the Land Status Records System.
2. Document and maintain in case files all necessary title and realty information for land acquisition or disposal or other landownership adjustments executed by the forest supervisor.
3. Provide the public with access to a current copy of the Land Status Atlas in the supervisor's office.

13.04d - District Rangers

Each district ranger is assigned the responsibility to:

1. Report to the forest supervisor any action that affects the district's land status.
2. Field check for accuracy the completed realty records furnished through the forest supervisor.
3. Document and maintain in case files all necessary title and realty information for land acquisition or disposal or other landownership adjustments executed by the district ranger.
4. Provide the public with access to a current copy of the Land Status Atlas for the district.

13.1 - Maintenance

The LSRS must be updated within 30 days of a determination by the Lands status staff that one or more of the following has occurred:

1. The Forest Service acquires or disposes of land or an interest in land;
2. There is a change affecting any interests in land held in the NFS;
3. Other restrictions (congressionally designated areas, withdrawals, and so forth) are created, revoked, or adjusted;
4. An error in the information is identified; and/or
5. A BLM land survey requires a change in the records.

13.11 - Title Files

Maintain land title and realty records for each National Forest System unit in the regional office Lands Status Public Room. The Lands Status Atlas and such title and realty records located at an administrative unit must be available for public inspection as directed in Title 36, Code of Federal Regulations, section 200.12 (36 CFR 200.12).

13.12 - Public Access to Data

Provide public access to examine any land title and realty records (CFR 200.12(b)), as requested in accordance with the standard procedures for copies under the Freedom of Information Act of November 21, 1974 (P.L. 93-502, 88 Stat. 1561), as amended.

1. On-line Access to Data. Maintain public access in compliance with national policy, as established by the National Spatial Data Initiative and implemented by the Geospatial One-Stop.

2. Security. Keep title files in a secure environment in order to prevent loss or corruption from use. Use of files will be supervised to ensure file integrity. See Federal Records Act of 1950 (44 U.S.C. chap. 21, 29, 31, and 33) and Records and Reporting Act for additional information.
3. Field Posting Compliance System. Regions will notify affected field offices of the availability of updates to the LSRS. Notification will provide the location, date, and description of change to the LSRS.

13.2 - Status Title Record

The status title record portion of the Land Status Records System is a mandatory, computer-based system designed for the collection, storage, manipulation, retrieval, and display of land and realty information.

1. Data Elements. Numerous data elements are included in the Land Status Records System. Definitions for each data element are found in the GIS Data Dictionary at <http://fsweb.datamgt.fs.fed.us/>, and the FSH 6609.15, Standards for Data and Data Structures Handbook. A list of codes for each data element is found in the GIS Data Dictionary.
2. Spatial Requirements. The LSRS must contain a spatial component as described in the GIS Data Dictionary (para. 1).

13.3 - Training

In order to meet the objective of the LSRS, it is critical to train employees in the content and use of the system. Users shall become acquainted with the information in LSRS and how to find it. Training will be provided as needed by the National Automated Lands Project (ALP) Leader and the regional office land status specialists. Periodic reminders that training is available upon request are appropriate to promote the utility of the LSRS, and the following should be considered in developing appropriate training programs.

1. Objectives of the LSRS.
2. Identification of source material and the development process.
3. Components of the LSRS.
4. How the LSRS works (use examples of local interest to demonstrate).
5. How to locate the land status title file in the LSRS.
6. Updated or verification processes for submitting changes to the LSRS.

14 - Reports

Landownership reports, such as the Land Areas of the National Forest System Report (LAR), are necessary in responding to Congressional, Forest Service, other agency, and public requirements and requests and in complying with conditions set forth in numerous acts.

Title 36, Code of Federal Regulations, section 200.12 (36 CFR 200.12) established a rule giving public notice that the Forest Service Land Status Records System (LSRS) contains the official records evidencing the land ownership title, status, and jurisdiction for all National Forest System (NFS) lands, or interests in land. This regulation states that the system provides land status information for recurring reports such as the annual LAR, Payments-in-Lieu-of-Taxes report (PILT), the Twenty-Five Percent Fund receipts distributed to States and counties report, and for responding to special Congressional inquiries and other requests and studies.

The reports section of the LSRS provides direction for developing and maintaining accurate report data on landownership status information on a timely basis. The Washington Office Lands staff shall send a REPLY DUE letter to each region requesting the necessary information to compile the Land Areas of the NFS (LAR), Small Tracts Act (STA), Designated Area Report (DAR), and Payments in Lieu of Taxes (PILT) reports.

1. Land Areas of the National Forest System Report. The Land Areas of the National Forest System (NFS) Report (LAR) is a report submitted to the Washington Office Lands staff at the end of each fiscal year. The purpose of the report is to provide the current official acreage of the NFS lands. The information is reported by proclaimed National Forest Fund Identification number (NFFID), rather than by administrative unit. The report is completed by each region using the LSRS.

The regions' data is compiled by the Washington Office into the FS-383 publication. Printed copies are mailed to the regional offices for distribution to national forests, and so forth. It is also made available on the Washington Office Forest Service Web site at <http://www.fs.fed.us/land/staff/lar/>.

2. Small Tracts Act (Public Law 97-465) Report. The Small Tracts Act (STA) report is submitted with the annual LAR report. The report is completed by each region using the LSRS. Small Tracts Act acres are reflected in the annual LAR publication, FS-383. Refer to FSM 5571.1 for additional information on STA cases.

3. Designated Areas Report. The Designated Areas Report (DAR) is submitted with the annual LAR report. The DAR is a listing of areas that Congress has designated as National Wilderness, National Recreation Area, National Monument or other special area. The report is completed by each region using the LSRS. The DAR acres are listed in the annual LAR publication, FS-383.

4. Payments in Lieu of Taxes. The Payments in Lieu of Taxes (PILT) Act of 1976 (31 U.S.C. 1601-1607), as amended, provides direction for payments to local governments by the Secretary of the Interior, because the inability of local governments

to collect property taxes on federally owned land can create a financial impact. Under the PILT Act lands were either entitled or not entitled to PILT payments.

The Federal Financial Management Act of October 7, 1994, (P.L. 103-397), Section 4(b) amended Section 6902 of Title 31, U.S.C. The act provides direction for payments to local governments by the Secretary of the Interior in which entitlement land is located. The local government may use the payments for any governmental purpose.

The local government may not receive payment if the land is owned or administered by the State or the local government, and is exempt from real estate taxes when the land was conveyed to the United States. A local government may receive payment for:

- a. Land the State or local government acquired from a private party to donate to the United States within 8 years of acquisition;
- b. Land acquired by the State through an exchange with the United States if such land was entitlement land; and
- c. Land in Utah acquired by the United States for Federal land, royalties, or other assets, if at the time the state land was entitled.

For the Bureau of Land Management (BLM) to accurately calculate PILT payments to counties, States must annually advise the appropriate Forest Service regional offices of the status of all NFS lands received by the State in an exchange which continues to qualify for PILT payment calculation. The requirements are imposed to limit the eligibility of such lands in the PILT payment calculations to the period such lands remain in State ownership.

The Land Areas Reporting System (LAR) has been updated to include a code for identifying those acres that have been exchanged to a State.

When land is exchanged to a State, those acres are assigned a specific code and remain coded as such until that land leaves State ownership. The State is required to report, within 30 days by written notification, the action to the Forest Service. At that time the acres are no longer entitled to PILT payments and the LAR is modified.

In LAR there are four categories of land:

- a. Lands entitled to PILT;
- b. Lands not entitled to PILT;
- c. Lands exchanged to States that had PILT status prior to the exchange (Acreage must be reported to the BLM for PILT payment.); and
- d. Lands acquired from Utah that are receiving Utah State PILT payments. (The BLM makes payment based on Utah PILT percentage not the Federal PILT percentage.)

In addition to the LAR report, the BLM requests additional information regarding PILT. This request is due annually in December and only asks for data about lands acquired in the last fiscal year within:

- a. Designated wilderness areas;
- b. The vicinity of Purgatory River Canyon and Pinon Canyon, Colorado; and
- c. Lake Tahoe Basin, Nevada.

The report is completed by each region using the LSRS. These acre figures are reported to the Washington Office, and then the Washington Office reports the figures to the Bureau of Land Management (BLM).

The BLM administers the program and calculates the payments according to formulas established by law and distributes the funds appropriated by Congress.

5. Twenty-Five Percent Fund. The Twenty-Five Percent Fund Act of 1908 (16 U.S.C. 500, 553, 556d), as amended, required the Secretary of the Treasury to pay to the States where National Forests System lands are situated, 25 percent of all moneys received during any fiscal year, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties where National Forests System lands are situated, proportionately. The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500), as amended, was enacted ending rural communities' historic dependence on timber sale receipts to finance school and road construction. However, counties have the option of continuing to receive payment under the Twenty-Five Percent Fund Act, or electing to receive their share of the average of the three highest 25 percent payments made to the State during the period of fiscal year 1986 through fiscal year 1999 (the full payment amount).

In the Land Status Records System (LSRS), land status specialists are required to assign receipt payment codes to ownership records. Of the seven possible receipt payment codes, one applies to the National Forest Twenty-Five Percent Fund payments: Code 1 National Twenty-Five Percent receipts payments.

Regional office financial staffs use the LSRS Twenty-Five Percent Fund acre totals when calculating collection reports for the Washington Office. The Washington Office reports collections to the Department of Treasury.

6. Requests for Information. Requests for information received are provided with answers from the Land Status Report System (LSRS) and are answered accurately, in a timely manner.

15 - Reporting Tool - Land Status Atlas

The Land Status Atlas (e-gov compliant - electronic/paper) displays Government-owned land, type of acquisition, the existence of encumbrances, separated rights, restrictions, Federal easements on private land, or private easements on Federal land following standardized

symbolology (FSM 7108.11 and FSH 7109.13a). The atlas displays legal subdivisions, tracts, or lots as the case may be. A legend is displayed either on individual maps or on a master legend.

The atlas must be maintained by personnel responsible for the development, maintenance, and distribution of Land Status Title Records. Maintenance of automated maps, such as the digitized primary base series maps, may require amendment by authorized personnel at the Geospatial Technology Service Center (GSTC) in Salt Lake City, Utah.