



# RESOURCES FOR IMPLEMENTING JOINT SECRETARIAL ORDER 3403

INFORMATION FOR TRIBES ON NEW FOREST SERVICE  
PROGRAMS AND LANDOWNERSHIP AUTHORITIES

**Program Funding from the 2021 Bipartisan Infrastructure Law and  
2022 Inflation Reduction Act**

and

**A Resource on Landownership Adjustment Authorities for the  
National Forest System**

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# Program Funding from the 2021 Bipartisan Infrastructure Law and the 2022 Inflation Reduction Act

## BIL and IRA Overview

The U.S. Department of Agriculture (USDA), Forest Service received \$5.447 billion in funding from the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), to reduce wildfire risk and create healthy and resilient ecosystems across Federal, State, Tribal, and private lands. In addition to reauthorizing and funding many existing programs, the 5-year BIL created new programs that Tribes can access through the Forest Service, States, or partner organizations.

The Inflation Reduction Act (IRA) provided \$5 billion to reduce wildfire risk in the wildland-urban interface, improve the health and resilience of lands managed by the Forest Service, and provide competitive grants for non-Federal private forest landowners, including Tribal, State, and private lands. The mandatory appropriations for the Forest Service are to remain available for 10 years (through fiscal year 2031), of which \$2.75 billion is for Forest Service forestry assistance activities.

With this unprecedented funding, the Forest Service is working to restore health and resilience to America's forested landscapes. Woven throughout this work are the overarching themes of fulfilling our general trust and treaty obligations with Tribes, mitigating climate change, addressing the wildfire challenges we face as a Nation, delivering programs equitably—including the Justice 40 initiative, an executive order signed by the President—and sharing stewardship of the lands that the Forest Service has been entrusted with caring for.

## Opportunities Available

The programs and resource information below are available to Tribes who wish to benefit from the funding provided by the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA).

## Contact Information

Forest Service Office of Tribal Relations web page

<https://www.fs.usda.gov/working-with-us/tribal-relations>

Forest Service National Office of Tribal Relations and regional Tribal relations program managers

<https://www.fs.usda.gov/working-with-us/tribal-relations/contacts>

Local Forest Service offices and supervisors

<https://www.fs.usda.gov/visit/forests-and-grasslands>

Community Navigator, a free service to assist with locating funding and grant applications

<https://communitynavigators.net/> or <https://hispanicaccess.org/what-we-do/community-navigator-program>

## Digital Resource

The “Tribal Investments in 2023” story map is a visual representation of the work between Tribes and the Forest Service; it provides details on co-stewardship opportunities and investments.

<https://storymaps.arcgis.com/stories/31d169da03704089b28080c7e707bbc0>

# Forest Service Assistance through the Bipartisan Infrastructure Law and the Inflation Reduction Act

An overview of programs that are available to, benefit, or impact federally recognized Tribes, Tribal organizations, and Alaska Native Corporations and Villages.

## Resources to Assist Tribes

Program	5-Year Funding Level	Type of Funding	How Can Tribes Access?	Federal Cost Share	Description
National Keystone Agreements		Technical assistance, contracts, agreements	Local Forest Service unit; national forest or grassland office; funded States and partner organizations	When match required, waiver may be available for Tribes	Supports ecosystem restoration and wildfire risk reduction projects and activities using multiple national-level agreements with key partners.
Community Navigators Program		Technical Assistance	Community Navigators		Assists in identifying available BIL & IRA funding opportunities and with grant applications; Tribal and other Community Navigators to be in fiscal year 2024.

## Wood Innovations and Energy and Wood Products

Program	5-Year Funding Level	Type of Funding	How Can Tribes Access?	Federal Cost Share	Description
Wood Innovations Grants Program	\$20 million	Competitive grants	Apply through notices of funding opportunity (NOFO) on <a href="https://www.fs.usda.gov/grants.gov">grants.gov</a>	Match waiver available for Tribes	Supports projects that will substantially expand and accelerate wood products and wood energy markets. <a href="https://www.fs.usda.gov/science-technology/energy-forest-products/wood-innovation">https://www.fs.usda.gov/science-technology/energy-forest-products/wood-innovation</a>
Community Wood Grant Funding Opportunity Program	\$6 million	Competitive grants	Apply through notices of funding opportunity (NOFO) on <a href="https://www.fs.usda.gov/grants.gov">grants.gov</a>	Match waiver available for Tribes	To install a thermally led community wood energy system or build or expand an innovative wood product facility. <a href="https://www.fs.usda.gov/science-technology/energy-forest-products/wood-innovation">https://www.fs.usda.gov/science-technology/energy-forest-products/wood-innovation</a>
Wood Products Infrastructure Assistance (WPIA) Grant Funding Opportunity	\$23.3 million	Competitive grants	Apply through notices of funding opportunity (NOFO) on <a href="https://www.fs.usda.gov/grants.gov">grants.gov</a>	Match waiver available for Tribes	To provide financial assistance to facilities that purchase and process byproducts from ecosystem restoration projects in areas at risk of unnaturally severe wildfire or insect or disease infestation. <a href="https://www.fs.usda.gov/science-technology/energy-forest-products/wood-innovation">https://www.fs.usda.gov/science-technology/energy-forest-products/wood-innovation</a>
Temporary Bridge Funding Opportunity Program	\$40 million	Contracts, agreements	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To support the establishment of temporary bridge programs with States and Tribes to protect water resources and reduce water quality degradation during forestry-related operations. <a href="https://www.fs.usda.gov/science-technology/energy-forest-products/wood-innovation">https://www.fs.usda.gov/science-technology/energy-forest-products/wood-innovation</a>
Firewood Banks	\$8 million	Competitive grants	Local Forest Service unit; national forest or grassland office; funded partner organizations		To provide feedstock to firewood banks and provide financial assistance for the operation of firewood banks. <a href="http://www.forgreenheat.org/issues/firewoodbanks.html">http://www.forgreenheat.org/issues/firewoodbanks.html</a> <a href="https://www.firewoodbanks.org/">https://www.firewoodbanks.org/</a>
Wood for Life	\$10 million	Contracts, agreements	Local Forest Service unit; national forest or grassland office; funded partner organizations		Provides firewood from forest thinning projects to homes in Tribal communities. <a href="https://www.nationalforests.org/get-involved/wood-for-life">https://www.nationalforests.org/get-involved/wood-for-life</a>

## Landowner Assistance Programs

Program	5-Year Funding Level	Type of Funding	How Can Tribes Access?	Federal Cost Share	Description
Collaborative Forest Landscape Restoration Program (CFLRP)	\$100 million		Regional program office; funded State and partner organizations	50% match	Funds collaboration and collaboration-based activities, including facilitation, certification of collaboratives, and planning and implementing projects under CFLRP. <a href="https://www.fs.usda.gov/restoration/CFLRP/">https://www.fs.usda.gov/restoration/CFLRP/</a>
Forest Legacy Program	\$700 million	Competitive grants	Forest Service and/or State legacy administered program request for proposals	25% non-Federal match, unless waived or reduced	Provides additional funds for this program to purchase or conserve critical landscapes, with priorities for projects codeveloped by States and Tribes that create benefits to Tribal resources and communities. <a href="https://www.fs.usda.gov/managing-land/private-land/forest-legacy/program">https://www.fs.usda.gov/managing-land/private-land/forest-legacy/program</a>
Forest Legacy Program Tribal Partnership Projects		Competitive grants	State agencies	25% non-Federal match, unless waived or reduced	Conserves privately owned forest lands with high importance and significant benefits for Tribes through land purchases and comanagement agreements in partnership with State agencies. <a href="https://www.fs.usda.gov/managing-land/private-land/forest-legacy/program">https://www.fs.usda.gov/managing-land/private-land/forest-legacy/program</a>
National Revegetation Effort: Tribal Nursery Grants	\$130 million	Non-competitive grants	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To establish and implement a national revegetation effort on Federal and non-Federal land, including Tribal forest nursery and native seed partnerships.
Forest Landowner Support Grants: Forest Restoration, Management, and Enhancement Activities	\$450 million	Competitive grants	Apply through notices of funding opportunity (NOFO) at <a href="https://www.fs.usda.gov/grants.gov">grants.gov</a>		Provides financial assistance grants for projects that support underserved and small-acreage forest landowner participation in emerging private markets for climate mitigation and forest resilience. <a href="https://www.fs.usda.gov/about-agency/state-private-forestry/coop-forestry/ira-forest-landowner-support">https://www.fs.usda.gov/about-agency/state-private-forestry/coop-forestry/ira-forest-landowner-support</a>
Forest Landowner Support Grants: Landowner Outreach and Education	\$50 million	Competitive grants	Apply through notices of funding opportunity (NOFO) on <a href="https://www.fs.usda.gov/grants.gov">grants.gov</a>		Conserves privately owned forest lands with high importance and significant benefits for Tribes through land purchases and comanagement agreements in partnership with State agencies. <a href="https://www.fs.usda.gov/about-agency/state-private-forestry/coop-forestry/ira-forest-landowner-support">https://www.fs.usda.gov/about-agency/state-private-forestry/coop-forestry/ira-forest-landowner-support</a>
Forest Landowner Support Grants: Landowner Participation in Emerging Markets	\$52 million	Competitive grants	Apply through notices of funding opportunity (NOFO) on <a href="https://www.fs.usda.gov/grants.gov">grants.gov</a>		Supports participation of underserved and small-acreage landowners in emerging markets for climate mitigation and forest resilience. <a href="https://www.fs.usda.gov/about-agency/state-private-forestry/coop-forestry/ira-forest-landowner-support">https://www.fs.usda.gov/about-agency/state-private-forestry/coop-forestry/ira-forest-landowner-support</a>
Joint Chief's Landscape Restoration Partnership Program (JCLRP)	\$180 million	Competitive grants	Apply through USDA Natural Resources Conservation Service (NRCS)		To assist landowners to implement eligible activities to reduce wildfire risk, protect water quality or supply, or improve habitat for at-risk species. <a href="https://www.nrcs.usda.gov/programs-initiatives/joint-chiefs-landscape-restoration-partnership">https://www.nrcs.usda.gov/programs-initiatives/joint-chiefs-landscape-restoration-partnership</a>

## Forest Health Programs

Program	5-Year Funding Level	Type of Funding	How Can Tribes Access?	Federal Cost Share	Description
Invasive Species	\$100 million	Contracts, agreements	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To detect, prevent, and eradicate invasive species at points of entry and grants for eradication of invasive species on Federal and non-Federal land. <a href="https://www.fs.usda.gov/managing-land/invasive-species/funded-projects">https://www.fs.usda.gov/managing-land/invasive-species/funded-projects</a> <a href="https://www.fs.usda.gov/detail/r9/workingtogether/grants/?cid=FSEPRD1074580">https://www.fs.usda.gov/detail/r9/workingtogether/grants/?cid=FSEPRD1074580</a>

## Urban and Community Forestry Programs

Program	5-Year Funding Level	Type of Funding	How Can Tribes Access?	Federal Cost Share	Description
Urban and Community Forestry (UCF) Program	\$1.5 billion	Competitive grants	Apply through notices of funding opportunity (NOFO) at <a href="https://www.fs.usda.gov/grants">grants.gov</a> , State-administered program request for proposals, or through funded partners	One-to-one (100%) match; match waiver is available	Provides competitive grants for tree planting and related activities, with priority for projects that benefit underserved populations. <a href="https://www.fs.usda.gov/managing-land/urban-forests/ucf">https://www.fs.usda.gov/managing-land/urban-forests/ucf</a> <a href="https://corpsnetwork.org/">https://corpsnetwork.org/</a>

## Wildfire Risk Reduction

Program	5-Year Funding Level	Type of Funding	How Can Tribes Access?	Federal Cost Share	Description
Community Wildfire Defense Grant Program	\$500 million	Competitive grants	Apply through notices of funding opportunity (NOFO) or apply under a State NOFO	10% match for plans; 25% match for projects; match waiver is available.	Provides funding to communities to update community wildfire protection plans (CWPP) and accomplish work prescribed under a CWPP. <a href="https://www.fs.usda.gov/managing-land/fire/grants">https://www.fs.usda.gov/managing-land/fire/grants</a>
Wildfire Risk Reduction and Ecosystem Restoration Activities	\$2.115 billion	Contracts, agreements, TFPA proposals	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To conduct activities for wildfire risk reduction and ecosystem restoration.
Wildland Fire Management	\$696.2 million	Contracts, agreements, TFPA proposals	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To conduct activities for wildland fire management.

TFPA = Tribal Forest Protection Act

## Ecosystem Restoration

Program	5-Year Funding Level	Type of Funding	How Can Tribes Access?	Federal Cost Share	Description
Ecosystem Restoration: Stewardship Contracts	\$150 million	Contracts, agreements	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To provide funding for entering into contracts to restore ecological health on >10,000 acres of Federal land.
Ecosystem Restoration Projects: Good Neighbor Agreements	\$160 million	Contracts, agreements	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To provide funds to States and Tribes for implementing restoration projects on Federal land through the Good Neighbor Authority.
Recreation Sites on Federal Land and Tribal Forest Lands	\$35 million	Contracts, agreements	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland.
Restore native vegetation and mitigate hazards on previously mined lands	\$100 million	Contracts, agreements	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To restore native vegetation and mitigate environmental hazards on Federal and non-Federal previously mined land.
Collaborative Aquatic Landscape Restoration Program (CALR)	\$25.5 million	Contracts, agreements	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		Establishes collaborative-based, landscape-scale restoration programs to restore water quality or fish passage on Federal land. <a href="https://www.fs.usda.gov/managing-land/natural-resources/collaborative-aquatic-landscape-restoration">https://www.fs.usda.gov/managing-land/natural-resources/collaborative-aquatic-landscape-restoration</a>

## Workforce and Student Opportunities

Program	5-Year Funding Level	Type of Funding	How Can Tribes Access?	Federal Cost Share	Description
Pre-Planning Fire Response Workshops and Workforce Training	\$50 million		Forest Service regional or local partnership coordinators, wildfire crisis landscape coordinators, and/or funded partner organizations		To provide funding for pre-planning fire response workshops that develop potential operational delineations (PODs) and select potential control locations and workforce training for staff, non-Federal firefighters, and Native village fire crews.
Wildland Fire Academy Internship			Student Conservation Association (SCA)		Offers a 12-week internship focused on fuels reduction. <a href="https://www.thesca.org/">https://www.thesca.org/</a>
AmeriCorps NCCC Forest Corps Team			AmeriCorps		Assigns NCCC Forest Corps teams to Forest Service units to work on a variety of wildfire risk mitigation and reforestation projects, each project lasting 9–11 weeks. <a href="https://americorps.gov/serve/ameri-corps/ameri-corps-nccc/forest-corps">https://americorps.gov/serve/ameri-corps/ameri-corps-nccc/forest-corps</a>
Indian Youth Service Corps		Internships	Forest Service regional Tribal relations contact		Provides youth paid experience and meaningful education, employment, and training opportunities through conservation projects on public and Indian lands. <a href="https://www.fs.usda.gov/working-with-us/careers/Indian-Youth-Service-Corps">https://www.fs.usda.gov/working-with-us/careers/Indian-Youth-Service-Corps</a>

## Other Programs

Program	5-Year Funding Level	Type of Funding	How Can Tribes Access?	Federal Cost Share	Description
Legacy Road and Trails Remediation Program	\$40 million	Contracts, agreements	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To support restoring fish and aquatic organism passage, improving road and trail resiliency, preserving access, and decommissioning unneeded roads. <a href="https://www.fs.usda.gov/managing-land/national-forests-grasslands/legacy-roads-trails">https://www.fs.usda.gov/managing-land/national-forests-grasslands/legacy-roads-trails</a>
Construction Of Temporary Roads	\$100 million	Contracts, agreements	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To construct temporary roads or reconstruct and maintain roads to facilitate forest restoration and management projects that reduce wildfire risk
Dam Removal	\$10 million	Contracts, agreements	Local Forest Service unit; national forest or grassland office; funded States and partner organizations		To remove non-hydropower Federal dams and provide dam removal technical assistance.
Joint Fire Science	\$10 million	Grants	Joint Science Fire Program		Provides funding for scientific studies associated with wildland fire, fuels, and fire-impacted ecosystems partnership of six Federal agencies (Forest Service, Bureau of Indian Affairs, Bureau of Land Management, National Park Service, Fish and Wildlife Service, and U.S. Geological Survey). <a href="https://www.firescience.gov/index.cfm">https://www.firescience.gov/index.cfm</a>
Research And Development Programs			Forest Service research stations; funded States, academic institutions, and partner organizations		To conduct research on ecosystem restoration. <a href="https://www.fs.usda.gov/research/projects/bil">https://www.fs.usda.gov/research/projects/bil</a>

## Changes in Landownership Authorities That May Affect Tribes

Program	5-Year Funding Level	Type of Funding	How Can Tribes Access?	Federal Cost Share	Description
Federal Lands Transportation Program (FLTP)	\$130 million	Contracts, agreements	Forest Service regional or local office; funded State and partner organizations	100% cost share	To allocate FLTP funds for projects on Federal lands to improve the transportation infrastructure owned and maintained by Federal land management agencies, and which appear in the national Federal lands transportation inventory.
Efficient Implementation of NEPA for Federal Land Management Projects	Change in authority	Change in authority	Regional program office; funded State and partner organizations		To allow Federal land management agencies to adopt environmental review documents prepared by the Federal Highway Administration (FHA) for certain transportation projects, if the document addresses all areas of analysis required by the land management agency. Allows Federal land management agencies to use environmental documents previously prepared by FHA for projects addressing the same or substantially the same action. Under certain circumstances, allows Federal land management agencies to use categorical exclusions established by the FHA.
Critical Minerals Supply Chains and Reliability	Change in authority	Change in authority	Regional program office; funded State and partner organizations		Requires Bureau of Land Management and Forest Service to complete the Federal permitting and review processes with maximum efficiency and effectiveness while supporting economic growth. Requires Departments of Agriculture and the Interior to provide a report that identifies measures that would increase the timeliness of permitting activities for the exploration of domestic critical minerals (among other requirements). After submission of the report, the Departments are required to develop and publish a performance metric for evaluating progress to expedite permitting for exploration.

NEPA = National Environmental Policy Act

# Resource on Landownership Adjustment Authorities for the National Forest System

## Overview

This resource was prepared in furtherance of Secretarial Order No. 3403, *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters* (JSO). The JSO directed the U.S. Department of Agriculture (USDA) to undertake a review of current authorities that can support Tribal co-stewardship and stewardship. In November 2022, USDA issued a report identifying authorities that can support Tribal co-stewardship and stewardship but did not purport to provide an analysis of USDA's very limited authorities to support land transfer to Tribes (see [Joint Secretarial Order 3403 and Stewardship](#)). This resource builds upon the report by identifying potential land transfer authorities.

This document is an overview of legal authorities and is not an exhaustive description of those authorities. It is not intended to provide any legal opinions or advice regarding the authorities or programs set forth herein, which may be superseded, withdrawn, repealed, revised, or amended at any time. It is not intended to be a substitute for consultation with USDA's Office of the General Counsel. The resource is not intended to create any right or benefit, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, officers, or any other person.

## Background

The Forest Service administers the 193-million-acre National Forest System (NFS) with the primary objective of maintaining and conserving this land base, to be administered consistent with the agency's mission and according to the statutes under which the NFS has been established. Land adjustments within this system are undertaken for the benefit of the NFS and the agency's mission, and to further the particular purpose of the authorizing statute.

The Forest Service does not have broad land disposal authority. Moreover, unless expressly authorized in Tribal-specific legislation, the Forest Service does not have the authority to transfer land directly to the Department of the Interior (DOI) to be accepted into trust status. Instead, the Forest Service has authority to sell NFS land at fair market value, which is also limited and circumscribed to meet specific purposes identified in individual sales authorities. These limited authorities typically are confined to sales that benefit the management of the NFS and where the parties and the land meet certain specified criteria identified in those statutes. The Forest Service also has authority to enter into land exchanges with Tribes and other entities. These land exchanges are subject to requirements under law and regulations whereby exchanges are limited to those that are determined to be in the public interest, are for the benefit of the NFS, are of equal value or can be made equal in value through cash equalization and are subject to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321–4347, and public involvement.

The Forest Service does not have authority to donate land to Tribes or to transfer lands to be held in trust by DOI. Congress may enact laws specific to individual Tribes under which the Forest Service may be directed to convey certain NFS land to a Tribe under the terms of those specific statutes. These acts of Congress often involve the transfer of certain designated lands in resolution of a water rights dispute or land claims and may involve an exchange of lands of equal value or may authorize a direct transfer of those lands to DOI to be held in trust for the benefit of a Tribe.

Relatedly, the Forest Service often undertakes the acquisition of land to be included within the NFS, frequently funded pursuant to the Land and Water Conservation Fund Act (LWCF), that may provide indirect benefits to Tribes. Tribes may benefit from Forest Service acquisition of land within a Tribe's ceded treaty area, from Forest Service protection of Tribal cultural resources and sacred sites, or from the Forest Service providing access to traditional Tribal hunting, fishing, and gathering areas.

Unless otherwise indicated, land conveyances and/or exchanges under the following authorities are subject to requirements for environmental and other reviews, such as NEPA, except when a categorical exclusion applies, and often subject to public interest, valuation, equalization, and other requirements under section 206 of the Federal Land Policy and Management Act (FLPMA) of 1976, 43 U.S.C. § 1716.

## Relevant Forest Service-wide Authorities

The following are listed roughly in chronological order of enactment, paralleling the presentation in the Forest Service Manual (FSM) 5430 and Forest Service Handbook (FSH) 5509.11, chapter 20. Of note: numerous additional particular statutes authorize or direct land acquisitions, land disposals, or land exchanges in specific areas. These are not included in the following list.

### **The Weeks Act of March 1, 1911**

*16 U.S.C. §§ 516 et seq.*

For land acquisition, this authorizes the Secretary of Agriculture to accept title to lands within the watersheds of navigable streams in States that have authorized Federal acquisitions under this act. The act provides that lands so acquired are to be “permanently reserved, held, and administered as national forest lands.” For land exchanges, this authorizes the exchange for lands within the exterior boundaries of national forests within the same state. Such exchanges are subject to a public interest determination and State legislature approval, and the lands acquired must be necessary to the regulation of the flow of navigable streams or for the production of timber. For land disposals, section 10 (16 U.S.C. § 519) provides limited authority for certain valuable agriculture lands, inadvertently or of necessity acquired along with Weeks Act purchases and not needed for public purposes, to be sold to actual settlers.

### **The General Exchange Act of March 20, 1922**

*16 U.S.C. §§ 485–486*

For land exchanges, this authorizes the Secretary of Agriculture to enter into exchanges and accept title to any lands within national forest boundaries, when determined valuable for national forest purposes, and in exchange for equal value lands within the same state, subject to acceptable title. This is subject to a public interest determination.

## **The Bankhead-Jones Farm Tenant Act of July 22, 1937**

*7 U.S.C. §§ 1010–1012*

This was originally primarily a land acquisition and conservation statute, but for land exchanges and disposals it includes a provision under which the Secretary of Agriculture may sell, exchange, lease, or otherwise dispose of lands acquired under this authority, only to public authorities and agencies and only on condition that the property is used for public purposes. This is subject to the public interest determination. As to Bankhead-Jones lands that have been designated as national grasslands, subsequent regulations constrain any authority to remove these lands from the NFS. The regulations provide that the “National Grasslands shall be . . . permanently held by the Department of Agriculture for administration” under the act. 36 C.F.R. § 213(b).

## **The Federal Property and Administrative Services Act of June 30, 1949**

*Public Law 152, chapter 288, 63 Stat 377, codified as amended in scattered sections of 40 U.S.C. and 41 U.S.C.*

This act provides the General Services Administration (GSA) authority to dispose of property at Federal agencies when an agency has determined that the subject property is excess and no longer needed to carry out the agency’s mission. This statute is of limited application for the Forest Service because the statute excludes any land reserved or dedicated for national forest purposes from its definition of “property” (see 40 U.S.C. § 102(9)(A)(ii)).

## **The National Forest Townsite Act of July 31, 1958**

*7 U.S.C. § 1012a; 16 U.S.C. § 478a*

For land disposals, this applies to Alaska and the 11 contiguous Western States. It provides the Secretary of Agriculture the authority to sell or dispose of a parcel of NFS land to any city, county, or local government subdivision, not to exceed 640 acres, that would serve Indigenous community objectives that outweigh the public objectives and values that would be served by maintaining such tract in Federal ownership. After public notice and a showing of satisfactory need by any county, city, or other local governmental subdivision, the Secretary may offer such area for sale to a governmental subdivision at a price not less than market value.

## **The Forest Service Omnibus Act of October 23, 1962**

*16 U.S.C. § 555a*

For land exchanges, this authorizes the Forest Service to exchange lands with acquired status, including lands acquired under the Weeks Act, when no other exchange authority applies, provided that the lands to be acquired by exchange are suitable for use in connection with activities of the Forest Service and provided that the value of the lands so conveyed by the Secretary of Agriculture shall not exceed the value of the lands accepted. This is subject to a public interest determination.

## **The Exchange for Schools Act (Sisk Act) of December 4, 1967**

*16 U.S.C. § 484a*

For land exchanges, this authorizes the exchange of not more than 80 acres of NFS land with a public school authority or with a State, county, or municipal government. It also provides for cash equalization up to 100 percent to be paid if the non-Federal party does not have land for an exchange. Lands may be conveyed to a State, county, or municipal government only if that entity had authorized use of the land considered for a land exchange on January 12, 1983. Other than for lands conveyed by exchange with a public school authority, the lands conveyed may be used only for the purposes for which the State, county, or municipal government was using the lands prior to conveyance. This is subject to a public interest determination.

## **The Wild and Scenic Rivers Act of October 2, 1968**

*16 U.S.C. § 1277*

For land acquisitions and exchanges of approximately equal value, this authorizes the Secretary of Agriculture to acquire lands and interests in land within the authorized boundaries of any component of the National Wild and Scenic Rivers System. This is subject to same-State requirement and a public interest determination.

## **The National Trails Act of October 2, 1968**

*16 U.S.C. § 1246*

For land acquisitions and exchanges, this authorizes the Secretary of Agriculture to exchange for lands of approximately equal value within the exterior boundary of areas under their administration that are included in a national recreation, scenic, or historic trail right-of-way and to acquire lands within the boundary of established national trails. This is subject to same-State requirement and a public interest determination.

## **The Alaska Native Claims Settlement Act of December 18, 1971**

*43 U.S.C. §§ 1601–1629h*

For land exchanges, this authorizes the Secretary of Agriculture to exchange lands or interests therein, including Native selection rights, with the corporations organized by Native groups, Village Corporations, Regional Corporations, and the corporations organized by Natives residing in Juneau, Sitka, Kodiak, and Kenai, and other municipalities and corporations or individuals (see 43 U.S.C. § 1621(f)). Exchanges shall be based on equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged. When the parties agree to an exchange and the Secretary determines it is in the public interest, such exchanges may be made for other than equal value.

## **The Forest and Rangeland Renewable Resources Act of June 30, 1978**

*16 U.S.C. § 1643*

For land acquisitions and exchanges, this authorizes the Secretary of Agriculture to acquire land or interests in lands within the United States to establish and maintain a system of experiment stations, research laboratories, experimental areas, and other forest and rangeland research facilities. Land exchanges are not limited to the same State, and other FLPMA requirements regarding equal value, cash equalization, and citizenship apply to such exchanges.

## **The Alaska National Interest Lands Conservation Act of December 2, 1980**

*16 U.S.C. §§ 3101–3233*

For land exchanges, this authorizes the Secretary of Agriculture to exchange lands (including lands within conservation system units and within the NFS) or interests therein (including Native selection rights) with the corporations organized by the Native Groups, Village Corporations, Regional Corporations, and the Urban Corporations, and other municipalities and corporations or individuals (see 16 U.S.C. § 3192). Exchanges shall be based on equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged, except that if the parties agree to an exchange and the Secretary determines it is in the public interest, then such exchanges may be made for other than equal value.

## **The Small Tracts Act of January 12, 1983**

*16 U.S.C. §§ 521c–521i*

This is used as a relief authority only in specific instances to resolve particular problematic title claims, innocent encroachments, and management inefficiencies. For land disposals and exchanges, this authorizes the Secretary of Agriculture to sell, exchange or interchange up to 40 acres, when valued under \$500,000 and are innocently encroached upon by improvements occupied or used under claim or color of title, are physically isolated, inaccessible, or have lost national forest character. It also allows for the sale of up to 40 acres of mineral fractions as well as rights-of-ways deemed no longer needed by the Secretary. Finally, it allows conveyance of parcels that are used as a cemetery, a landfill, or a sewage treatment plant under a special use authorization issued or otherwise authorized by a Forest Service official. Conveyances under this authority must be made at fair market value, adjoining landowners have right of first refusal, and these transactions are subject to Public Interest Determination.

## **The Forest Service Facility Realignment Act of 2005**

*Public Law 109–54; note to 16 U.S.C. § 580d*

This temporary authority authorizes the Forest Service to sell, lease, or exchange administrative lands and facilities that are excess to the needs of the Forest Service. The Forest Service is not permitted to sell or exchange a property for less than market value, though it may sell it directly to a Tribe or governmental entity or through a competitive sale on the open market. The maximum tract size for administrative sites or isolated parcels in a single conveyance is 40 acres.

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