

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240

July 9, 2003

In Reply Refer To:  
2710 (350) P

EMS TRANSMISSION 07/14/2003  
Instruction Memorandum No. 2003-213  
Expires: 09/30/2004

To: All Field Officials

From: Director

Subject: Transmittal of Interagency Memorandum of Understanding (MOU) for  
Implementation of the Federal Land Transaction Facilitation Act of 2000 (FLTFA)  
DD: 09/30/2003

**Program Area:** Lands and Realty – Land sales and acquisitions under the FLPMA, 43 U.S.C. § 1716 et seq., as amended.

**Purpose:** This Instruction Memorandum (IM) transmits a copy of a recently signed Interagency Memorandum of Understanding concerning implementation of the FLTFA (P.L. 106-248). In addition, State Directors are instructed to jointly prepare state-level implementation plans with their counterparts in the other agencies. These plans will establish roles, coordination procedures and a field level process for identifying and prioritizing land acquisition recommendations. As you develop these implementation plans please provide copies to Washington Office (WO), Lands and Realty Group Manager.

**Policy:** The attached MOU provides policy on the interagency implementation of the FLTFA. State Directors are authorized to immediately initiate implementation of the policy contained in the MOU.

**Timeframe:** The policy and direction contained in the MOU became effective on May 6, 2003, and will remain in effect, unless terminated, until July 25, 2010. State Directors are asked to submit proposed FY 2004 land sales to WO 350 by September 30, 2003.

**Budget Impact:** This IM and attachment provides new direction for implementation of FLTFA and places additional emphasis on the Bureau of Land Management (BLM) land sale program. This shift in emphasis could have a moderate impact on the budget.

**Background:** The attached Interagency MOU signed by the BLM, Fish and Wildlife Service, National Park Service, Forest Service and the Assistant Secretary of the Interior for Policy, Management and Budget improves implementation of FLTFA by coordinating the roles and responsibilities of the involved agencies.

An important feature of the FLTFA is the authority it provides to deposit the proceeds of land sales and land exchange equalization payments into a special account in the Treasury known as the "Federal Land Disposal Account". From the funds deposited in the account, not more than 20% may be used for administrative and other expenses necessary to carry out the land disposal program and not less than 80% are available for the purchase of lands. To emphasize same State purchases, the FLTFA has an additional requirement that not less than 80% of the funds deposited to the account must be expended in the State where the funds were generated.

The MOU specifies that funds are normally allocated to the agencies from the special account as follows:

BLM: 60 percent  
USFS: 20 percent  
FWS: 10 percent  
NPS: 10 percent

In lieu of the above allocations, Section II C of the MOU provides authority for the Secretary of Interior and the Secretary of Agriculture to mutually decide to allocate funds to a specific acquisition project. The BLM will request the Secretary to allocate funds to specific BLM acquisition projects, where there are significant management and resource benefits, to the greatest extent possible.

The MOU establishes a Land Transaction Facilitation Council consisting of each of the signatories thereto. This Council will oversee implementation and coordination activities and issue such guidance as it deems appropriate.

The MOU establishes processes and procedures for making acquisition recommendations. Under these procedures the Land Transaction Facilitation Council will request proposals from the agencies, consolidated by State, in accordance with the State-level implementation plans, not less than sixty (60) calendar days prior to the date of expected review by the Secretaries. In response to this request the agencies shall prepare land acquisition recommendations in accordance with the terms of this MOU and report them to the Council not less than thirty (30) calendar days in advance of the date of expected review by the Secretaries. It is anticipated that the Council may make a request for recommendations in FY 2004.

The Council reviews these proposals and makes recommendations to the Secretaries for approval. The Secretaries jointly render decisions for the expenditure of funds in the Federal Land Disposal Account. It is anticipated that acquisitions from the account may occur during FY 2005.

**Manual/Handbook Sections Affected:** This Instruction Memorandum provides additional new policy guidance to that already contained in the following BLM Manuals and Handbooks:

Manual 2710, Public Sales

Manual 2711, Public Sales Procedures

**Coordination:** This policy was coordinated with the State Office program leaders involved in BLM's land tenure management program. We anticipate a need to hold conference calls and provide follow-up guidance on use of the MOU. As details become available on these arrangements we will notify the appropriate staff and management for land tenure management program issues in each State Office.

**Contact:** If you have any questions regarding this policy please contact Bob Barbour, WO-350, at (202) 452-7784.

Signed by:  
Jim M. Hughes  
Acting Director

Authenticated by:  
Barbara J. Brown  
Policy & Records Group, WO-560

1 Attachment

1 – Memorandum of Understanding – Interagency Implementation of the FLTFA (10 pp)

Directive forwarded to SD and CA 930 on 7/15/03.