

**PACIFIC NORTHWEST REGION
INTERAGENCY
IMPLEMENTATION AGREEMENT**

**Federal Land Transaction Facilitation Act
Public Law 106-248**

Bureau of Land Management, Oregon/Washington
MOU-BLM-OR930-0606

USDA Forest Service, Pacific Northwest Region, Region 6
NFS 06-MU-11062759-451

U.S. Fish and Wildlife Service, Region 1

National Park Service, Pacific West Region

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I. INTRODUCTION

A. Federal Land Transaction and Facilitation Act of 2000

The Federal Land Transaction Facilitation Act (FLTFA) was passed by Congress and signed into law on July 25, 2000 (P.L. 106-248) (Appendix A). FLTFA provides for the revenues from the disposal of public land nationwide, identified for disposal as of the date of passage of the FLTFA, to be deposited into a Special Account (FLTFA Account) created by the FLTFA. Of the revenue generated by eligible land sales or exchanges, 96% is deposited into the FLTFA Account and the remaining 4% is distributed to the State.

The FLTFA authorized the Secretary of the Interior and the Secretary of Agriculture (Secretaries) to expend the revenue in the FLTFA Account for:

- Acquisition of in-holdings within the boundaries of federal designated areas, and lands adjacent to federal designated areas containing exceptional resources as defined in the Act. Not less than 80% of the amount deposited into the FLTFA Account shall be used for such acquisitions, and not less than 80% of the amount allocated for acquisitions must be expended within the State in which the funds were generated. Up to 20% of the amount allocated for acquisitions may be expended in any other State; and
- Reimbursement of administrative and other expenses incurred by the Bureau of Land Management (BLM) necessary to carry out the land disposal program under the FLTFA. No more than 20% of the amount deposited into the FLTFA Account may be used for this purpose.

B. National-Level Memorandum of Understanding

Effective on May 6 2003, the BLM, National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), and USDA Forest Service (FS) entered into a national-level Memorandum of Understanding (FLTFA MOU) (Appendix B) for the interagency implementation of the FLTFA. Main provisions of the FLTFA MOU include:

- An allocation of the acquisition funds to each agency in the amounts of 60% to BLM, 20% to FS, 10% to FWS, and 10% to NPS.
- The allocation of funds to a specific acquisition project, notwithstanding the allocations set forth in the FLTFA MOU, by mutual decision of the Secretaries.
- The creation of the Land Transaction Facilitation Council (Council), consisting of the signatories of the FLTFA MOU. The Council will act on behalf of the Secretaries to oversee implementation of the FLTFA, and will review State agency acquisition proposals and prepare final recommendation packages for approval by the Secretaries.
- Direction for each State to prepare a state-level implementation plan.

II. OBJECTIVES OF THE STATEWIDE IMPLEMENTATION AGREEMENT

- Identify the roles and responsibilities of each agency for implementation of the FLTFA program in Oregon/Washington.
- Establish an Oregon/Washington Interagency FLTFA Implementation Team (Team) and identify agency team members that will be the primary point of contact for coordinating FLTFA activities and meeting the requirements set forth in this Agreement.
- Outline the process to be utilized for the nomination, prioritization, and recommendation of acquisition proposals for Secretarial approval.
- Outline the processes and documentation requirements for the transfer and expenditure of funds, and for completing approved acquisitions.

III. AGENCY ROLES AND RESPONSIBILITIES

A. Council

The council is a reference to the delegated representative from the office of the Secretary of Agriculture and Secretary of Interior and signatures to the National FLTFA MOU.

B. Executive Committee

This Oregon/Washington Interagency Implementation Agreement (Agreement) is entered into between the BLM Oregon/Washington State Director; the FS Regional Forester, Pacific Northwest Region (R-6); the NPS Regional Director, Pacific West Region; and the FWS Pacific Regional Director, (R-1), hereinafter referred to as the Executive Committee. By entering into this Agreement, the Executive Committee agrees to:

- Support the State FLTFA program by providing representation on the FLTFA Team and considering recommendations of the FLTFA Team to improve the program through amendments to the Agreement.
- Review and approve the Final Recommendation Packages of proposed acquisitions prepared by the FLTFA Team for forwarding to the Council.
- Ensure that agency land acquisition proposals approved by the Secretaries are completed in a timely manner and comply with the documentation requirements and timelines described in this Agreement for all acquisitions.
- Ensure that the acquisition procedures and public notification and comment requirements of the agency are adhered to before a final decision is made to acquire lands or interests in lands with FLTFA funds.

C. Interagency Implementation Team (Team)

The Oregon/Washington Team will be comprised of one or more representatives from each agency. However, it is understood that each agency will only have one vote on any issue requiring a vote. Current members of the Team are identified in Appendix D. The list will be the basis for coordinating all activities conducted under this Agreement. In addition, each agency is responsible for providing updates to the BLM when a Team member and/or contact information changes.

Team responsibilities include:

- Participate in meetings to review and prioritize agency proposals and prepare recommendation packages for Executive Committee review and concurrence.
- Participate in additional meetings as needed to coordinate FLTFA activities and to make necessary modifications to the Agreement to ensure successful program implementation. Modifications would need Executive Committee approval.
- Implement and oversee agency procedures to ensure appropriate documentation of acquisitions and expenditure of FLTFA funds.
- Provide recommendations to the Executive Committee on modifications to the processes outlined herein that would result in more effective implementation of the Oregon/Washington FLTFA program.

Individual Team Member responsibilities include:

- Soliciting acquisition proposals from their respective agency field offices and external parties during the nomination periods.
- Coordinating with their agency field offices in evaluating and prioritizing proposals and completing project descriptions in accordance with the criteria outlined in this Agreement.
- Forwarding proposals to the BLM Team member when requested pursuant to requests for proposals from the Council.
- Ensuring that public notification and comment on proposed acquisitions occurs at the local level (local entities, adjoining landowners, authorized users, etc.), pursuant to agency requirements and established policies and procedures.
- Coordinating with agency field offices to ensure approved acquisitions are completed timely.
- Monitoring the agency's FLTFA project accounts to ensure all expenditures are related to the approved project.
- Providing the BLM with the documentation required to ensure compliance with FLTFA.

D. BLM Roles and Responsibilities

The BLM has a central role in ensuring proper function and implementation of the FLTFA and responsible for the following actions:

1. Lead Agency for Coordination and Implementation:

The BLM is responsible for coordinating with the other agencies in; calling for collecting and disseminating nomination packages to the respective agencies; conveying Final Recommendation Packages through the Executive Committee to the Council; providing notification to the agencies of projects approved by the Secretaries; and facilitating the transfer of funds for approved acquisitions.

2. Public Notification:

- a. The BLM is responsible for publishing the public notice calling for nominations required by FLTFA in the Federal Register.

- b. The BLM is responsible for ensuring public notification of activities being conducted and/or completed under the authority of FLTFA.

3. Accounts Management:

The BLM is responsible for managing the FLTFA account cooperatively with the BLM National Business Center, Denver, Colorado, having national responsibility for BLM financial accounting processes and procedures. The BLM will oversee the transfer of funds from the Federal Land Disposal Account to the agencies and ensure the required documentation is maintained supporting the transfer and expenditure of FLTFA funds, both for land acquisitions by all of the agencies and land disposal transactions by the BLM. The BLM will monitor deposits and transfers and provide FLTFA account status reports to the agencies upon request of project proposal requests and upon request by the agency. Each agency is responsible for ensuring accountability for funds that have been transferred to them.

The acquisition of lands or interests in lands with FLTFA funds generated from the disposal of Revested Oregon and California (O&C) Railroad Grant lands may only be expended within the eighteen O&C counties in western Oregon. Likewise, the acquisition of lands or interests in lands with FLTFA funds generated from the disposal of Reconveyed Coos Bay Wagon Road lands may only be expended within Douglas and Coos Counties, Oregon.

4. Public Land Statistics Reporting:

The BLM is responsible for developing and coordinating annual reports of statistical data pertaining to land tenure adjustments under FLTFA for both acquisition and disposal actions. Pursuant to the terms of this agreement, the BLM must rely on the information provided by each of the agencies to provide accurate reporting on FLTFA funded acquisitions.

IV. PROJECT DEVELOPMENT AND APPROVAL PROCESS

A. Publication and Request for Nominations

The BLM will publish the required Notification and Request for Nominations in the Federal Register consistent with the format in Appendix C. The BLM will also publish subsequent Requests for Nominations on a frequency determined suitable by the Team based on available funding and on-going acquisition efforts of the agencies. Interested parties will be instructed to submit complete nomination packages directly to the agency having jurisdiction over the area in which the land and/or interest in land is located.

B. Agency Review and Prioritization of Nominations

Agencies will be responsible to assess nomination packages and prioritize acquisition projects for their agency on an on-going basis. The agencies acknowledge that the proposals for acquisition must be for lands located within the

State where the funds are derived from, regardless of agencies jurisdictional boundaries.

C. Agency Project Proposal Submissions

A call for agency project proposals will be submitted by the BLM State Director to the other agencies either in response to a request from the Council or at the discretion of the BLM in coordination with the Team. The agencies will be given a specific timeframe in which to submit project proposals to the BLM Team member. The Team will then convene to assess the proposed projects and assemble a preliminary recommendation package for review. The Team's package will include the following documents:

1. Land Acquisition Project Description

The Land Acquisition Project Description (Appendix E) will document that the criteria required under FLTFA have been met; that the acquisition would be consistent with agency planning and management objectives; and that the agency has adequately assessed the proposal prior to making a determination to proceed with the acquisition.

2. Land Acquisition Cost Estimates

The Land Acquisition Estimated Costs Form (Appendix F) includes a listing of acquisition costs and other necessary expenses that are customary for Federal land acquisitions. Additional necessary expenses may be identified, but must be accompanied by a justification. Costs that are not a necessary expense related to an approved project (as defined in the FLTFA MOU) shall be the responsibility of the acquiring agency. Because the cost estimates will reflect the approved acquisition budget by the Secretaries, agencies should put considerable thought into providing accurate estimates. The agency should assess the process used to determine preliminary land value. It is recommended that the agency consult with a qualified appraiser and discuss the relevant market conditions or factors that may apply.

3. Vicinity Map

A map shall be submitted for each proposed project of sufficient scale to depict the proposed acquisition parcel(s) and the spatial relationship to the Federally Designated Area that the parcel is located within or adjacent to.

D. Team Review and Final Recommendation Package

Agency nominations will be reviewed and recommended by the Team using the following criteria:

- Completeness of package and adherence to the criteria as defined in FLTFA.
- Availability of funding for the respective agency in the FLTFA account to accommodate the acquisition and associated acquisition costs.
- Prioritization by the agencies.

The Team may consider proposals that deviate from the above criteria subject to the additional procedures and documentation requirements noted below:

1. Projects Exceeding Current Agency Funding Levels

Project proposals that exceed an agency's current allocation of FLTFA funds may be considered. The Team will assess the availability of other agency funds and impacts to other proposals. If the Team approves the project, the amounts contributed from other agency allocations will be deducted from the recipient agency's future allocations as additional funds are deposited into the FLTFA account, unless an agency concurs to the transfer of its portion of the contributed funds without future reimbursement.

2. Projects Utilizing Multiple Fund Sources

Where an agency proposes to utilize the FLTFA funding available to that agency to cover a portion of the costs of an acquisition, the agency must submit additional documentation identifying the other source(s) of funding and to confirm the availability of such funding.

E. Council (Secretarial) Approval

The Executive Committee will review the Final Recommendation Packages submitted by the State. Questions on any specific proposal will be directed to the respective agency Team member. The Executive Committee will then forward their recommendations to the Council who will review and make final recommendations to the Secretaries for approval of the package and expenditure of funds in the FLTFA accounts. The BLM State Director will notify the agencies in writing of the Council's decision.

V. ACQUISITION FUNDING

A. Fund Transfer Documentation

Once an agency has been notified that a proposal has received the Secretaries approval, the agency will have one year in which to submit an Acquisition Funding Request, Appendix G, and a Land Acquisition Schedule, Appendix H, to the BLM State Director.

Acquisition Funding Request (Appendix G; the format will be determined by individual agencies) must be signed by an authorized representative of the acquiring agency. That individual is defined by the agency's delegated authority for appropriated funds disbursements.

The Land Acquisition Schedule (Appendix H) estimates time frames for completing the steps necessary to finalize the acquisition. The schedule should correlate with information provided in the Land Acquisition Estimated Costs form submitted previously and approved by the Council.

B. Approval and Transfer of Funds

Once complete documentation has been received and reviewed by the BLM Team member, funds from the FLTFA account will be transferred to the requesting agency. Funds are appropriated “no-year” funds and will generally be available through the completion of a project.

C. Amendments to Funding Requests

If agency costs exceed the amount of estimated costs and expenses that was approved by the Secretaries and provided for in the Acquisition Funding Request, the agency can request an amendment to the Request for the additional funds needed. The Amendment shall be in writing and accompanied by a justification statement explaining the reason the initial estimated cost was inadequate and an estimate for project overruns. Each agency should monitor its expenditures closely to ensure that the additional funds needed are requested and made available prior to obligating the agency to further expenditures. Amendment requests shall be submitted to the BLM State Director and will require the approval of the Executive Committee. Request for additional funds associated with work outside the scope of the original approved acquisition will not be considered.

VI. DOCUMENTATION REQUIREMENTS FOR FLTFA EXPENDITURES AND ACQUISITIONS

A. Project Status Reports

If an approved acquisition is not completed within the time schedule established under Appendix H for the completion of the acquisition, the acquiring agency must provide a project status report to the BLM Team member identifying the remaining tasks and time frames for completion.

B. Title Transfer Documentation Package

Following completion of an acquisition or upon termination of an acquisition prior to completion, the acquiring agency shall transmit to the BLM State Director a Financial Documentation Package described below:

Completed Acquisitions

A notice signed by an authorized representative of the acquiring agency, transmitting the required documents (noted below) and attesting to compliance with FLTFA, the Uniform Relocation Assistance Real Property Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646), and all applicable agency acquisition policies.

1. Final Actual Cost and Expense Report

The Land Acquisition Estimated and Final Cost Report (Appendix F) should be used for reporting costs and expenses. For acquisitions partially funded with FLTFA funds, show all expenditures associated with the acquisition and specify which amounts were funded with FLTFA funds.

2. Final Title Evidence and Copy of Recorded Deed

Final Title evidence will comprise all supporting title documents prepared in compliance with the acquiring agency's policy for approved acquisitions of interest in real property.

VII. AGREEMENT MAINTENANCE, MODIFICATION, AND TERMINATION

This agreement is effective as of the date of the last signature below and shall continue in effect until July 25, 2010 unless extended by law, or terminated by mutual agreement.

VIII. GENERAL PROVISIONS

A. Freedom of Information Act (FOIA): Any information furnished to the agencies under this instrument may be subject to the Freedom of Information Act (5 U.S.C. 552).

B. Establishment of Responsibility: This agreement is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

C. Non-Fund Obligating Document: Nothing in this agreement shall obligate the agencies to obligate or transfer funds. Specific work projects or activities that involve the transfer of funds, services, or property among the various agencies will require execution of separate agreements and be contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This agreement does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

IX. AGREEMENT APPROVAL

/s/ ELAINE M. BRONG
Elaine M. Brong
State Director Oregon/Washington
USDI Bureau of Land Management

02/16/2006
Date

/s/ DAVID J. WESLEY (for)
David Allen
Regional Director, Pacific Region (R-1)
U.S. Fish and Wildlife Service

03/13/2006
Date

/s/ JONATHAN B. JARVIS
Jonathan B. Jarvis
Regional Director, Pacific West Region
National Park Service

02/23/2006
Date

/s/ LINDA GOODMAN
Linda Goodman
Regional Forester, Pacific Northwest Region (R-6)
USDA, Forest Service

02/17/2006
Date

X. APPENDIXES

All of the documents in the Appendix (with the exception of the FLTFA Act and FLTFA MOU) will be provided to the FLTFA Team members in electronic format for use in preparing project proposals and submitting the required documentation. In the event that amendments to the Act or modifications to the MOU occur, FLTFA Team members will be provided with updated copies of these documents.

Appendix A: Federal Land Transfer Facilitation Act of July 25, 2000

Appendix B: FLTFA MOU (National Level Memorandum of Understanding)

Appendix C: Federal Register Publication – Request for Nominations

Appendix D: Oregon/Washington Interagency Implementation Team Members

Appendix E: Land Acquisition - Project Description

Appendix F: Land Acquisition - Cost Estimate and Final Actual Cost/Expense Report

Appendix G: Land Acquisition - Funding Request

Appendix H: Land Acquisition - Schedule for Completion

APPENDIX A

TITLE II--FEDERAL LAND TRANSACTION FACILITATION

SEC. 201. SHORT TITLE. 43 USC 2301

This title may be cited as the ``Federal Land Transaction Facilitation Act".

SEC. 202. FINDINGS.

Congress finds that—

- (1) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to sell land identified for disposal under its land use planning;
- (2) the Bureau of Land Management has authority under that Act to exchange Federal land for non-Federal land if the exchange would be in the public interest;
- (3) through land use planning under that Act, the Bureau of Land Management has identified certain tracts of public land for disposal;
- (4) the Federal land management agencies of the Departments of the Interior and Agriculture have authority under existing law to acquire land consistent with the mission of each agency;
- (5) the sale or exchange of land identified for disposal and the acquisition of certain non-Federal land from willing landowners would—
 - (A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;
 - (B) contribute to administrative efficiency within Federal land management units; and
 - (C) allow for increased effectiveness of the allocation of fiscal and human resources within the Federal land management agencies;
- (6) a more expeditious process for disposal and acquisition of land, established to facilitate a more effective configuration of land ownership patterns, would benefit the public interest;
- (7) many private individuals own land within the boundaries of Federal land management units and desire to sell the land to the Federal Government;
- (8) such land lies within national parks, national monuments, national wildlife refuges, national forests, and other areas designated for special management;

(9) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public land, making it difficult for Federal managers to address problems created by the existence of inholdings in many areas;

(10) in many cases, inholders and the Federal Government would mutually benefit from Federal acquisition of the land on a priority basis;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will improve the resource management ability of the Federal land management agencies and adjoining landowners;

(12) using proceeds generated from the disposal of public land to purchase inholdings and other such land from willing sellers would enhance the ability of the Federal land management agencies to—

(A) work cooperatively with private landowners and State and local governments; and

(B) promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(13) in certain locations, the sale of public land that has been identified for disposal is the best way for the public to receive fair market value for the land; and

(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

SEC. 203. DEFINITIONS.

In this title:

(1) Exceptional resource.--The term "exceptional resource" means a resource of scientific, natural, historic, cultural, or recreational value that has been documented by a Federal, State, or local governmental authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency in order to maintain the resource for the benefit of the public.

(2) Federally designated area.--The term "federally designated area" means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o)) that on the date of enactment of this Act was within the boundary of--

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area,

national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System;

(D) an area of the National Forest System designated for special management by an Act of Congress; or

(E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as--

(i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) a wilderness study area;

(iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

(3) Inholding.--The term "inholding" means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(4) Public land.--The term "public land" means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(5) Secretary.--The term "Secretary" means the Secretary of the Interior.

SEC. 204. IDENTIFICATION OF INHOLDINGS. <<NOTE: 43 USC 2303.>>

(a) In General.--The Secretary and the Secretary of Agriculture shall establish a procedure to—

(1) identify, by State, inholdings for which the landowner has indicated a desire to sell the land or interest therein to the United States; and

(2) prioritize the acquisition of inholdings in accordance with section 206(c)(3).

(b) Public Notice.--As soon as practicable after the date of enactment of this title and periodically thereafter, the Secretary and the Secretary of Agriculture shall provide public notice of the procedures referred to in subsection (a), including any information necessary for the consideration of an inholding under section publication. Such notice shall include publication in the Federal Register and by such other means as the Secretary and the Secretary of Agriculture determine to be appropriate.

(c) Identification.--An inholding—

- (1) shall be considered for identification under this section only if the Secretary or the Secretary of Agriculture receive notification of a desire to sell from the landowner in response to public notice given under subsection (b); and
- (2) shall be deemed to have been established as of the later of—

- (A) the earlier of--
- (i) the date on which the land was withdrawn from the public domain; or
 - (ii) the date on which the land was established or designated for special management; or

- (B) the date on which the inholding was acquired by the current owner.

(d) No Obligation To Convey or Acquire.--The identification of an inholding under this section creates no obligation on the part of a landowner to convey the inholding or any obligation on the part of the United States to acquire the inholding.

SEC. 205. DISPOSAL OF PUBLIC LAND. <<NOTE: 43 USC 2304.>>

(a) In General.--The Secretary shall establish a program, using funds made available under section 206, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) Sale of Public Land.—

(1) In general.--The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(2) Exceptions to competitive bidding requirements.--The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.

(c) Report in Public Land Statistics.--The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

(d) Termination of Authority.--The authority provided under this section shall terminate 10 years after the date of enactment of this Act.

SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.

(a) Deposit of Proceeds.--Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the

gross proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in the Treasury of the United States to be known as the "Federal Land Disposal Account".

(b) Availability.--Amounts in the Federal Land Disposal Account shall be available to the Secretary and the Secretary of Agriculture, without further Act of appropriation, to carry out this title.

(c) Use of the Federal Land Disposal Account.—

(1) In general.--Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection

(2) Fund allocation.—

(A) Purchase of land.--Except as authorized under subparagraph (C), funds shall be used to purchase lands or interests therein that are otherwise authorized by law to be acquired, and that are—

(i) inholdings; and

(ii) adjacent to federally designated areas and contain exceptional resources.

(B) Inholdings.--Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire inholdings identified under section 204.

(C) Administrative and other expenses.--An amount not to exceed 20 percent of the funds deposited in the Federal Land Disposal Account may be used by the Secretary for administrative and other expenses necessary to carry out the land disposal program under section 205.

(D) Same state purchases.--Of the amounts not used under subparagraph (C), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State.

(3) Priority.--The Secretary and the Secretary of Agriculture shall develop a procedure for prioritizing the acquisition of inholdings and non-Federal lands with exceptional resources as provided in paragraph

(2). Such procedure shall consider—

(A) the date the inholding was established (as provided in section 204(c));

(B) the extent to which acquisition of the land or interest therein will facilitate management efficiency; and

(C) such other criteria as the Secretary and the Secretary of Agriculture deem appropriate.

(4) Basis of sale.--Any land acquired under this section shall be--

(A) from a willing seller;

(B) contingent on the conveyance of title acceptable to the Secretary, or the Secretary of Agriculture in the case of an acquisition of National Forest System land, using title standards of the Attorney General;

(C) at a price not to exceed fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions; and

(D) managed as part of the unit within which it is contained.

(d) Contaminated Sites and Sites Difficult and Uneconomic To Manage.--Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary or the Secretary of Agriculture—

(1) contains a hazardous substance or is otherwise contaminated; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) Land and Water Conservation Fund Act.--Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 4601-4 et seq.).

(f) Termination.--On termination of activities under section 205—

(1) the Federal Land Disposal Account shall be terminated; and

(2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601-6).

SEC. 207. SPECIAL PROVISIONS.

(a) In General.--Nothing in this title provides an exemption from any limitation on the acquisition of land or interest in land under any Federal law in effect on the date of enactment of this Act.

(b) Other Law.--This title shall not apply to land eligible for sale under--

(1) Public Law 96-568 (commonly known as the ``Santini-Burton Act") (94 Stat. 3381); or

(2) the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343).

(c) Exchanges.--Nothing in this title precludes, preempts, or limits the authority to exchange land under authorities providing for the exchange of Federal lands, including but not limited to-

-
(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) No New Right or Benefit.--Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

Approved July 25, 2000.

APPENDIX “C”
FEDERAL REGISTER PUBLICATION – REQUEST FOR NOMINATIONS
[DRAFT]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-936-5870-HN;]

Call for Public Nominations of In-holding Properties for Potential Purchase by the Federal Government in the State of Oregon.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice

SUMMARY: In accordance with the Federal Land Transaction Facilitation Act of 2000 (43 U.S.C. 2303) (FLTFA), this notice provides the public the opportunity to nominate inholding properties within the State of Oregon and Washington for possible acquisition by the Federal agencies identified below.

DATES: Nominations may be submitted at any time following the publication of this notice.

ADDRESSES: Nominations should be mailed to the attention of the FLTFA Program Manager for the agency listed below having jurisdiction over the adjacent Federally designated area.

Bureau of Land Management
P.O. Box 2965
Portland, OR 97208

USDA Forest Service
P.O. Box 3623
Portland, OR 97208-3623

National Park Service
1111 Jackson Street, Suite 700
Oakland, CA 94607-4807

U.S. Fish and Wildlife Service
Pacific Region
911 NE 11th Ave
Portland, OR 97232

FOR FURTHER INFORMATION CONTACT: Pam Chappel, FLTFA Program Manager, BLM Oregon State Office, 503-808-6170; or email pam_chappel@blm.gov

SUPPLEMENTARY INFORMATION: In accordance with the FLTFA, the four federal agencies noted above are offering to the public an opportunity to nominate lands in the State of Oregon or Washington for possible federal acquisition. Under the provisions of FLTFA, only the following Non-Federal lands are eligible for nomination: (1) In-holdings within a federally designated area; or (2) In-holdings adjacent to federally designated areas that contain exceptional resources. The term in-holding means any right, title, or interest held by a non-federal entity, in or next to a tract of land that lies within the boundary of a federally designated area. A federally designated area is an area set aside for special management on or before July 25, 2000, including national parks, a national wildlife refuges, national forests, national monuments, national conservation areas, areas of critical environmental concern, national outstanding

natural areas, national natural landmarks, research natural areas, wilderness or wilderness study areas, and units of the Wild and Scenic Rivers System or National Trails System. The term exceptional resource refers to a resource of scientific, natural, historic, cultural or recreational value that has been documented by a federal, state, or local government authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a federal agency in order to maintain the resource for the benefit of the public.

Nominations meeting the above criteria may be submitted by any individual, group or governmental body. If submitted by a party other than the landowner, the nomination must be accompanied with a written confirmation from the landowner of their desire to sell. Nominations will only be considered eligible by the agencies if: (1) the nomination package is complete; (2) a federal land use plan calls for acquisition of the land or interest in land being nominated; (3) the land does not contain a hazardous substance or is not otherwise contaminated; (4) the land would not be difficult or uneconomic to manage as federal land; and (5) acceptable title can be conveyed in accordance with federal title standards. The agencies will assess the nominations for public benefits and rank the nominations in accordance with a jointly prepared state level Interagency Implementation Agreement for FLTFA and a national level Interagency Memorandum of Understanding among the agencies. The nomination and identification of an in-holding does not obligate the landowner to convey the property nor does it obligate the United States to acquire the property. All federal land acquisitions must be at fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions.

Further information, including the required contents for a nomination package, and details of the Statewide Interagency Implementation Agreement, may be obtained by contacting Pam Chappel at the address noted above or by visiting the Oregon FLTFA website at

Elaine M. Brong
State Director Oregon/Washington
USDI Bureau of Land Management

**OREGON/WASHINGTON INTERAGENCY IMPLEMENTATION TEAM MEMBERS
(FLTFA Team)**

Bureau of Land Management

Pam Chappel
Land Law Examiner
P.O. Box 2965
Portland, OR 97208
Phone: 503-808-6170
Email: pam_chappel@blm.gov

National Park Service

Rick Wagner
909 1st Avenue, 5th floor
Seattle, WA 98104-1060
Phone: 206-220-4065
Email: Rick_Wagner@nps.gov

U.S. Forest Service

Debra Okholm
P.O. Box 3623
Portland, OR 97208
Phone: 503-808-2408
Email: dokholm@fs.fed.us

U.S. Fish and Wildlife Service

Catherine Sheppard
911 NE 11th Ave
Portland, OR 97232
Phone: 503-231-6201
Email: Catherine_Sheppard@fws.gov

LAND ACQUISITION - PROJECT DESCRIPTION¹

Acquiring Agency: _____

Name of Federal Designated Area: _____

Inholding or Adjacent (w/ exceptional resources)

Owner(s) Name: _____

Parcel Acreage: _____

Legal Description:

County: _____

APN(s): _____

Township/Range/Section: _____

Date Inholding was established: _____

Name and approval date of Land Use/Management Area Plan: _____

Describe how the proposed acquisition conforms to the plan: _____

Describe resource values associated with property and threats to resources if land is not acquired:

If property is adjacent, describe exceptional resource(s) for which there is a compelling need to conserve and protect: _____

Describe management issues that acquisition would help alleviate: _____

Describe title encumbrances, reserved interests, and other title issues, including survey needs: _____

Describe improvements, tenants, or occupants on the property: _____

Anticipated purchase price: _____

Describe support for acquisition by State, local governments, other agencies, community and interested parties: _____

Describe involvement of other parties that may assist with acquisition: _____

Describe other funding sources that will contribute towards acquisition: _____

Attachments:

- Title Policy or other document of ownership and existing encumbrances
- Legal description of property if not included above
- Maps of offered property and Federal Designated Area Boundary
- Assessor parcel maps of offered property
- Landowner Statement of hazardous materials and/or other liabilities associated with the property
- Land Acquisition - Estimated Timeline for Completion
- Land Acquisition - Estimated Costs

¹ Refer to FLTFA MOU for the definition of Federal Designated Area, Inholding, Exceptional Resources, and Inholding Date.

**LAND ACQUISITION
ESTIMATED and FINAL COSTS**

	FLTFA Funds	Other Funds	Actual Costs
1. Land (purchase price not to exceed fair market value)	\$ _____	\$ _____	\$ _____
2. Appraisal	\$ _____	\$ _____	\$ _____
3. Land/Boundary Survey	\$ _____	\$ _____	\$ _____
4. Environmental Site Assessment and NEPA	\$ _____	\$ _____	\$ _____
5. Water Rights or Mineral Analysis (for Title Purposes)	\$ _____	\$ _____	\$ _____
6. Mineral Potential Report (Prior approval required)	\$ _____	\$ _____	\$ _____
7. Title Report, Escrow Fees, Misc. Closing Costs	\$ _____	\$ _____	\$ _____
8. Recording Fees	\$ _____	\$ _____	\$ _____
9. Pro-rata Share of any pre-paid property taxes or assessments	\$ _____	\$ _____	\$ _____
10. Penalty Costs and Other Charges for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumbers the real property	\$ _____	\$ _____	\$ _____
11. Relocation Payments to Eligible Tenants	\$ _____	\$ _____	\$ _____
12. Case Management Direct Labor or Contracted Labor Costs for: title records management; review of title documents (land, water, mineral, etc.) as well as legal description verification; preparation and review of appraisals, environmental and hazardous substance reports, water rights analyses, mineral rights analyses for title purposes, and surveys; and preparation of requests for preliminary and final title opinion, conveyance documents, and escrow closing instructions; payroll for agency personnel to procure and administer acquisition contracts (e.g., contracting officer and COR)	\$ _____	\$ _____	\$ _____
13. Travel including per diem, when official travel status is required for agency personnel to perform case management (e.g., experts to review contracted appraisals, etc.)	\$ _____	\$ _____	\$ _____
14. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out case management)	\$ _____	\$ _____	\$ _____
15. Other Necessary Expenses (specify and attach justification)	\$ _____	\$ _____	\$ _____
TOTAL	\$ _____	\$ _____	\$ _____

LAND ACQUISITION – FUNDING REQUEST

[Will be inserted when available]

LAND ACQUISITION – SCHEDULE FOR COMPLETION¹

Tasks, Activities and Documentation	Estimated Completion Date	Comments
Obtain Title Evidence		
Evaluate Title Encumbrances		
Examine Adequacy of Legal Description		
Obtain Property Survey		
Request Transfer of Funds		
Obtain Owner Permission to Enter		
Certificate of Inspection & Possession		
Relocation Assessment		
Conduct Pre-Acq Environmental Site Assessment/Land Transaction Screening		
Prepare NEPA Document		
Request Appraisal		
Appraisal Review/Approval		
Request Preliminary Title Opinion		
Prepare Acquisition Deed		
Prepare Conservation Easement Baseline Document Report		
Prepare Offer Letter/Option to Purchase		
Negotiations		
Prepare/Execute Purchase Agreement		
Obtain Title Insurance Commitment		
Prepare Escrow Closing Instructions		
Deposit Documents/Funds into Escrow		
Final Certificate of Inspection & Possession		
Final ESA, if first report is dated or conditions have changed		
Close Escrow/Record Deed		
Obtain Final Title Evidence		
Request Final Title Opinion		
Complete Final Actual Cost and Expenses Report		
Submit Final Documents to BLM		
Transfer remaining funds to BLM FTLFA Account		

¹ Form may be modified as necessary to meet agency specific procedures or requirements.