

LAND TENURE 101



AUTHORITIES

(All land tenure actions must be in conformance with the land use plan)

- FLPMA
- FLEFA
- FLTFA
- SNPLMA
- R&PP
- LWCF
- SPECIFIC LEGISLATION



FLPMA – Federal Land Policy and Management Act of 1976

SALES

– sec. 203

- Competitive (preferred)
- Modified Competitive
- Direct Sale (must meet special criteria)

– sec. 209

- Conveyance of minerals



LAND EXCHANGES

sec. 206 of FLPMA (as amended by FLEFA)

May exchange land or interest in land

- Lands must be within same state
- Must be equal in value (within 25%)
- Single transaction involving two parcels
- Assembled (single transaction multiple parcels)
- Assembled (multiple parcels, multiple transactions over time)
- State Exchanges
- BLM as a Land Bank (when needed by other agencies)



ACQUISITIONS – sec 205 of FLPMA

- Easements (access, conservation)
- Land (usually within or abutting designated areas)
 - NM, NCA, ACEC, SRMA
- Interest in land (minerals, water, etc.)
- Reciprocal rights-of-way



FUNDING SOURCES FOR ACQUISITIONS

Land and Water Conservation Fund (LWCF)

- Created by Congress in 1965
- Uses non-tax revenue sources
- Supports recreation and conservation goals
- Benefits 4 Federal Agencies, States, and Others
- Willing Sellers / Cooperating Organizations
- Currently up for re-authorization
 - Signs of bipartisan support in general
 - Issues – Allowable uses, funding levels, beneficiaries



Where do “LWCF” “\$\$\$” come from?

Federal motorboat fuel tax

\$1,000,000 - \$2,000,000



General Services Administration (GSA)
surplus property sales

\$30,000,000 - \$200,000,000

Outer Continental Shelf (OCS)
Federal oil and gas lease royalty receipts

\$5,193,007,750 (FY2003)

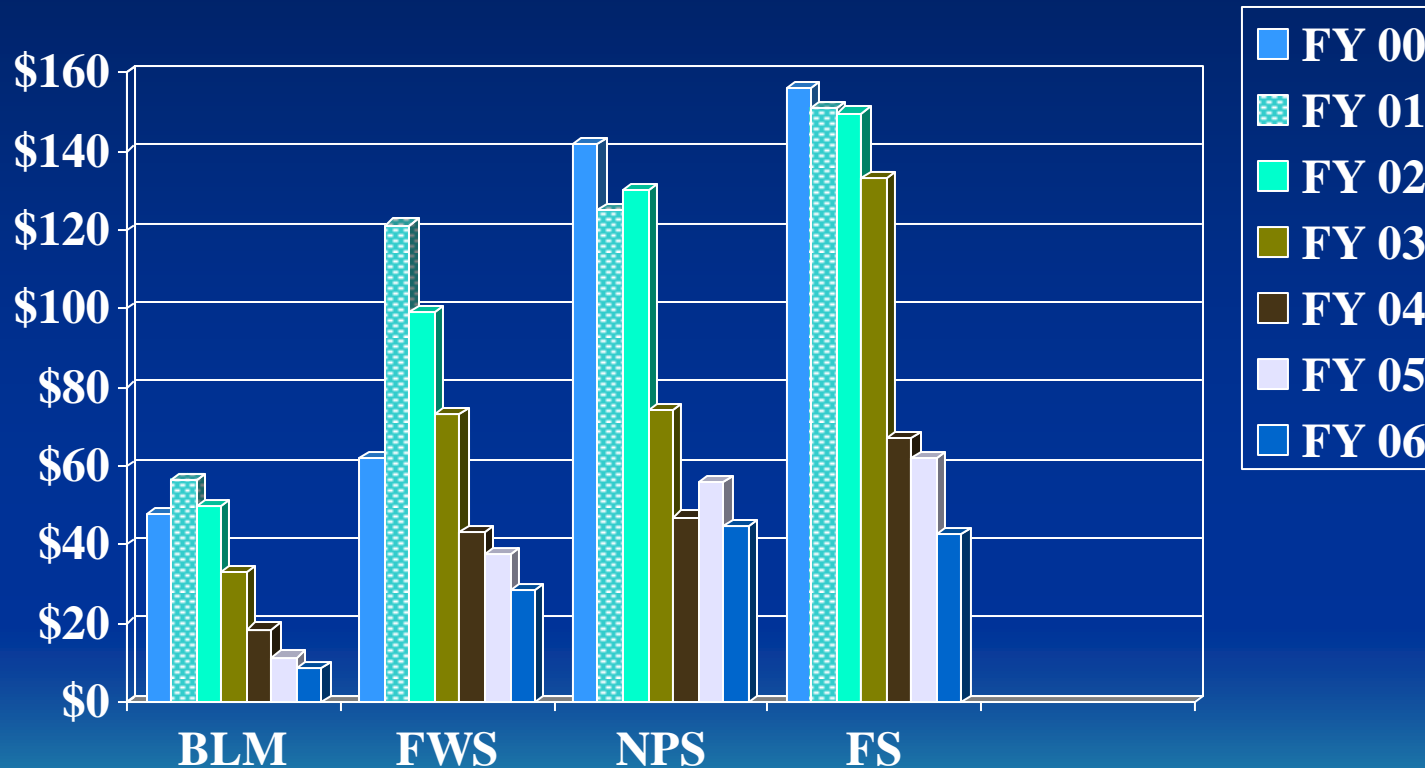


Agencies eligible to receive LWCF funding



Recent LWCF Appropriations for BLM, FWS, NPS, and FS

(see handout for appropriations thru FY2010)



LATEST LWCF PROJECTS IN COLORADO

2014 BLM Acquisitions

- Canyons of the Ancients National Monument (\$1.77M – 1563 acres)
- Sarvis Creek/Upper Yampa **Hunter/Angler Access** (\$1M – 47 acres)

Recent BLM Expenditures in the NW District

- Dominguez-Escalante National Conservation Area (\$3.5M in 2012)
- Dominguez-Escalante National Conservation Area (\$575K in 2013)
- Gunnison Gorge National Conservation Area (\$856K in 2008)
- McInnis Canyons National Conservation Area (\$1.3M in 2005-06)

Upcoming Acquisitions

- Canyons of the Ancients National Monument (\$1.2M – 600 acres)
- Blanca Wetlands ACEC/SRMA (\$6.35M for 12,838 acres)*



Management of Lands & Resources (MLR)

- Money annually appropriated by Congress to manage the Public Lands
- Realty, Minerals, Planning, etc.
- Can it be used for acquisitions?
 - Interest in land only (e.g., access easement)
 - Prohibited by law to purchase land



FLTFA

- Authorized in 2000 / Sunsetting in 2010
- Reauthorized in 2010 for 1 year, but expired again
- Currently FLTFA is not authorized
- Allowed for the proceeds of Federal land sales to be used for acquisition costs (all) within the same state
- 4% share allocated to the state
- 96% to Federal agency
 - 80% used for purchase of property
 - 20% for related acquisition costs (appraisals, ESAs, staff)



R&PP

- Enacted in 1920's - Amended twice since
- Purpose, who qualifies?
- What qualifies, what doesn't?
- Land can be leased or sold (or both)
- Some uses eligible for sale only (1988 amendment)
- Purchase price from 10% discount to free
- Plan of Development & implementation req'd



R&PP (cont.)

- Reverter Clause
- What triggers reverter?
- Can land be transferred?
- Can the use change?



ADDITIONAL QUESTIONS?

