

**CALIFORNIA  
STATEWIDE INTERAGENCY  
IMPLEMENTATION AGREEMENT**

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

**Bureau of Land Management, California  
U.S. Forest Service, Pacific Southwest Region  
U.S. Fish and Wildlife Service, California/Nevada Operations Office  
National Park Service, Pacific West Region**

**November 2005**

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## I. INTRODUCTION

### A. Federal Land Transaction and Facilitation Act of 2000

The Federal Land Transaction Facilitation Act (FLTFA), commonly referred to as the “Baca Act”, 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 inholdings within the boundaries of federal designated areas, and lands adjacent to federal designated areas which contain 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 5, 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 California.
- Establish a California Interagency Implementation Team (FLTFA 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. Executive Committee**

This California Interagency Implementation Agreement (Agreement) is entered into between the BLM California State Director; the FS Regional Forester, Pacific Southwest Region (R-5); the NPS Regional Director, Pacific West Region; and the FWS Director, California/Nevada Operations Office, 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.

### **B. California Interagency Implementation Team (FLTFA Team)**

The FLTFA Team will be comprised of one or more representatives from each agency. Current members of the FLTFA Team are identified in Appendix C. The list will be the basis for coordinating all activities conducted under this Agreement, and each agency is responsible for providing updates to the BLM FLTFA Team member as member and/or contact information changes.

The FLTFA Team will be responsible for:

- Participating in meetings to review and prioritize agency proposals and preparing the recommendation package to Executive Committee for concurrence.
- Coordinating FLTFA activities and making recommendations for modifications to the Agreement to ensure successful program implementation.

Individual FLTFA Team Members will be responsible for:

- Soliciting acquisition proposals from respective agency field offices and external parties as needed.
- Evaluating and prioritizing proposals, and completing project descriptions in accordance with the criteria outlined in this Agreement.
- Forwarding proposals to the BLM FLTFA Team member when requested.
- 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 procedures.
- Monitoring the agency's FLTFA project accounts to ensure all expenditures are related to the approved project.
- Providing BLM the documentation required to ensure compliance with FLTFA.

### **C. Additional Roles Specific to BLM**

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

#### **1. Lead Agency for FLTFA Coordination and Implementation**

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 funding for approved acquisitions.

#### **2. Providing Public Notification:**

BLM is responsible for publishing the initial public notice required by FLTFA in the Federal Register for purposes of identifying the process by which inholdings will be considered and calling for nominations. BLM will also publish subsequent notices for calling for nominations by interested parties/agencies, pursuant to the processes outline herein.

BLM is the lead agency responsible for implementation of FLTFA and as such, is responsible for providing public notification of activities being conducted and/or completed under the authority of FLTFA, including land acquisition and land disposal through sale or exchange. BLM will provide notice to State and local entities of proposals that are to be included in the Final Recommendation Package for approval by the Secretaries. However, the acquiring agency will be responsible for providing public notice and opportunity to comment at the local level, pursuant to that agency's established procedures.

#### **3. Management of the FLTFA Account**

BLM is responsible for managing the FLTFA Account, in cooperation with the National Business Center. BLM will oversee the transfer of funds among the agencies and ensure that required documentation is maintained supporting the transfer and expenditure of FLTFA funds, both for land acquisition by all of the agencies and land disposal transactions by BLM. BLM will monitor amounts deposited and transferred and will provide FLTFA Account status reports to the agencies at team meetings and upon request.

#### **4. Management and Implementation of the Land Disposal Program**

BLM is responsible for carrying out the land disposal program, the revenues of which are deposited into the FLTFA Account to support land acquisition efforts of the agencies. All land disposal actions, including sales and exchanges, must be consistent with the management objectives outlined in respective land use plans and amendments, approved on or before July 25, 2000, in order for the receipts to be deposited into the FLTFA Account.

#### **5. Public Land Statistics Annual Reporting**

BLM is responsible for the development and coordination of annual reporting of statistical information pertaining to land tenure adjustments under FLTFA, including both acquisition and disposal actions. BLM must rely on the information provided by each of the agencies, pursuant to the terms of this agreement, to provide accurate reporting on FLTFA funded acquisitions.

### **IV. PROJECT DEVELOPMENT AND APPROVAL PROCESS**

#### **A. Publication and Request for Nominations**

BLM will publish the initial Notification and Request for Nominations in the Federal Register (FR), consistent with the format in Appendix D. Interested parties will be instructed in the FR publication to submit nomination packages directly to the agency having jurisdiction over the area in which the inholding is located. Because nominations will be accepted on an on-going basis, the need and timing for subsequent Notices Requesting Nominations will be determined by the Team, based on available funding in the FLTFA Account, on-going acquisition efforts of the agencies, and the need to generate new nominations.

#### **B. Agency Review and Prioritization of Nominations**

Agencies will be responsible for assessing nomination packages and for prioritizing acquisition projects for the agency on an on-going basis. Nominations that do not conform to the format provided in Appendix E should either be returned to the landowner(s) or the agency can work with the landowner(s) to obtain the additional information required for a complete nomination package. FLTFA Team members will be responsible for coordinating with their respective field offices in reviewing and prioritizing nomination packages and preparing agency project proposals, with consideration given to FLTFA criteria and the level of funding available in the FLTFA account for agency use. The agencies acknowledge that the proposals for acquisition must be for lands located within the State of California, regardless of the jurisdictional boundaries of the agencies. Agencies shall respond to all parties submitting a nomination, indicating whether the nomination has been accepted, rejected, or is to be held for further consideration as funds are made available.

#### **C. Submission of Agency Project Proposals**

A call for agency project proposals will be sent by the BLM State Director to the Executive Committee members either in response to a request from the Council or at the discretion of the BLM in coordination with the other agency FLTFA Team members. The agencies will be provided with a 30-day period in which to submit proposed projects to the BLM FLTFA Team member. The FLTFA Team will then be

convened to assess the proposed projects and to assemble the preliminary recommendation package to be reviewed by the Executive Committee. Each proposal to be forwarded for review by the FLTFA Team must be accompanied by the following documents:

### **1. Land Acquisition Project Description**

The Land Acquisition Project Description (Appendix F) 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 Estimated Costs**

The Land Acquisition Estimated Costs Form (Appendix G) 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 the approved project (as defined in the FLTFA MOU) shall be the responsibility of the acquiring agency. Because the estimated costs will be the basis for the amount to be approved by the Secretaries for transfer to the agency, considerable effort should be put into providing the estimates and consultation with an appraiser regarding value expectations and feasibility is recommended. Contingency funding amounting to 10 percent of the total estimated costs will be added onto the amount requested for a project to ensure adequate funding is available to complete the acquisition.

### **3. Vicinity Map**

The map will need to be of sufficient scale and depict the proposed acquisition parcel(s) and the Federal Designated Area that the parcel is located within or adjacent to.

### **4. Copy of Nomination Package Submitted by Landowner**

The nomination package signed by the landowner(s) should conform to the sample in Appendix E, and should be dated within a year of the time of project submission.

## **D. FLTFA Team Review and Preparation of Final Recommendation Package**

### **1. FLTFA Team Review**

Agency nominations will be reviewed and ranked by the FLTFA 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.
- Favorable support for the acquisition by state and local entities.
- Prioritization by the agencies.

The agencies agree generally to adhere to the funding allocation levels provided for in the FLTFA MOU and to attempt to keep their proposals within the funding level available to the agency. In compiling the Final Recommendation Package, the FLTFA Team will defer to the prioritization of proposals by agency provided the funding is available and the proposal package is complete. The FLTFA Team will consider proposals that deviate from the above criteria however, additional procedures and documentation requirements will apply, as noted below.

**a) Projects that Exceed Current Agency Funding Levels**

Project proposals that exceed an agency's current allocation of funds in the FLTFA Account can be considered by the FLTFA Team on a case-by-case basis (refer to Sec. I. B. for agency allocation information). However, there should be sufficient funds in the FLTFA Account to cover the proposed acquisition, and the other agencies will need to concur with the use of funds that would otherwise be allocated to their agency. Agencies approving of the use of their available allocated funds by another agency should determine if the receiving agency will be expected to reciprocate as their FLTFA allocation is increased through the sale of additional lands by BLM, or if they are waiving use of the allocated funds being directed to another agency acquisition. This information will be documented in the Final Recommendation Package summary to be signed by the Executive Committee Members.

**b) Projects Utilizing Multiple Funding Sources**

Where an agency proposes to utilize the FLTFA funding available to the 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. In addition, the amount of FLTFA funds to be applied towards acquisition costs should be pro-rated, based on the amount of FLTFA funds contributing to the purchase price of the property.

**c) Approved Projects that Require Future Funds**

While projects may be approved if there is not sufficient funding available in the FLTFA account, the agencies recognize that this would not be preferable, given the uncertainty of the availability of future funds and potential impacts to future acquisition opportunities. If a project is approved without sufficient funding available, no funds should be expended until it is certain that all of the necessary funding will be available to complete the acquisition and an acquisition funding request has been submitted.

**2. Public Notification**

BLM will notify Congressional, State, and local agencies; and interested parties of the projects that are to be included in the Final Recommendation Package to be forwarded for Secretarial approval. In addition, any party expressing interest to receive notices of Final Recommendations will be included on the core mailing list (Appendix H). BLM will maintain the mailing the list and will provide copies to the agencies as updates are made. The notice will include a brief summary of

each of the proposed acquisitions, an example of which is shown in Appendix I. A 30-day comment period will be provided for, and any comments received will be forwarded to the respective agency for consideration and response. The agency will be provided with 15 days in which to assess the comments and revise their acquisition proposals or priorities, if necessary. Comments received and agency responses thereto will be included with or summarized in the Final Recommendation Package.

### **3. Final Recommendation Package**

The FLTFA Team will prepare the Final Recommendation Package specifying the lands and/or interests in land recommended for acquisition under the FLTFA. A summary of the Final Recommendation Package will be reviewed and signed by each member of the Executive Committee and forwarded by the BLM State Director to the Council for consideration and approval by the Secretaries. If necessary, the Executive Committee may request to meet with the FLTFA Team to discuss the recommendations prior to signing the summary.

## **E. Secretarial Approval**

The Council will review the Final Recommendation Packages submitted by each State. Questions on any specific proposal will be directed to the respective agency FLTFA Team member. The Final Recommendation Package will then be forwarded to the Secretaries who shall jointly render decisions for the expenditure of funds in the FLTFA Accounts. The BLM State Director will notify the agencies in writing of the Secretaries decisions. Approved projects will be assigned a BLM serial number for tracking purposes.

### **1. Change in Scope of Project following Secretarial Approval**

The agencies recognize that changes in the acreage, parcels, or rights to be acquired as approved by the Secretaries may occur that could impact the values on which the project approval was based. If a project changes significantly in scope, the acquiring agency must provide written notification to the BLM State Director, describing the change and providing the agency's justification for proceeding with the acquisition as modified. Significant changes from the approved project must be approved by the Executive Committee prior to proceeding with the acquisition.

## **V. ACQUISITION FUNDING**

### **A. Documentation Required for Transfer of Funds**

Once an agency has been notified that a proposal has received Secretarial approval, the agency will have one year in which to submit an Acquisition Funding Request to the BLM State Director. The Funding Request will consist of the following listed documents:

#### **1. Acquisition Funding Request**

The Acquisition Funding Request (Appendix J) must be signed by the FLTFA Team Member for the respective acquiring agency.

## **2. Land Acquisition Schedule**

The agency should complete the Land Acquisition Schedule for Completion (Appendix K) to estimate 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 Secretaries. Agencies should plan to complete acquisitions within one year following Secretarial approval and transfer of funds.

### **B. Approval and Transfer of Funding**

Once complete documentation has been received and reviewed by the BLM FLTFA 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. However, funds may be transferred in phases or stages of the land acquisition process to ensure the accountability of expenditures and progress on the acquisition.

### **C. Phased Funding**

Generally, if the purchase price of an acquisition exceeds \$500,000, funding will be transferred to the acquiring agency in two phases. The first phase will include the total acquisition costs identified by the agency. The second phase will be initiated by a second Funding Transfer Request, after the acquiring agency has obtained a favorable title opinion from the Regional Solicitor/Office of General Council, and a signed purchase agreement for the transaction.

### **D. Amendments to Funding Requests**

If agency costs will exceed the amount of costs and expenses approved by the Secretaries for a project, the agency can request additional funds. Requests shall be submitted to the BLM State Director in writing and be accompanied by the Amendment to Funding Request (Appendix L). If the amount requested is not available in the respective agency’s current FLTFA Account allocation, the FLTFA Team will coordinate to determine if funds are available from other agency allocations, and whether the other agencies concur to use of their allocated funds. If additional funding is available, the request will be forwarded to the Council for approval by the Secretaries. Agencies must ensure additional funding is made available prior to obligating the agency to further expenditures. Requests 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 a year from the date of the transfer of funds, the acquiring agency must provide a project status report to the BLM FLTFA Team member identifying the remaining tasks and time frames for completion. The Land Acquisition Schedule for Completion (Appendix K) should be used for this purpose.

## **B. Financial Documentation Package**

Within 30 days 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:

### **1. 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.

#### **a) Final Actual Costs and Expenses Report**

The Final Actual Costs and Expenses Report (Appendix M) should be used for reporting costs and expenses for the completed acquisition. For acquisitions partially funded with FLTFA funds, show all expenditures associated with the acquisition and specify which amounts were funded with FLTFA funds.

#### **b) Final Title Opinion**

The final title opinion approved by the Department of Interior's Regional Solicitor for BLM, FWS and NPS acquisitions, or the Department of Agriculture's Office of General Counsel for FS acquisitions.

#### **c) Copy of the Recorded Grant Deed**

#### **d) Copy of the Appraisal Review/Approval Memorandum**

### **2. Incomplete Acquisitions**

If an approved acquisition is terminated for any reason prior to completion, the acquiring agency shall submit a notice to the BLM State Director stating the reason for termination of the project. The notice must be submitted within 30 days from termination of the project and must be accompanied by a completed Final Actual Costs and Expenses Report (Appendix M), listing those expenses incurred up to the time of termination, and the amount remaining in the agency's account that will need to be transferred back to the FLTFA Account.

## **C. Transfer of Funds back to the FLTFA Account**

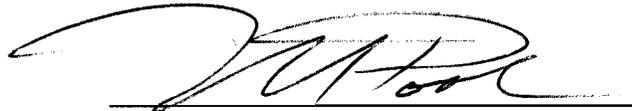
The procedures for transferring funds back to the FLTFA Account are to be identified and the necessary forms provided at a later date.

## **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 in writing by any agency with 30 calendar days notice.

This agreement may be modified to reflect any amendments to the FLTFA or to accommodate additional procedures recommended by the FLTFA Team for more efficient implementation of the processes and requirements listed herein. Any recommended modifications to the agreement must be provided to the Executive Committee for review and final approval before they can be incorporated into the Agreement.

### VIII. APPROVALS



Mike Pool  
State Director, California  
Bureau of Land Management

10/12/05  
Date



Steve Thompson  
Manager, California/Nevada Operations Office  
U.S. Fish and Wildlife Service

10/24/2005  
Date



Jon Jarvis  
Regional Director, Pacific West Region  
National Park Service

11/7/05  
Date



Bernie Weingardt  
Regional Forester, Pacific Southwest Region  
U.S. Forest Service

10/21/05  
Date

## **IX. 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: California Interagency Implementation Team Members
- Appendix D: Federal Register Publication – Request for Nominations
- Appendix E: Land Acquisition - Nomination Package
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**PUBLIC LAW 106-248  
JULY 25, 2000**

**TITLE II –  
FEDERAL LAND TRANSACTION FACILITATION ACT**

**[copy inserted]**

the results of the study to the Committees of Congress. The study shall provide an assessment of any failure to meet obligations that may be identified under subsection (a), and further evaluation on the ability of the Trust to meet its obligations under this title.

## TITLE II—FEDERAL LAND TRANSACTION FACILITATION

Federal  
Transaction  
Facilitation Act.

### SEC. 201. SHORT TITLE.

This title may be cited as the “Federal Land Transaction Facilitation Act”.

43 USC 2301  
note.

### SEC. 202. FINDINGS.

43 USC 2301.

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.

43 USC 2302.

**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.**

43 USC 2303.

(a) **IN GENERAL.**—The Secretary and the Secretary of Agriculture shall establish a procedure to—

Procedures.

(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 206. 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.

Federal Register, publication.

(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.**

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.

43 USC 2305.

**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—

Procedures.

(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.**

43 USC 2306.

(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.

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LEGISLATIVE HISTORY—S. 1892:

HOUSE REPORTS: No. 106-724 (Comm. on Resources).

SENATE REPORTS: No. 106-267 (Comm on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 146 (2000):

Apr. 13, considered and passed Senate.

July 11, 12, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 36 (2000):

July 25, Presidential statement.



**NATIONAL MEMORANDUM OF UNDERSTANDING**  
**Interagency Implementation**  
**of the**  
**Federal Land Transaction Facilitation Act of 2000**

**[copy inserted]**

## MEMORANDUM OF UNDERSTANDING

### Interagency Implementation of the Federal Land Transaction Facilitation Act of 2000

#### I. INTRODUCTION

- A. Federal Land Transaction Facilitation Act:** The Federal Land Transaction Facilitation Act of 2000 (Title II of Public Law 106-248) ("*FLTFA*") provides that the Bureau of Land Management ("*BLM*") shall carry out a land disposal program and deposit all land sale and exchange proceeds into the Federal Land Disposal Account for the purpose of:
- 1. Resource Management:** Reconfiguring Federal land ownership patterns to better facilitate resource management;
  - 2. Administrative Efficiency:** Enhancing administrative efficiency within Federal land management units; and
  - 3. Resource Allocation:** Allocating resources within Federal land management agencies more effectively.
- B. Improved Implementation:** In accordance with *FLTFA*, this Memorandum of Understanding ("*MOU*") is entered into by and among the BLM, Fish and Wildlife Service ("*FWS*"), National Park Service ("*NPS*"), and U.S. Forest Service ("*USFS*") (collectively, the "*agencies*") and the Assistant Secretary of the Interior for Policy, Management and Budget to improve the implementation of *FLTFA* by coordinating the roles and responsibilities of the agencies.

#### II. FUND ALLOCATION

- A. Administrative Expenses:** Twenty percent (20%) or less of the funds deposited in the Federal Land Disposal Account shall be used by the Secretary of the Interior for administrative and other expenses necessary to carry out the land disposal program.
- B. Inholdings and Adjacent Lands:** Eighty percent (80%) or more of the funds deposited in the Federal Land Disposal Account shall be used to acquire inholdings and lands adjacent to federally designated areas containing exceptional resources (as defined in Section IV (B) below).
- 1. State Allocation:** From the funds set forth in Section II (B) above, not less than eighty percent (80%) of those funds shall be expended within the State from which they were generated.

2. **Agency Allocation:** From the funds set forth in Section II (B) above, the Agencies' allocations shall be, subject to Section II (C) below, as follows:
  - (a) **BLM:** Sixty percent (60%) to BLM;
  - (b) **USFS:** Twenty percent (20%) to USFS;
  - (c) **FWS:** Ten percent (10%) to FWS; and
  - (d) **NPS:** Ten percent (10%) to NPS.

- C. **Special Acquisitions:** Consistent with FLTFA, the Secretary of the Interior and the Secretary of Agriculture may mutually decide to allocate funds to a specific acquisition project, notwithstanding the allocations of funds set forth in Section II (B)(2) above.

### III. IDENTIFICATION AND ACQUISITION PROCEDURES

- A. **Identification and Prioritization:** The Secretary of the Interior and the Secretary of Agriculture shall establish a mechanism to accomplish the following:
  1. **Identification:** Identify inholdings following notification by the landowner of a desire to sell either the land or an interest therein to the United States; and
  2. **Prioritization:** Prioritize the acquisition of these inholdings taking into consideration the following criteria:
    - (a) **Date:** The date the inholding was established;
    - (b) **Management Efficiency:** The extent to which acquisition of the land or an interest therein would facilitate management efficiency; and
    - (c) **Additional Criteria:** Such other criteria as the Secretary of the Interior and the Secretary of Agriculture deem appropriate.
- B. **Land Transaction Facilitation Council:** Pursuant to Section III (A) above, this MOU establishes the Land Transaction Facilitation Council ("*Council*"), consisting of each of the signatories hereto. The Council shall oversee the implementation and coordination of all activities undertaken pursuant to this MOU. In so doing, the Council shall issue such guidance as it determines appropriate, which may include revision to the appendices included in this MOU.
- C. **Implementation Plans:** The agencies shall jointly prepare state-level implementation plans establishing:
  1. **Roles:** Agency roles and responsibilities;
  2. **Coordination:** Procedures for inter-agency coordination; and

3. **Selection Processes:** Field level processes for identifying and prioritizing land acquisition recommendations.
- D. Acquisition Recommendations:** The following process shall be observed for all acquisition recommendations:
1. **Proposals:** The Council shall request proposals from the agencies consolidated by State in accordance with the implementation plans not less than sixty (60) calendar days prior to the date of expected review by the Secretaries.
  2. **Agency Recommendation:** 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.
  3. **Council Review:** The Council shall review the proposals and make recommendations to the Secretaries for approval.
  4. **Joint Decision:** The Secretaries shall jointly render decisions for the expenditure of funds in the Federal Land Disposal Account.
- E. Task Orders:** Following written approval from the Secretaries, the following actions shall take place for the issuance of a Task Order:
1. **Task Order Packet:** The acquiring agency shall submit to the appropriate BLM State Director the Task Order packet as set forth in Appendix B, Section A (Task Order Packet).
  2. **Task Order Issuance:** Upon receipt and approval of the Task Order packet, the BLM Contracting Office shall issue a Task Order in accordance with Attachment 1 of this MOU.
  3. **Reimbursement Process:** The acquiring agency shall conform to the Task Order and reimbursement process set forth in Attachment 1. BLM shall then reimburse the agencies.
- F. Third-Party Coordination and Notice**
1. **Acquisitions:** The acquiring agency shall coordinate potential purchases with State and local governments, Tribes, landowners, and other interested parties in order to ensure that each party is informed in a timely manner and afforded an opportunity to comment before a final decision to acquire a property or an interest therein occurs.

2. **Land Sales and Exchanges:** In accordance with this MOU, FLTFA and all other applicable laws, rules and regulations, BLM shall
  - (a) **Public Notice:** Provide formal public notice of proposed sales and exchanges; and
  - (b) **Coordination:** Coordinate land sales and exchanges with State and local governments, Tribes, landowners, and other interested parties in order to ensure that each party is informed in a timely manner and afforded an opportunity to comment before a final decision to sell or exchange a property or an interest therein occurs.

#### IV. MISCELLANEOUS

- A. **Legislative Authorities:** In addition to the authority provided under FLTFA, this MOU is entered into in accordance with the authority and delegated responsibilities under, but not limited to, the statutes listed below.
  1. **BLM:** Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701);
  2. **FWS:** National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668);
  3. **NPS:** National Park Service Act of 1916 (16 U.S.C. 1); and
  4. **USFS:** National Forest Management Act of 1976 (16 U.S.C. 472).
- B. **Definitions:** The terms set forth below shall have the means ascribed to them in FLTFA and are hereby incorporated into this MOU:
  1. **Agencies:** "Agencies" shall have the meaning ascribed to it in Section 1 (B).
  2. **Exceptional Resource:** "Exceptional resource" shall mean 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.
  3. **Federally Designated Area:** "Federally designated area" shall mean land in Alaska and the eleven contiguous Western States that on the date of enactment of FLTFA 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

- (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; and
- (e) An area within which the Secretary of the Interior or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as wilderness under the Wilderness Act, a wilderness study area, a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act, or a component of the National Trails System under the National Trails System Act.

4. **Inholding:** "Inholding" shall mean 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.

- C. **Contacts:** Each agency shall designate a single point of contact for all matters related to or arising from this MOU.
- D. **Amendments:** If the authority under FLTFA is extended or otherwise amended by Congress, this MOU shall remain in effect and shall be amended as necessary to reflect Congressional direction.
- E. **Term:** This MOU shall begin on the date of the last signature below and shall continue, unless terminated in writing by any agency with thirty (30) calendar days notice, until July 25, 2010.

*P. Lynn Scarlett*

P. Lynn Scarlett  
Assistant Secretary  
Policy, Management and Budget

*5/6/03*

Date

*Kathleen Clarke*

Kathleen Clarke  
Director, Bureau of Land Management

*4/10/03*

Date

*Fran P. Mainella*

Fran P. Mainella  
Director, National Park Service

APR 14 2003

Date

*Steve Williams*

Steven A. Williams  
Director, Fish and Wildlife Service

APR 15 2003

Date

*Dale N. Bosworth*

Dale N. Bosworth  
Chief, U.S. Forest Service

*5/5/03*

Date

## ATTACHMENT 1

FEDERAL LAND DISPOSAL ACCOUNT OBLIGATION  
AND REIMBURSEMENT PROCESS

This Attachment 1 sets forth the process for obligating and reimbursing funds from the Federal Land Disposal Account. The process is designed to ensure that funds allocated under FLTFA are expended appropriately. It specifies the documentation required to initiate an acquisition project and to be reimbursed for the acquisition, including certain associated direct costs.

**I. ACQUISITION FORMS AND PROCESS**

- A. Acquisition Proposal Nomination Process:** For each acquisition proposal, the acquiring agency shall submit the Land Acquisition Proposal-Estimated Direct Costs form attached hereto (Appendix A) and a brief project description to the Land Transaction Facilitation Council.
- B. Secretarial Discretion:** The Secretary of the Interior and the Secretary of Agriculture shall retain discretion to approve or deny all planned expenditures of FLTFA funds for land acquisitions.
- C. Notification:** The appropriate BLM State Director shall notify the agencies in writing of the Secretaries' decisions.

**II. TASK ORDER**

- A. Required Documentation:** The acquiring agency shall have one year from the date of project approval notification from the BLM State Director to open a Task Order. To open a Task Order, the acquiring agency must prepare and submit to the appropriate BLM State Director the documentation set forth in of Appendix B, Section A (Task Order).
- B. Issuance of Task Order:** The BLM Contracting Officer shall issue a Task Order to the acquiring agency within thirty (30) calendar days following receipt of the required documentation. The Task Order shall be signed by an authorized representative of the acquiring agency prior to submission to the BLM Contracting Officer for signature. The Task Order obligates funding from the Federal Land Disposal Account for the specific acquisition.

**III. REIMBURSEMENTS**

- A. Reimbursable Costs:** Direct acquisition costs associated with land acquisition projects shall be reimbursed from the Federal Land Disposal Account. Direct acquisition costs are identified on the Land Acquisition Proposal-Estimated Direct Costs form attached hereto (Appendix A).

- B. Non-Reimbursable Costs:** Costs that are not reimbursable shall be the responsibility of the acquiring agency.
- C. Reimbursable Account:** A Task Order allows the acquiring agency to open a reimbursable account for the project. The acquiring agency may charge against this account up to the amount of the Task Order. The final transfer of funds to the acquiring agency shall occur when the acquisition is completed and all documentation is in order.
- (1) **No-Year Accounts:** Reimbursable accounts are generally "no-year" accounts, so they need not be settled at the end of a fiscal year.
  - (2) **Appropriated Funds:** Once the appropriate budget arrangements are made, all or part of the direct costs of acquisition may be charged against appropriated funds and then reimbursed later from the Federal Land Disposal Account.
- D. Incomplete Acquisition:** If, for any reason, the acquisition cannot be completed, the individual agency shall cover any expenditures from other funding sources.

#### IV. TASK ORDER AMENDMENTS

- A. Amendment:** The acquiring agency shall request an Amendment to the Task Order whenever the actual direct costs to be reimbursed from the Federal Land Disposal Account exceed the original approved budget amount. No Amendment to the Task Order is required if the cost overruns will be covered by other agency appropriated funds.
- B. Form:** An Amendment to the Task Order shall be in writing accompanied by a justification statement explaining the reason for project overruns. Amendment requests shall be processed as expeditiously as possible but no less than thirty (30) calendar days from receipt of a request. Amendments associated with work outside the scope of the original approved project shall not be considered.

#### V. FINAL DOCUMENTATION

- A. Documentation:** Following completion of the land acquisition, the acquiring agency shall prepare and submit to the appropriate BLM State Director a reimbursement/payment documentation package which includes the documentation set forth in Appendix B, Section (B) (Reimbursement/Payment Packet).
- B. Final Transfer:** The BLM State Director shall review the package and, upon approval, authorize the final transfer of funds to the acquiring agency. The BLM State Director shall also maintain a case file of acquisition documents to support the disbursement from the Federal Land Disposal Account.

## APPENDIX A

LAND ACQUISITION PROPOSAL - ESTIMATED DIRECT COSTS

|  |    |  |  |  |   |
|--|----|--|--|--|---|
| 1. Land  | \$ |  |  |  | % |
| 2. Appraisal   | \$ |  |  |  | % |
| 3. Land Survey   | \$ |  |  |  | % |
| 4. Environmental Site Assessment   | \$ |  |  |  | % |
| 5. Title and Escrow Fees   | \$ |  |  |  | % |
| 6. Recording Fees  | \$ |  |  |  | % |
| 7. Pro-rata Share of any pre-paid property taxes or assessments  | \$ |  |  |  | % |
| 8. Other Miscellaneous Closing Costs   | \$ |  |  |  | % |
| 9. Penalties and Charges for prepayment of pre-existing recorded mortgage, deed of trust or other security instrument that encumbers the real property | \$ |  |  |  | % |
| 10. Relocation Payments to Eligible Tenants  | \$ |  |  |  | % |
| <b>TOTAL:</b>  | \$ |  |  |  | % |

The acquiring agency agrees to furnish equipment, materials, facilities, services, personnel, overhead expenses and all other costs and expenses except those specified above.

Acquiring Agency \_\_\_\_\_ Authorized Officer \_\_\_\_\_ Date \_\_\_\_\_

**APPENDIX B****DOCUMENTATION REQUIREMENTS FOR LAND ACQUISITION****A. Task Order Packet**

1. Form 1681, Task Order;
2. Land acquisition project proposal description and schedule;
3. Estimated Direct Costs;
4. Written Approval of the Secretaries; and
5. Range of Value Estimate approved by nominating agency appraiser in the form of a "work in progress" statement.

**B. Reimbursement/Payment Packet**

1. Final Title Opinion;
2. Receipts for Direct Costs;
3. Recorded Deed;
4. Cover Letter requesting payment and attesting to compliance with this MOU, FLTFA, the Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970(PI-91-646), and all applicable agency acquisition policies; and
5. Copy of agency Appraisal Review Report.

**CALIFORNIA INTERAGENCY IMPLEMENTATION TEAM MEMBERS  
(FLTFA Team)**

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**Bureau of Land Management**

Joy Wehking  
Realty Specialist  
2800 Cottage Way, Room W-1834  
Sacramento, CA 95825  
Phone: 916-978-4647  
Email: [jwehking@ca.blm.gov](mailto:jwehking@ca.blm.gov)

**National Park Service**

Greg Gress  
1111 Jackson Street, Suite 700  
Oakland, CA 94607-4807  
Phone: 510-817-1414  
Email: [Greg.Gress/OAKLAND/NPS@NPS](mailto:Greg.Gress/OAKLAND/NPS@NPS)

**U.S. Forest Service**

Mike Miller/Peggy Hernandez  
1323 Club Drive  
Vallejo CA 94592  
Phone: 707-562-8961/707-562-8970  
Email: [mmiller@fs.fed.us](mailto:mmiller@fs.fed.us) [phernandez@fs.fed.us](mailto:phernandez@fs.fed.us)

**U.S. Fish and Wildlife Service**

Stephen M. Dyer, Realty Officer  
California/Nevada Operations Realty Office  
2800 Cottage Way, W-1832  
Sacramento CA 95825  
Phone: 916-414-6445  
FAX: 916-414-6497  
Email: [stephen\\_dyer@fws.gov](mailto:stephen_dyer@fws.gov)

**FEDERAL REGISTER PUBLICATION – REQUEST FOR NOMINATIONS  
[DRAFT]**

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**DEPARTMENT OF THE INTERIOR  
Bureau of Land Management**

**[CA-930-06-5870-HN]**

**Call for Public Nominations of Inholding Properties for Potential Purchase by the Federal Government in the State of California**

**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 California 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  
2800 Cottage Way, Room W-1834  
Sacramento, CA 95825

U.S. Forest Service  
1323 Club Drive  
Vallejo CA 94592

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

U.S. Fish and Wildlife Service  
California/Nevada Operations Office  
2800 Cottage Way, W-2606  
Sacramento CA 95825

**FOR FURTHER INFORMATION CONTACT:** Joy Wehking, FLTFA Program Manager, BLM California State Office, phone 916-978-4647; email [cafltfaprog@ca.blm.gov](mailto:cafltfaprog@ca.blm.gov), or visit BLM's website at <http://www.ca.blm.gov/pa/lands/fltfa>.

**SUPPLEMENTARY INFORMATION:** In accordance with the FLTFA, the four federal agencies noted above are offering to the public at large the opportunity to nominate lands in the State of California for possible federal acquisition. Under the provisions of FLTFA, only the following lands are eligible for nomination: (1) Inholdings within a federally designated area; or (2) lands that are adjacent to federally designated areas that contain exceptional resources.

An inholding is 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.

A federally designated area is an area, in existence on July 25, 2000, set aside for special management, including units of the national park, national wildlife refuge, and national forest systems; national monuments, national conservation areas, national riparian conservation areas, national recreation areas, national scenic areas, research natural areas, national

outstanding natural areas, national natural landmarks, and areas of critical environmental concern managed by the Bureau of Land Management; wilderness or wilderness study areas; and units of the Wild and Scenic Rivers System or National Trails System.

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 landowner must also sign the nomination to confirm their willingness to sell. Nominations will only be considered eligible by the agencies if: (1) the nomination package is complete; (2) acquisition of the nominated land or interest in land would be consistent with an approved BLM land use plan; (3) the land does not contain a hazardous substance or is not otherwise contaminated; and (4) acceptable title can be conveyed in accordance with federal title standards. Priority will be placed on Federal acquisitions in areas where there is no objection by local government

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 inholding 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 made at fair market value established by 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 contact Joy Wehking at the address noted above or by visiting the California FLTFA website at <http://www.ca.blm.gov/pa/lands/fltfa>.

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Mike Pool,  
State Director, California

**NOMINATION PACKAGE**  
**Proposed Acquisition of Land under the Federal Land Transaction Facilitation Act**

---

Name of the federal designated area in California that property is within  or adjacent to

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Federal Agency that has jurisdiction over the federal designated area:

Bureau of Land Management  
 National Park Service

U.S. Fish and Wildlife Service  
 U.S. Forest Service

Property owner(s); if there are multiple owners, list all and indicate primary contact person or authorized representative:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_

Date property was acquired by current owner(s): \_\_\_\_\_

Legal description of offered property (can be attached, if lengthy):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Assessor Parcel Numbers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total acreage of property: \_\_\_\_\_

List the estate and property interests being offered: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List any interests to be retained: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List of any improvements, tenants or occupants on the property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anticipated selling price of property: \_\_\_\_\_

Basis for asking price (appraisal of property or of similar property; assessed value; recent sales of similar property; etc.)-

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**Attachments:**

- Title policy or other document of ownership and existing encumbrances
- Legal description of property if not included above
- Maps of offered property
- Assessor parcel maps of offered property
- Photographs (including aerial photos if available)
- Disclaimer of hazardous materials and/or other liabilities associated with the property

In submitting this nomination and by signing below, I/we hereby acknowledge the following:

I/we have read the document entitled "Federal Acquisition Process" and understand the basic process required for a federal agency to acquire property.

I/we understand that the purchase price of the property will be based on an agency-approved appraisal completed by a qualified appraiser, and that I/we have the right to accept or reject the value established by that appraisal.

I/we understand that nominating the property for sale does not create an obligation to sell the property, nor does it obligate the agency to purchase the property, unless the terms and conditions for the sale/purchase are mutually agreed to by both parties.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

[Add additional signature blocks as necessary]

[If nomination is being made by a party other than the landowner(s), include contact information for nominating party below.]

**LAND ACQUISITION - PROJECT DESCRIPTION'**

---

**Acquiring Agency:** \_\_\_\_\_

**Name of Federal Designated Area:** \_\_\_\_\_

Inholding or  Adjacent (w/ exceptional resources)

**Owner(s) Name:** \_\_\_\_\_

**Estimated Value:** \_\_\_\_\_

**Parcel Acreage:** \_\_\_\_\_ **Estate Offered:** \_\_\_\_\_

**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 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:**

- Map of parcel(s) and Federal Designated Area Boundary
- Nomination Package
- Land Acquisition - Estimated Costs

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

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**LAND ACQUISITION - ESTIMATED COSTS**


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Project Name: \_\_\_\_\_

BLM Serial No.: \_\_\_\_\_

Agency: \_\_\_\_\_

Agency Contact: \_\_\_\_\_

Phone No.: \_\_\_\_\_

|   |          |
|---|----------|
| 1. Land (purchase price not to exceed fair market value)  | \$ _____ |
| 2. Appraisal  | \$ _____ |
| 3. Land/Boundary Survey   | \$ _____ |
| 4. Environmental Site Assessment  | \$ _____ |
| 5. NEPA Documentation   | \$ _____ |
| 6. Certificate of Inspection and Possession   | \$ _____ |
| 7. Title Report, Escrow Fees, Recording Fees, Misc. Closing Costs   | \$ _____ |
| 8. Pro-rata share of any pre-paid property taxes or assessments   | \$ _____ |
| 9. Penalty costs and other charges for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumbers the real property   | \$ _____ |
| 10. Relocation assessment/payments to eligible tenants  | \$ _____ |
| 11. Case management direct labor or contracted labor costs including, but not limited to, 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) | \$ _____ |
| 12. 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.)  | \$ _____ |
| 13. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out case management)  | \$ _____ |
| 14. Other Necessary Expenses (specify and attach justification)   | \$ _____ |
| <b>Total</b>  | \$ _____ |
| <b>Additional 10% Contingency Funding</b>   | \$ _____ |
| <b>TOTAL FUNDING REQUESTED</b>  | \$ _____ |

Comments:

**LAND ACQUISITION - ESTIMATED COSTS  
(Mixed Funding Sources)**

Project Name: \_\_\_\_\_

BLM Serial No.: \_\_\_\_\_

Agency: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Agency Contact: \_\_\_\_\_

|   | FLTFA<br>Funds | Other<br>Funds |
|---|----------------|----------------|
| 1. Land (purchase price not to exceed fair market value)  | \$ _____       | \$ _____       |
| 2. Appraisal  | \$ _____       | \$ _____       |
| 3. Land/Boundary Survey   | \$ _____       | \$ _____       |
| 4. Environmental Site Assessment  | \$ _____       | \$ _____       |
| 5. NEPA Documentation   | \$ _____       | \$ _____       |
| 6. Certificate of Inspection and Possession   | \$ _____       | \$ _____       |
| 7. Title Report, Escrow Fees, Recording Fees, Misc. Closing Costs   | \$ _____       | \$ _____       |
| 8. Pro-rata share of any pre-paid property taxes or assessments   | \$ _____       | \$ _____       |
| 9. Penalty costs and other charges for prepayment of pre-existing recorded mortgage, deeds of trust or other security instrument that encumbers the real property   | \$ _____       | \$ _____       |
| 10. Relocation assessment payments to eligible tenants  | \$ _____       | \$ _____       |
| 11. Case management direct labor or contracted labor costs including, but not limited to, 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) | \$ _____       | \$ _____       |
| 12. 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.)  | \$ _____       | \$ _____       |
| 13. Official Vehicle Use (pro rata cost for use of Official Vehicles when required to carry out case management)  | \$ _____       | \$ _____       |
| 14. Other Necessary Expenses (specify and attach justification)   | \$ _____       | \$ _____       |
| <br>Total   | \$ _____       | \$ _____       |
| <br>Additional 10% Contingency Funding  | \$ _____       |                |
| <br>TOTAL FUNDING REQUESTED   | \$ _____       |                |

Comments:

CORE MAILING LIST  
NOTIFICATION OF PRELIMINARY RECOMMENDATION PACKAGE'

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|                             |                               |
|-----------------------------|-------------------------------|
| Governor's Office           | U.S. House of Representatives |
| Senator Barbara Boxer       | Senator Diane Feinstein       |
| County Board of Supervisors | State Assembly Field Office   |
| State Senate Field Office   |                               |

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<sup>1</sup> Notices will be sent only to applicable Congressional, State Assembly and State Senate Offices.  
Additional parties may be added to mailing list upon request.

PROPOSED FLTFA ACQUISITION - CALIFORNIA  
PROJECT SUMMARY  
(Month/Year of Nomination)

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Property Name: \_\_\_\_\_

Nominating Entity: \_\_\_\_\_

Federally  
Designated Area: \_\_\_\_\_

Acquiring Agency: \_\_\_\_\_

General Location:  
\_\_\_\_\_

County: \_\_\_\_\_ Acres: \_\_\_\_\_

Project Description /  
Resource Values

Anticipated Costs<sup>1</sup> \_\_\_\_\_  
\_\_\_\_\_

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<sup>1</sup> Anticipated costs include property owner's asking price, plus estimated amount needed for acquisition costs (appraisals, surveys, title and closing costs, etc.)

LAND ACQUISITION – FUNDING REQUEST

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[To be provided when available]

LAND ACQUISITION - SCHEDULE FOR COMPLETION<sup>1</sup>

Project Name: \_\_\_\_\_

BLM Serial No.: \_\_\_\_\_

Agency: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Agency Contact: \_\_\_\_\_

| 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/ecord 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 BLIVI FTLFA Account                          |                           |          |

<sup>1</sup> Form may be modified as necessary to meet agency specific procedures or requirements.

**AMENDMENT TO FUNDING REQUEST**

**Project Name:** \_\_\_\_\_  
**Agency:** \_\_\_\_\_  
**Agency Contact:** \_\_\_\_\_

**BILM Serial No.:** \_\_\_\_\_  
**Phone No.:** \_\_\_\_\_

| <b>Tasks, Activities and Documentation</b>                       | <b>Costs Incurred to Date</b> |                        | <b>Additional Anticipated Costs</b> |                        |
|--|-------------------------------|------------------------|-------------------------------------|------------------------|
|  | Labor/Other Costs             | Contract/Service Costs | Labor/Other Costs                   | Contract/Service Costs |
| Title Report/Evaluation of Title Encumbrances                    |                               |                        |                                     |                        |
| Review of Legal Description/Survey Needs                         |                               |                        |                                     |                        |
| Property Survey  |                               |                        |                                     |                        |
| Certificate of Inspection & Possession                           |                               |                        |                                     |                        |
| Relocation Assessment/Costs                                      |                               |                        |                                     |                        |
| Pre-Acq Environmental Site Assessment/Land Transaction Screening |                               |                        |                                     |                        |
| NEPA Document  |                               |                        |                                     |                        |
| Appraisal  |                               |                        |                                     |                        |
| Preliminary Title Opinion  |                               |                        |                                     |                        |
| Preparation of Acquisition Documents                             |                               |                        |                                     |                        |
| Title Insurance Commitment                                       |                               |                        |                                     |                        |
| Purchase Price   |                               |                        |                                     |                        |
| Recording/Closing Costs/Insurance Premium                        |                               |                        |                                     |                        |
| Final Certificate of Inspection & Possession                     |                               |                        |                                     |                        |
| Final ESA (if needed)  |                               |                        |                                     |                        |
| Final Title Policy   |                               |                        |                                     |                        |
| Final Title Opinion  |                               |                        |                                     |                        |
| Preparation/submission of final documents to EILM                |                               |                        |                                     |                        |
| Other (Specify)  |                               |                        |                                     |                        |
|  |                               |                        |                                     |                        |
| <b>Subtotals</b>   |                               |                        |                                     |                        |

|  |  |
|--|--|
| <b>Amount Approved for Project (Total Estimated Costs)</b> |  |
|  |  |
| <b>Amount Spent to Date</b>                                |  |
|  |  |
| <b>Amount Requested for Project Completion</b>             |  |

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**FINAL ACTUAL COSTS AND EXPENSES REPORT**


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**Project Name:** \_\_\_\_\_**BLM Serial No.:** \_\_\_\_\_**Agency:** \_\_\_\_\_**Phone No.:** \_\_\_\_\_**Agency Contact:** \_\_\_\_\_

| <b>Tasks, Activities and Documentation</b>                       | <b>Labor/Other Costs</b> | <b>Contract/Service Costs*</b> | <b>Comments</b> |
|--|--------------------------|--------------------------------|-----------------|
| Title Report/Evaluation of Title Encumbrances                    |                          |                                |                 |
| Review of Legal Description/Survey Needs                         |                          |                                |                 |
| Property Survey  |                          |                                |                 |
| Certificate of Inspection & Possession                           |                          |                                |                 |
| Relocation Assessment/Costs                                      |                          |                                |                 |
| Pre-Acq Environmental Site Assessment/Land Transaction Screening |                          |                                |                 |
| NEPA Document  |                          |                                |                 |
| Appraisal  |                          |                                |                 |
| Preliminary Title Opinion  |                          |                                |                 |
| Preparation of Acquisition Documents                             |                          |                                |                 |
| Title Insurance Commitment                                       |                          |                                |                 |
| Purchase Price   |                          |                                |                 |
| Recording/Closing Costs/Insurance Premium                        |                          |                                |                 |
| Final Certificate of Inspection & Possession                     |                          |                                |                 |
| Final ESA (if needed)  |                          |                                |                 |
| Final Title Policy   |                          |                                |                 |
| Final Title Opinion  |                          |                                |                 |
| Preparation/submission of final documents to BLM                 |                          |                                |                 |
| Other (Specify)  |                          |                                |                 |
|  |                          |                                |                 |
| <b>TOTALS</b>  |                          |                                |                 |
|  |                          |                                |                 |
| <b>Total Amount Allocated to Project</b>                         |                          |                                |                 |
|  |                          |                                |                 |
| <b>Total Amount Spent</b>  |                          |                                |                 |
|  |                          |                                |                 |
| <b>Balance to be transferred to BLM FTLFA Account</b>            |                          |                                |                 |

\*Appropriate documentation required for contracts and/or services