

ing to the National Forest System of \$150,000 or more for the types of lands which have been heretofore approved by the National Forest Reservation Commission until after 30 days from the date upon which a detailed report of the facts concerning such proposed purchase or transfer is submitted to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate or such earlier time as may be approved by both such committees. Such report shall contain at least the following:

- (1) guidelines utilized by the Secretary in determining that the land should be acquired;
- (2) the location and size of the land;
- (3) the purchase price of the land and the criteria used by the Secretary in determining such price;
- (4) the person from whom the land is being acquired; and
- (5) any adjustment made by the Secretary of relative value pursuant to section 1716(f)(2)(B)(ii) of title 43.

(Pub. L. 94-588, § 17(b), Oct. 22, 1976, 90 Stat. 2962; Pub. L. 100-409, § 6, Aug. 20, 1988, 102 Stat. 1090; Pub. L. 103-437, § 6(r), Nov. 2, 1994, 108 Stat. 4587.)

REFERENCES IN TEXT

The National Forest Reservation Commission, referred to in text, was abolished and the functions thereof were transferred to the Secretary of Agriculture by section 17(a)(1) of Pub. L. 94-588, Oct. 22, 1976, 90 Stat. 2961.

AMENDMENTS

1994—Pub. L. 103-437 in introductory provisions substituted "Agriculture, Nutrition, and Forestry of the Senate" for "Agriculture and Forestry of the Senate".
1988—Pub. L. 100-409 substituted "\$150,000" for "\$25,000" in introductory provisions and added par. (5).

§ 521c. Definitions

For purposes of sections 521c to 521i of this title—

- (1) the term "person" includes any State or any political subdivision or entity thereof;
- (2) the term "interchange" means a land transfer in which the Secretary and another person exchange titles to lands or interests in lands of approximately equal value where the Secretary finds that such a value determination can be made without a formal appraisal and under such regulations as the Secretary may prescribe; and
- (3) the term "Secretary" means the Secretary of Agriculture of the United States.

(Pub. L. 97-465, § 1, Jan. 12, 1983, 96 Stat. 2535.)

§ 521d. Sale, exchange, or interchange of National Forest System land

The Secretary is authorized, when the Secretary determines it to be in the public interest—

- (1) to sell, exchange, or interchange by quitclaim deed, all right, title, and interest, including the mineral estate, of the United States in and to National Forest System lands described in section 521e of this title; and
- (2) to accept as consideration for the lands sold, exchanged, or interchanged other lands, interests in lands, or cash payment, or any

combination of such forms of consideration, which, in the case of conveyance by sale or exchange, is at least equal in value, including the mineral estate, or, in the case of conveyance by interchange, is of approximately equal value, including the mineral estate, to the lands being conveyed by the Secretary. The Secretary shall insert in any such quitclaim deed such terms, covenants,¹ conditions, and reservations as the Secretary deems necessary to ensure protection of the public interest, including protection of the scenic, wildlife, and recreation values of the National Forest System and provision for appropriate public access to and use of lands within the System. The preceding sentence shall not be applicable to deeds issued by the Secretary to lands outside the boundary of units of the National Forest System.

(Pub. L. 97-465, § 2, Jan. 12, 1983, 96 Stat. 2535.)

§ 521e. Small parcels and road rights-of-way

The National Forest System lands which may be sold, exchanged, or interchanged under sections 521c to 521i of this title are those the sale or exchange of which is not practicable under any other authority of the Secretary, which have a value as determined by the Secretary of not more than \$150,000, and which are—

- (1) parcels of forty acres or less which are interspersed with or adjacent to lands which have been transferred out of Federal ownership under the mining laws and which are determined by the Secretary, because of location or size, not to be subject to efficient administration;
- (2) parcels of ten acres or less which are encroached upon by improvements occupied or used under claim or color of title by persons to whom no advance notice was given that the improvements encroached or would encroach upon such parcels, and who in good faith relied upon an erroneous survey, title search, or other land description indicating that there was not such encroachment; or
- (3) road rights-of-way, reserved or acquired, which are substantially surrounded by lands not owned by the United States and which are no longer needed by the United States, subject to the first right of abutting landowners to acquire such rights-of-way.

(Pub. L. 97-465, § 3, Jan. 12, 1983, 96 Stat. 2535.)

§ 521f. Costs of conveyance and value of improvements

Any person to whom lands are conveyed under sections 521c to 521i of this title shall bear all reasonable costs of administration, survey, and appraisal incidental to such conveyance, as determined by the Secretary. In determining the value of any lands or interest in lands to be conveyed under sections 521c to 521i of this title, the Secretary may, in those cases in which the Secretary determines it would be in the public interest, exclude from such determination the value of any improvements to the lands made by any person other than the Government. In the

¹ So in original. Probably should be "covenants,".

case of road rights-of-way conveyed under sections 521c to 521i of this title, the person to whom the right-of-way is conveyed shall reimburse the United States for the value of any improvements to such right-of-way which may have been made by the United States. The Secretary may, in those cases in which the Secretary determines that it would be in the public interest, waive payment by any person of costs incidental to any conveyance authorized by sections 521c to 521i of this title or reimbursement by any person for the value of improvements to rights-of-way otherwise required by this section. (Pub. L. 97-465, § 4, Jan. 12, 1983, 96 Stat. 2536.)

§ 521g. Road rights-of-way subject to State or local law

Conveyance of any road rights-of-way under sections 521c to 521i of this title shall not be construed as permitting any designation, maintenance, or use of such rights-of-way for road or other purposes except to the extent permitted by State or local law and under conditions imposed by such law.

(Pub. L. 97-465, § 5, Jan. 12, 1983, 96 Stat. 2536.)

§ 521h. Regulations; contents

The Secretary shall issue regulations to carry out the provisions of sections 521c to 521i of this title, including specification of—

- (1) criteria which shall be used in making the determination as to what constitutes the public interest;
- (2) the definition of and the procedure for determining “approximately equal value”; and
- (3) factors relating to location or size which shall be considered in connection with determining the lands to be sold, exchanged, or interchanged under clause (1) of section 521e of this title.

(Pub. L. 97-465, § 6, Jan. 12, 1983, 96 Stat. 2536.)

§ 521i. Unaffected lands

Nothing in sections 521c to 521i of this title shall authorize conveyance of Federal lands within the National Wilderness Preservation System, National Wild and Scenic Rivers System, National Trails System, or National Monuments. Nothing in sections 521c to 521i of this title shall authorize sale of Federal lands, within National Recreation Areas.

(Pub. L. 97-465, § 7, Jan. 12, 1983, 96 Stat. 2536.)

§ 522. Omitted

CODIFICATION

Section, act Feb. 15, 1901, ch. 372, 31 Stat. 790; Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793; Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272, which authorized the Secretary of the Interior to permit the use of rights-of-way through the public lands, forest and other reservations of the United States, and the Yosemite, Sequoia, and General Grant national parks, California, for various public utility purposes, was omitted in view of the repeal of its provisions insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System by Pub. L. 94-579. Act Feb. 15, 1901 is also classified to section 959 of Title 43, Public Lands, and was also classified to section 79 of this title prior to its omission from the Code.

§ 523. Omitted

CODIFICATION

Section, acts Mar. 4, 1911, ch. 238, 36 Stat. 1253; May 27, 1952, ch. 338, 66 Stat. 95; Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793; Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272, which authorized heads of departments to grant easements for rights-of-way on “the public lands, national forests, and reservations of the United States” for electrical power and communications purposes, was omitted because its provisions, as they related to public lands and lands in the National Forest System, were repealed by Pub. L. 94-579 and because act Mar. 4, 1911, is also classified to section 961 of Title 43, Public Lands. It was also classified to sections 5 and 420 of this title prior to their omission from the Code.

§ 524. Rights-of-way for dams, reservoirs, or water plants for municipal, mining, and milling purposes

Rights-of-way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the national forests of the United States, are granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said forests are respectively situated.

(Feb. 1, 1905, ch. 288, § 4, 33 Stat. 628.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

CODIFICATION

“National forests” and “forests” substituted in text for “forest reserves” and “reserves”, respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

SAVINGS PROVISION

Repeal by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 525. Rights-of-way for wagon roads or railroads

In the form provided by existing law the Secretary of the Interior may file and approve surveys and plats of any right of way for a wagon road, railroad, or other highway over and across any national forest when in his judgment the public interests will not be injuriously affected thereby.

(Mar. 3, 1899, ch. 427, § 1, 30 Stat. 1233.)

CODIFICATION

As originally enacted, this section contained following the word “forest” the words “or reservoir site”. See sections 665 and 958 of Title 43, Public Lands, which represent the phase of the section here omitted.