

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**(a) Conveyance authority; consideration**

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.

(b) Inclusion of terms, covenants, conditions, and reservations**(1) In general**

The Secretary shall insert in any such quitclaim deed such terms, covenants, conditions, and reservations as the Secretary deems necessary to ensure protection of the public interest, including protection of the scenic, wild-life, and recreation values of the National Forest System and provision for appropriate public access to and use of lands within the System.

(2) Limitation

Paragraph (1) shall not be applicable to deeds issued by the Secretary to lands outside the boundary of units of the National Forest System.

(c) Disposition of proceeds**(1) Deposit in Sisk fund**

The net proceeds derived from any sale or exchange conducted under paragraph (4), (5), or (6) of section 521e of this title shall be deposited in the fund established under section 484a of this title.

(2) Use

Amounts deposited under paragraph (1) shall be available to the Secretary until expended for—

(A) the acquisition of land or interests in land for administrative sites for the National Forest System in the State from which the amounts were derived;

(B) the acquisition of land or interests in land for inclusion in the National Forest System in that State, including land or interests in land that enhance opportunities for recreational access; or

(C) the reimbursement of the Secretary for costs incurred in preparing a sale conducted under the authority of section 521e of this title if the sale is a competitive sale.

(Pub. L. 97-465, §2, Jan. 12, 1983, 96 Stat. 2535; Pub. L. 115-334, title VIII, §8621(c), Dec. 20, 2018, 132 Stat. 4852.)

AMENDMENTS

2018—Pub. L. 115-334, §8621(c)(1)–(3), designated first sentence as subsec. (a) and inserted subsec. heading, designated second sentence as par. (1) of subsec. (b), inserted subsec. and par. headings, and substituted “covenants” for “convenants”, and designated third sentence as par. (2) of subsec. (b), inserted par. heading, and substituted “Paragraph (1) shall not” for “The preceding sentence shall not”.

Subsec. (c). Pub. L. 115-334, §8621(c)(4), added subsec. (c).

§ 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 \$500,000, 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;

(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;