SRP00376

Issued February 13, 1913.

U. S. DEPARTMENT OF AGRICULTURE,

OFFICE OF THE SOLICITOR.

GEO. P. McCABE, Solicitor.

9

THE NATIONAL FOREST MANUAL.

GENERAL LAWS, PARTS OF LAWS, DECISIONS, AND OPINIONS APPLICABLE TO THE CREATION, ADMINISTRATION, AND PROTECTION OF NATIONAL FORESTS.

PREPARED FOR THE USE OF OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF AGRICULTURE.

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Transmission lines, etc.—The authority to grant fifty-year easements for transmission and other lines under the act of March 4, 1911 (36 Stat., 1235), is vested in the Secretary of Agriculture when and in so far as the lands affected constitute portions of the National Forests. (29 Op. Atty. Gen., 303.)

Telegraph lines.—The act of July 24, 1866 (now Rev. Stat., sec. 5263), granting rights of way for telegraph lines does not apply to National Forest lands. (1 Sol. Op., 266, 452.)

INDIAN ALLOTMENTS IN NATIONAL FORESTS.

Act June 25, 1910 (36 Stat., 855), relating to Indian allotments, etc.

Persons entitled to allotments.

SEC. 31. That the Secretary of the Interior is hereby authorized, in his discretion, to make allotments within the National Forests in conformity with the general allotment laws as amended by section [16] of this act, to any Indian occupying, living on, or having improvements on land included within any such National Forest who is not entitled to an allotment on any existing Indian reservation, or for whose tribe no reservation has been provided, or whose reservation was not sufficient to afford an allotment to each member thereof. All applications for allotments under the provisions of this section shall be submitted to the Secretary of Agriculture, who shall determine whether the lands applied for are more valuable for agricultural or grazing purposes than for the timber found thereon; and if it be found that the lands applied for are more valuable for agricultural or grazing purposes, then the Secretary of the Interior shall cause allotment to be made as herein provided.[1]

Applications to Secretary of Agriculture.

Action by Secretary of the Interior.

TOWNSITES.

Section 2286 and sections 2380 to 2394, inclusive, Revised Statutes, provide methods of acquiring public land for town-site purposes on the vacant unreserved lands of the United States.

Act of March 3, 1877 (19 Stat., 392), provides for additional town sites.

Act March 3, 1891 (26 Stat., 1101), provides for town sites on mineral lands.

There are also various acts applicable to individual States. See circular Department of Interior of August 7, 1909 (38 L. D., 92).

A town site actually settled and occupied before the creation of a National Forest is excepted from the proclamation, even though the land is unsurveyed; and an occupant of lands within the town site can not be required to take out a forest service permit. (2 Sol. Op., 726.)

ADMINISTRATIVE SITES.

The withdrawal of an administrative site riparian to a stream does not of itself reserve water for administrative uses on such site; and the right to such water can be secured only by appropriation under the State laws. (1 Sol. Op., 590.)

The establishment of a forest reserve does not contemplate the actual use or occupancy of any particular tract within the designated boundaries of the reserve; hence there is no incongruity in providing that, after the creation of the reserve, lands may be prospected, and, if shown to be mineral in character, located and entered under the mining laws. The purposes for which the withdrawal now proposed to be made (administrative site) contemplates and requires the actual use and occupancy of each tract and the expenditure of money upon each or most of such tracts, and this of necessity excludes the operation of any other claim. Land not known at the time to be mineral in character may be devoted to purposes recognized by law as proper in the aid of the objects sought to be attained by establishment of forest reserves, or coming within the purview of the appropriation acts for protection and administration of such reserves and subsequent discovery of mineral therein will not affect its use for those purposes or render

[1] This section does not apply to the Minnesota National Forest. (Letter Secretary of the Interior to Secretary of Agriculture, Sept. 27, 1912.)

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FSH 5409.13 - LAND ACQUISITION HANDBOOK
WO AMENDMENT 5409.13-91-1
EFFECTIVE 9/3/91

ZERO CODE

Forest Service acquisitions are subject to a variety of procedural requirements. While many procedures apply to all cases, some acquisitions must comply with additional specific legal or policy requirements. This handbook outlines these procedures and requirements, and provides technical guidance to those involved with land acquisition.

05 - DEFINITIONS.

1. Abstract of Title. An abstract of title is a history of the title to land, consisting of a complete copy or synopsis of all instruments of public record that affect the title to a specific tract of land or any estate or interest in that land, together with a statement of all liens, charges, or liabilities to which the land may be subject, and of which the purchasers should be apprised. An abstract involves a title search from the grant or patent, which is the normal inception of each title to date, or for a limited period, as the particular case may require.

2. Administrative Site. An administrative site is an area of land acquired, withdrawn, or leased, and dedicated specifically for forest headquarters, ranger stations, dwellings, warehouses, scaling stations, fire-retardant mixing stations, guard stations, and similar administrative installations for conducting Forest Service activities. Sites may consist of one or more semicontiguous parcels and vary in size. Administrative sites are usually restricted to the area occupied by support buildings and grounds, and may be located within, adjacent to, or a considerable distance from a National Forest System unit.

Public Law 109–54
109th Congress

An Act

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Aug. 2, 2005
[H.R. 2361]

Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $860,791,000, to remain available until expended, of which $1,250,000 is for high priority projects, to be carried out by the Youth Conservation Corps; and of which $3,000,000 shall be available in fiscal year 2006 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $860,791,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

SRP00380

SEC. 439. (a) ACROSS-THE-BOARD RESCISSIONS.—There is hereby rescinded an amount equal to 0.476 percent of the budget authority provided for fiscal year 2006 for any discretionary appropriation in titles I through IV of this Act.

(b) PROPORTIONATE APPLICATION.—Any rescission made by subsection (a) shall be applied proportionately—

(1) to each discretionary account and each item of budget authority described in subsection (a); and

(2) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(c) INDIAN LAND AND WATER CLAIM SETTLEMENTS.—Under the heading "Bureau of Indian Affairs, Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians", the across-the-board rescission in this section, and any subsequent across-the-board rescission for fiscal year 2006, shall apply only to the first dollar amount in the paragraph and the distribution of the rescission shall be at the discretion of the Secretary of the Interior who shall submit a report on such distribution and the rationale therefor to the House and Senate Committees on Appropriations.

Applicability.
Reports.

TITLE V—FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT

Forest Service Facility Realignment and Enhancement Act of 2005.
16 USC 580d note.

SEC. 501. SHORT TITLE.

This title may be cited as the "Forest Service Facility Realignment and Enhancement Act of 2005".

SEC. 502. DEFINITIONS.

16 USC 580d note.

In this title:

(1) ADMINISTRATIVE SITE.—The term "administrative site" means—

(A) any facility or improvement, including curtilage, that was acquired or is used specifically for purposes of administration of the National Forest System;

(B) any Federal land associated with a facility or improvement described in subparagraph (A) that was acquired or is used specifically for purposes of administration of Forest Service activities and underlies or abuts the facility or improvement; or

(C) not more than 10 isolated, undeveloped parcels per fiscal year of not more than 40 acres each that were acquired or used for purposes of administration of Forest Service activities, but are not being so utilized, such as vacant lots outside of the proclaimed boundary of a unit of the National Forest System.

(2) FACILITY OR IMPROVEMENT.—The term "facility or improvement" includes—

(A) a forest headquarters;

(B) a ranger station;

(C) a research station or laboratory;

(D) a dwelling;

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(E) a warehouse;
(F) a scaling station;
(G) a fire-retardant mixing station;
(H) a fire-lookout station;
(I) a guard station;
(J) a storage facility;
(K) a telecommunication facility; and
(L) other administrative installations for conducting Forest Service activities.

(3) MARKET ANALYSIS.—The term "market analysis" means the identification and study of the real estate market for a particular economic good or service.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

16 USC 580d note.

SEC. 503. AUTHORIZATION FOR CONVEYANCE OF FOREST SERVICE ADMINISTRATIVE SITES.

(a) CONVEYANCES AUTHORIZED.—In the manner provided by this title, the Secretary may convey an administrative site, or an interest in an administrative site, that is under the jurisdiction of the Secretary.

(b) MEANS OF CONVEYANCE.—The conveyance of an administrative site under this title may be made—

(1) by sale;
(2) by lease;
(3) by exchange;
(4) by a combination of sale and exchange; or
(5) by such other means as the Secretary considers appropriate.

(c) SIZE OF CONVEYANCE.—An administrative site or compound of administrative sites disposed of in a single conveyance under this title may not exceed 40 acres.

(d) CERTAIN LANDS EXCLUDED.—The following Federal land may not be conveyed under this title:

(1) Any land within a unit of the National Forest System that is exclusively designated for natural area or recreational purposes.

(2) Any land included within the National Wilderness Preservation System, the Wild and Scenic River System, or a National Monument.

(3) Any land that the Secretary determines—

(A) is needed for resource management purposes or to provide access to other land or water;

(B) is surrounded by National Forest System land or other publicly owned land, if conveyance would not be in the public interest due to the creation of a non-Federal inholding that would preclude the efficient management of the surrounding land; or

(C) would be in the public interest to retain.

(e) CONGRESSIONAL NOTIFICATIONS.—

(1) NOTICE OF ANTICIPATED USE OF AUTHORITY.—As part of the annual budget justification documents provided to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, the Secretary shall include—

(A) a list of the anticipated conveyances to be made, including the anticipated revenue that may be obtained,