BUSINESS OPERATION DIRECTIVES PROJECT
MAY 7, 2021

Topic: Reviewing Directives
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Director of Lands, Forest Service

Purpose: Following 2018 Farm Bill amendments to the Small Tracts Act (STA), the U.S. Forest Service is revising the directive implementing the STA. These revisions are necessary to bring the Agency into alignment with the 2018 Farm Bill, specifically regarding the valuation of land the Agency sells or exchanges to keep pace with increasing market value, as well as expanding the categories of land that can be sold or exchanged under this authority. The Forest Service is seeking concurrence on the amendments in FSH 5509.11, chapter 20, STA.

Background: The Forest Service is revising its directive implementing the STA due to amendments made to it by the 2018 Farm Bill. The amendments update the value of lands the Agency can sell or exchange to keep up with increasing land values ($150,000 to $500,000). The directive also expand the categories of lands that can be sold or exchanged under the STA. Proceeds generated from eligible sales made under the Small Tracts Act may be deposited in a Sisk Act account, allowing the Agency to acquire lands that improve the health and productivity of National Forests while simultaneously disposing small, problematic parcels.

A direct final rule published on February 13, 2020, which contained the increase in land value and added the category for cemeteries, landfills, and sewer treatment plants. A proposed rule containing the remaining provisions discussed above was published on February 27, 2020. It included a 60-day comment period. A final rule published on September 29, 2020. Draft directives were written and reviewed by Washington Office and Regional lands staff with direct working knowledge in STA.

Key Points proposed revisions to the Directive:

- The land value threshold for eligible parcels will increase to $500,000 from $150,000.
- A category will be added for cemeteries, landfills, and sewer treatment plants authorized under a special use authorization or other authorization by the Secretary of Agriculture.
- A category will be added for parcels 10 acres or less encroached upon by permanent, habitable improvements where there is no evidence the encroachment is intentional or negligent.
- A category will be added for parcels 40 acres or less that are physically isolated, inaccessible, or lack National Forest characteristics.

Analysis: By approving this draft directive, the Department will provide clear direction to the field in resolving long standing encroachment cases, prevent further trespass cases and improve relationships with local governments, organizations and tribes that utilize the National Forest. This tool will allow local Line Officers to be good stewards of the public’s land. It is anticipated a final directive package can be signed by leadership in FY2021.
Recommendation: The Forest Service recommends approval by the Secretary in order to update FSH 5509.11 chapter 20, STA in order to be in alignment with 2018 Farm Bill and subsequent regulation.

Decision:

Approve______

Disapprove______

Let’s Discuss______