Forest Service Response to Public Comments on 
FSH 5509.11 Chapter 20

July 14, 2021

DESCRIBE WHAT WAS PUBLISHED FOR COMMENT AND WHEN IT WAS PUBLISHED.

On June 4, 2021, the Forest Service (Agency) published a proposed directive for public comment implementing directives that align internal procedures and guidance with recent amendments to the Small Tracts Act (STA) under the 2018 Farm Bill. The Small Tracts Act allows the Forest Service to resolve land disputes and management problems through the sale, exchange, or interchange of specific categories of relatively small land parcels described in the Act and its amendments. These directive updates follow earlier changes to two agency rules, which modernized the requirements to determine the eligibility of parcels to be sold, exchanged, or interchanged. The 30-day comment period ended July 6, 2021.

The Agency received timely comments from 4 respondents, including members of the public and one state government agency. Three responses were either generally supportive of or opposed to the proposed directive. One response posed specific concerns about the timeliness of proposal processing. All comments are addressed below, organized by topic.

IDENTIFY MAJOR CATEGORIES OF COMMENTS AND SUMMARIZE COMMENTS AND PROVIDE A RESPONSE FOR EACH CATEGORY.

General Comments on the Proposed Directive

Comments: Two commenters supported the Agency’s efforts to resolve land disputes and management problems through the sale, exchange, or interchange of specific categories of relatively small land parcels.

Response: The Agency welcomes this support.

Comments: Two comments were not supportive of selling National Forest lands for any reason.

Response: The Agency welcomes all feedback on the management of National Forest Lands. The purpose of the STA is to assist with resolving small land disputes between private and public lands. The amended STA continues to provide the agency with limited tools for resolving land management issues using conveyances, in ways that also preserve the public interest, respect private property rights and facilitate greater access and enjoyment for all involved. The agency anticipates that the recent changes to this authority will not dramatically increase the number of conveyances completed under this or any other authority.

Timeliness of processing proposals

Comment: One commenter expressed concern about the timely processing of proposals and requested that a 30- or 60-day time limit be instituted to streamline the processing of proposals.
Response: The Agency considers Small Tracts Act proposals to be a high priority activity. Despite the small size of the parcels involved, these cases often address complex legal issues of ownership, color of title, and trespass or encroachment, which can vary significantly from project to project. Therefore, it is not practical to impose an arbitrary deadline that may prevent all parties from conducting the necessary due diligence to ensure that every project is successful.