Issue:

The Forest Service is proposing updates to directives that align internal procedures and guidance with recent changes to the Small Tracts Act 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.

Background:

The following directive will be updated:

   FSH 5509.11 Chapter 20, updates Sections 21.

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. 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 and organized by topic. See Response to Public Comments document.

These directives align internal guidance with recent changes to agency rules, which included adding three new categories of parcels that qualify for conveyance:

- Parcels used as cemeteries, landfills, or sewage treatment plants authorized under a special use authorization or other authorization by the Secretary of Agriculture
- Parcels 10 acres or less encroached upon by permanent, habitable improvements where there is no evidence the encroachment is intentional or negligent
- Parcels 40 acres or less that are physically isolated, inaccessible, or lack National Forest characteristics

The 2018 Farm Bill also raised the maximum value for parcels of land that qualify to be sold, exchanged, or interchanged, from $150,000 to $500,000.

The proceeds from conveyances in the 2018 Farm Bill amendments may be used to acquire land or interests in land within the same State suitable for administrative sites or inclusion in the National Forest System, or to reimburse costs incurred in the competitive sale of eligible land.

Next Steps/Recommendation:

Proceed with final publication of this directive, and all comments as they have have been addressed in the response to comments document.