



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

California State Office
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MAY 05 2006

In Reply Refer To:
2100/2700(CA930)P

Senator Barbara Boxer
Attn: Stacey Smith
Deputy State Director
501 "I" Street, Suite 7-600
Sacramento, CA 95814

Dear Honorable Senator Boxer:

This is in response to your request dated April 21, 2006 for information regarding the processes for acquiring public lands through a direct purchase that the Bureau of Land Management (BLM) has identified for disposal. You also request information on a provision allowing BLM to sell land and to reinvest 100 percent of the receipts into the acquisition of land that has been identified locally as having extraordinary resource value.

Your inquiry relates to two separate authorities; the Federal Land Policy and Management Act of October 21, 1976 (FLPMA), and the Federal Land Transaction Facilitation Act of July 25, 2000 (FLTFA). In general terms, FLPMA provides the BLM with the authority to dispose of land through sale or exchange, provided the lands have been identified through the BLM's land use planning process as suitable for disposal. FLTFA, on the other hand, authorizes the use of the receipts generated through the sale or exchange of public land by various federal agencies to acquire land within federally designated areas. There is much detail to both of these authorities and the Bureau's processes under each. We will try to answer your questions sufficiently with this letter, but also recommend that you refer to the information we have enclosed herewith and to BLM's FLTFA website to obtain further information.

Section 203 of FLPMA and the implementing regulations under 43 CFR 2710 provide for the sale of public land. Sales are to be conducted under competitive bidding procedures unless certain criteria are met that would allow for modified competitive or direct sales. The direct sale of public land to an entity or individual may occur where the land is completely surrounded by land under one ownership with no public access; where land is needed by State or local governments or non-profit corporations; or where necessary to protect existing equities or to resolve an inadvertent unauthorized use. Some examples of where direct sales would be appropriate are listed under 43 CFR 2711.3-3(a), a copy of which has been enclosed for your reference.

Under FLTFA, the receipts generated through the sale of public land in the State of California are distributed into two accounts, following a reduction of four percent that is given to the State of California. Twenty percent of the funds go into an account that is to be used by the BLM to prepare additional public land parcels for disposal; the remaining 80 percent goes into a land acquisition account which is made available to the BLM, the National Park Service, the U.S. Fish and Wildlife Service, and the Forest Service to purchase lands in federally designated

areas, subject to approval by the Secretaries of Interior and Agriculture. These four agencies entered into a Statewide Interagency Agreement in November 2005, which outlines the agreed-upon procedures that are to be followed in prioritizing acquisition projects. A copy of the agreement can be accessed on BLM's FLTFA website. While the agreement provides general guidelines for the use of available acquisition funds by all of the agencies, there are provisions that would allow for all of the funds to be utilized by a single agency for a particular acquisition. This would have to be agreed to among all four of the agencies, and then approved by the Secretaries. Additionally, the funds can only be used to acquire lands within or adjacent to federally designated areas as defined by the Act. Lands that are adjacent to but not within a federally designated area must also contain exceptional resources, as defined in the Act.

You have requested examples of past transactions where 100 percent of the available FLTFA funds were utilized for a single acquisition. To date, we have not completed any acquisitions in California utilizing FLTFA funding. FLTFA requires that before lands can be purchased, they must first be nominated by the landowner or another interested party with the consent of the landowner. In March 2006, we published a notice in the Federal Register to inform the public of the process under which such nominations may be submitted to the agencies. We are currently in the process of receiving these nominations and no acquisition priorities have yet been established by the agencies.

We hope that this answers your questions, but would be pleased to answer you may have after reviewing the information we have enclosed and visiting the BLM FLTFA website at www.ca.blm.gov/pa/lands/fltfa. You may direct your inquiries to Joy Wehking, FLTFA Program Coordinator for the BLM, at 916-978-4647.

Sincerely,



Mike Pool
State Director



Enclosures:

- 43 CFR 2710 Regulations
- Federal Land Transaction Facilitation Act