



# FOREST SERVICE MANUAL PACIFIC SOUTHWEST REGION (R5) VALLEJO, CALIFORNIA FSM 5400 - LANDOWNERSHIP CHAPTER - ZERO CODE

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**Approved:** Randy Moore, Regional Forester

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**Digest:** 5404.21 - Regional Director of Public Services is delegated responsibilities from FSM 5404.21 from the Regional Forester for planning and carrying out all aspects of the lands program.

5404.23 - Each Forest Supervisor is responsible for supporting an effective landownership adjustment program. Also, the Regional Forester delegates to each Forest Supervisor the responsibility to work with the Regional Land Adjustment Team.

5404.24 - Unless otherwise provided by the Forest Supervisor, each District Ranger is responsible for performing the tasks listed in this section.

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## 5404 - RESPONSIBILITY

### 5404.2 - Field Units

#### 5404.22 - Regional Director of Public Services

Regional Director of Public Services is delegated responsibilities from FSM 5404.21 from the Regional Forester for planning and carrying out all aspects of the lands program and has the responsibility to:

2. Monitor the authorities and responsibilities delegated to Forest Supervisors, especially when there are personnel changes involved in landownership adjustment activities.
3. Plan, conduct, and provide oversight for Regional land adjustments based on the land and resource management plans and compliance with appropriate laws, regulations, and policy.
4. Inform the Chief, after concurrence of the Regional Forester, of all acquisition cases that may have policy implications or be precedent setting and may attract congressional or media attention. For such cases, complete the Early Warning Alert, Form FS-1600-13, and submit it electronically to the Director of Lands, Washington Office, to forward the form to the Chief.
5. Specify responsibilities of each administrative unit and coordinate landownership adjustment actions involving more than one administrative unit.
6. Ensure that each administrative unit maintains a current land status record, including records of withdrawals, leases, outstanding rights, and other matters affecting National Forest System management.
7. Approve exchanges involving proposed acquisition of administrative sites or facilities (FSM 5403.1).
8. Approve performance or security bonds in connection with exchange cases, after review by the Office of General Counsel for legal sufficiency.
9. Accept and approve options to purchase administrative sites, and, if required, obtain approval of the Assistant Secretary for Administration by coordinating with the Washington Office Director of Lands, if the Agriculture Property Management Regulations (FSM 5403.1, para. 14) are applicable.
10. Approve all purchase cases, except Weeks Act and Special Forest Receipts Act cases, of \$250,000 or more in value. Subject to certification from the Washington Office Director or Deputy Director of Lands that funds are available, accept all purchase options, including those requiring prior Secretary's approval and/or congressional oversight. The authority to accept options on land purchase cases under \$150,000 may be delegated to Forest Supervisors who meet the requirements in this section.
11. Issue the agency's written concurrence to settlement of condemnation cases within the guidelines established in FSM 5480 when the settlement offer does not exceed \$100,000.
12. Ensure the Regional Appraiser directly supervises all staff appraisers regarding performance, staffing, training, and work assignments. The Regional Appraiser may authorize limited delegation of supervisory authority to Senior Review Appraisers when

the supervisory span of control for the Regional Appraiser would otherwise be onerous. Such delegation by the Regional Appraiser shall require the written concurrence of the Regional Director of Public Services and the Chief Appraiser.

13. Ensure all appraisal staff who prepare summary or self-contained appraisal reports have full-time appraisal duties.
14. Issue letters of intent to nonprofit organizations outlining acquisition proposals in situations where there are appropriated funds for the acquisition. Conduct transactions with nonprofit conservation organizations according to the "Guidelines for Transactions Between Nonprofit Conservation Organizations and Federal Agencies," published by the Department of Interior in the Federal Register, August 10, 1983 (48 FR 36342).
15. Accept donations of lands or interests in lands that the Forest Service will administer only when the lands or interests in land meet the criteria set out in FSM 5403.1. Donations in the following categories must have prior review and concurrence by the Washington Office, Director of Lands, and may also require review and approval by the Office of General Counsel:
  - a. The donation may result in adverse public reaction or controversy.
  - b. The donation is outside the boundaries of a National Forest, National Grassland, or purchase unit, or is an isolated tract within an existing unit not planned for acquisition in an approved land and resource management plan.
  - c. The donation is subject to outstanding rights or reservations that could preclude public use of the property for a period of time, affect management of adjoining public lands, or result in future activities limiting public use.
  - d. Acceptance of the donation could be construed as obligating the United States to expend funds in excess of the usual protection and management appropriation, such as properties requiring special expenditures to ensure public safety or to meet appropriate public health or environmental standards.
  - e. Offers to donate rights or interests in land are not identified for acquisition in approved land and resource management plans and the United States does not own existing interests in the property, such as easements in gross.
16. Perform all duties required in connection with acquisition of lands or interests in lands in conformance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of January 2, 1971, as amended (42 U.S.C. 4601 (note), 4601, 4602, 4604, 4621-4633, 4635, 4636, 4638, 4651-4655), and the regulations of the Secretary of Transportation
17. (49 CFR part 24).
18. Accept title to non-Federal lands, execute deeds, certificates of acceptance and request patent(s) or authorize delivery of other considerations after approval of exchanges, purchases, donations, transfers, and interchanges.
19. Except NEPA decisions, execute exchange decision documents and consummate all exchanges of land or interests in lands subject to approval of the Secretary and/or congressional oversight review, after any required review by the Washington Office Director, Deputy Director or Assistant Director of Lands (FSM 5403.1, 5404.14). See the

preceding paragraph 9 in this section concerning approval of administrative site exchanges.

20. Execute exchange documents, such as agreements to initiate, exchange agreements, and exchange timber cutting agreements for bipartite (land for timber) exchanges, including modifications.
21. Authorize timber cutting and removal of exchange timber or release of funds in bipartite exchanges after acceptance of title to the non-Federal land.
22. Execute sale decision quitclaim deeds and case preparation documents. See FSM 5500 for additional direction for Townsite Act and Small Tracts Act sales.
23. Approve marketing strategy, execute purchase and sale agreements, and consummate all sales of land or interest in land. See FSM 5500 for additional direction for Townsite Act and Small Tracts Act sales.

### **5404.23 - Forest Supervisor**

Each Forest Supervisor is responsible for supporting an effective landownership adjustment program. Also, the Regional Forester delegates to each Forest Supervisor the responsibility to work with the Regional Land Adjustment Team for:

1. Conducting studies needed for landownership direction as an integral part of the land and resource management plan.
2. Preparing and maintaining plans and NEPA decisions to fulfill landownership management responsibilities.
3. Directing staff to work with RLAT and provide the necessary surveys, appraisals, and negotiations in exchanges, purchases, sales, and other landownership adjustment transactions, including rights-of-way procurement and title claims, and furnishing complete reports and recommendations as required by the RLAT, Director and Assistant Director or Regional Forester.
4. Provide any assistance to RLAT needed for requesting Bureau of Land Management reports on the status and approval of conveyance of minerals, and arranging for land surveys when needed.
5. Provide any assistance to Regional Boundary and Title staff for planning and carrying out the program to survey, mark, and maintain National Forest property lines.
6. Provide any assistance and information to Regional Land Status Record System, and maintaining a current land status record on the forest, including records of withdrawals, leases, outstanding rights, and other matters affecting National Forest System management.
7. Providing the appropriate congressional delegation with current information about landownership adjustments and including the appropriate congressional delegation in the initial public involvement process so their views can be considered in the development of specific cases.
8. Informing the Regional Forester of all acquisition cases that may have policy implications or be precedent setting and may attract Congressional or media attention, and completing and electronically submitting the Early Warning Alert, Form FS-1600-13, for such cases.

9. In response to an exchange offer, determining if the exchange is in the public interest and meets requirements of law, regulation, policy, and the approved land and resource management plan, and rejecting any offer that does not meet these requirements.
10. Immediately prior to executing a binding document for a land transaction, completing certification in writing that the estate(s) appraised is the same (both the legal description and physical condition on the ground) as that proposed for conveyance or acquisition, and further, that the estimate of value represents current market conditions (FSM 5410.3 para. 16).

#### **5404.24 - District Ranger**

Unless otherwise provided by the Forest Supervisor, each District Ranger is responsible for:

1. Participating in preparation of Forest landownership adjustment plans and programs as they affect the District.
2. Transmitting complete reports and recommendations to the Forest Supervisor.
3. Assisting the Forest Supervisor in the completion of landownership adjustment transactions involving lands within the administrative area.
4. Informing the Forest Supervisor of all acquisition cases that may have policy implications or be precedent setting and may attract congressional or media attention, and completing and submitting electronically the Early Warning Alert, Form FS-1600-13 for such cases.
5. In response to an exchange offer, determining if the exchange is in the public interest and meets requirements of law, regulation, policy, and the approved land and resource management plan, and rejecting any offer that does not meet these requirements.