



Principal Public Lands Disposal Authorities
(excluding public lands in Alaska and land exchanges)

Bureau of Land Management

1. The Federal Land Policy and Management Act (FLPMA) declares a national policy in favor of retaining BLM lands in national ownership unless their sale or transfer advances a national interest.¹ FLPMA sets forth a framework² governing conveyances of BLM public lands, as summarized below.
 - **Identification of Lands in RMPs.** Use of this authority requires that the lands be identified as potentially available for sale in applicable land use plans.
 - A proposed action to dispose of public lands may include amending the RMP needed to accomplish the disposal.
 - **Criteria.** Eligible lands must meet at least one of the following criteria:
 - The tract is difficult and uneconomic to manage due to its location or other characteristics and is not suitable for management by another federal department or agency; or
 - The tract is no longer needed for the purpose for which it was acquired or for any other federal purpose; or
 - The tract is no longer needed for the purpose for which it was acquired or for any other federal purpose; or
 - Disposal of the tract will serve important public objectives (e.g., expansion of communities and economic development³ that cannot be achieved prudently or feasibly on land other than public land and that outweighs other public objectives and values, such as recreation and scenic values).
 - **Size.** The size of the tracts for sale is determined by the “land use capabilities and development requirements.” Additionally, proposed sales of more than 2,500 acres must first be submitted to, and can be disapproved by, the U.S. Congress.⁴
 - **Price.** Lands may not be sold at less than their fair market value.⁵
 - **Competitive Bidding.** Lands must generally be sold through competitive bidding, though BLM can proceed with modified competitive bidding (or no competitive bidding) if it determines that doing so is “necessary and proper” to assure equitable distribution among land purchasers or to recognize equitable considerations or public policies.

¹ See 43 U.S.C. §1701(a)(1).

² See 43 U.S.C. §1713; 43 C.F.R. Part 2710.

³ Note, the Southern Nevada Public Land Management Act (SNPLMA) allows the Department of Interior to sell or exchange lands around Las Vegas to allow for community expansion and economic development. See P.L. 105-263, as amended.

⁴ Note, however, that this requirement is likely unconstitutional. See, *National Mining Association v. Zinke*, 877 F.3d 845, 861 (9th Cir. 2017).

⁵ Note, under Federal Land Transaction Facilitation Act, revenues from these sales are supposed to be reinvested in high-priority conservation and recreation acquisition projects.

- **Other Applicable Requirements and Processes.** Land sales under FLPMA involve a variety of consultations and assessments under the ESA, NHPA, and NEPA.
2. The Recreation and Public Purposes Act (RPPA) authorizes the Department of Interior (DOI) to sell or lease public land to states, local governments, federally recognized Tribes, and nonprofit entities for certain recreational or public purposes (the information provided here only applies to land sales, not leases), as follows:⁶
- **Identification of Lands in RMPs.** While the statute does not explicitly require that the lands be identified as potentially available for sale in applicable land use plans, BLM regulations require a finding that disposal of BLM lands would serve the national interest as determined through a FLPMA land use planning process.⁷
 - **Purpose.** Permissible public purposes include the establishment of parks, historic monument sites, fairgrounds, schools, hospitals, fire and police stations, courthouses, social services facilities, and public works. Note, BLM regulations provide that “[u]se of lands ... for habitation ... is permissible only when necessary for and integral to [i.e., an essential part of] the public purpose.”⁸
 - **Conditions and Qualifications.** Use of the RPPA for sales of public lands requires:
 - The sale must be in the public interest;
 - The lands may not be of national significance nor more than reasonably necessary for the proposed use;
 - The lands are to be used for “an established or definitely proposed project” that includes development and management plans; and
 - For proposals of over 640 acres, the state, tribal, or local authority must have adopted applicable comprehensive land use plans and zoning regulations.
 - **Size.** For non-recreational purposes, the statute sets annual acreage limitations for public land sales at 640 acres.
 - **Price.** Lands may be sold at less than their fair market value. The price of the land will depend on the status of the receiving entity and the land’s intended use.
 - **Other Applicable Requirements and Processes.** The statute and BLM regulations and policies also address public participation, conformance with applicable land use plans, and required assessments and evaluations, among other things.
3. The Southern Nevada Public Land Management Act of 1998 (SNPLMA), as amended,⁹ authorizes the Department of Interior to sell for development purposes certain tracts of BLM-managed public land located in the Las Vegas area of Clark County, Nevada, and within a congressionally designated disposal boundary. The Act finds that public land parcels interspersed with or adjacent to private land in the Las Vegas valley are “difficult to manage and more appropriate for disposal.” Local governments nominate parcels for disposal, typically at the suggestion of interested individuals or companies. Following BLM’s environmental review of nominated parcels, the land is sold through an online auction, with most of the land sale proceeds funding conservation projects in Nevada. Use of the auction system ensures that lands are sold at their fair market value, though the statute allows counties to nominate parcels for affordable housing at below fair market value. At the start of Fiscal Year 2025, roughly 30,000 acres of federal land

⁶ See 43 U.S.C. §§869 et seq.; 43 C.F.R. Part 2740; 43 C.F.R. Subpart 2912.

⁷ 43 C.F.R. §2741.5(e).

⁸ 43 C.F.R. §2740.0-5(d).

⁹ Pub. L. No. 105-263, 112 Stat. 2343 (1998).

remained available for disposal within the SNPLMA disposal boundary. Public land inside of the SNPLMA boundary need not be identified for disposal in an RMP to be eligible for sale.

U.S. Forest Service

1. The Small Tracts Act of 1983¹⁰ allows the U.S. Forest Service to sell small parcels (i.e., up to 40 acres) of National Forest System land for certain purposes when the conveyance is not practicable under any other authority.
 - **Value.** The value of the Forest Service lands may not exceed \$500,000.
 - **Public Interest.** Conveyances of Forest Service lands under this statute must be in the public interest.¹¹
 - **Purposes.** Small tract conveyances are limited to certain situations, including:
 - Consolidation of ownership of lands in certain mining areas where the Secretary determines that the lands are not subject to efficient administration due to their size or location (40-acre limit);
 - Resolution of inadvertent encroachments on USFS lands due to erroneous surveys, title searches, or land descriptions when entities believed in good faith that they owned the land and mistakenly improved it (10-acre limit);
 - Private acquisition of road rights-of-way that are substantially surrounded by nonfederal land and not needed by the federal government; or
 - Acquisition of small parcels that the Secretary determines are physically isolated from other Federal land, inaccessible, or have lost their National Forest character (40-acre limit).
 - **Price:** The agency must receive fair market value.
 - **Other Applicable Requirements and Processes.** Conveyances under the Small Tracts Act would be subject to NEPA, as well as the ESA and NHPA.
2. The Townsites Act of 1958, as amended, allows the Forest Service, upon application, to set aside, designate, and sell for townsite purposes up to 640 acres of USFS land located adjacent to an established community in the 11 western states (Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington) or Alaska if the “indigenous community objectives ... outweigh the public objectives and values which would be served by maintaining such tract in Federal ownership.”¹² After public notice and a satisfactory showing of need, the Forest Service may offer to sell the land to a qualifying county, city, or other governmental subdivision.
 - **Indigenous Community Objectives.** Under Forest Service regulations, indigenous community objectives include space for housing and for service industries, expansion of existing economic enterprises, new industries utilizing local resources and skills, public schools, public health facilities, community parks, and other recreation areas for local citizens. Specifically excluded are commercial enterprises or new industries and housing projects that would change the character of the local community.¹³
 - **Price.** Lands may not be sold at less than their fair market value.

¹⁰ 16 U.S.C. § 521e; *also see* 36 C.F.R. §§ 254.30-254.44.

¹¹ 36 C.F.R. § 254.36(b).

¹² 16 U.S.C. § 478a; *also see* 36 CFR §§ 254.20-254.26.

¹³ 36 C.F.R. § 254.20(b).

- **Other Applicable Requirements and Processes.** Forest Service regulations prescribe various required studies and assessments.¹⁴
3. Section 10 of the 1911 Weeks Act authorizes the Forest Service to offer for sale as homesteads parcels of USFS land up to 80 acres that are “chiefly valuable for agriculture” and were inadvertently acquired and not needed for public purposes, provided that agricultural use will not injure the forests or streamflows.¹⁵

¹⁴ 36 C.F.R. § 254.23.

¹⁵ 16 U.S.C. § 519.