**5430.1 - Authority**

Basic authorities for the exchange of National Forest System land and interests therein are in Title 7, Code of Federal Regulations, section 2.60 (7 CFR 2.60)and FSM 1010. Land exchange regulations are set out at 36 CFR, part 254, subpart A. Many laws that pertain to specific exchange authorities in localized areas are identified in Regional supplements (FSM 5430.13).

**5430.11 - Basic Exchange Authorities**

1. General Exchange Act of March 20, 1922 (42 Stat. 465, as amended; 16 U.S.C. 485, 486). This act authorizes the exchange of land or timber that was reserved from the public domain for National Forest System purposes.

a. The non-Federal land or timber must be within the same State and within the exterior boundary of a National Forest or within an area covered by the provisions of the act.

b. The non-Federal land must be valuable chiefly for National Forest purposes.

c. The National Forest land must be non-mineral in character or, if the land is valuable or potentially valuable for minerals, the United States must reserve such minerals or consider their value in the exchange. The Bureau of Land Management (BLM) must concur in the valuation and conveyance of minerals.

d. Either party may make reservations when in the public interest as provided in
Title 36, Code of Federal Regulations, part 254 (36 CFR part 254), FSM 5403.1,
and FSM 5430.3.

e. The Federal Land Policy and Management Act (FLPMA) of October 21, 1976
(43 U.S.C. 1716, 1717; FSM 5430.12)requires that land exchanges must be conducted with United States citizens, must be within the same State, must be of equal value, and may be equalized with cash.

f. Upon the request of the Forest Service, the BLM issues a patent for land reserved from the public domain and a quitclaim deed for reacquired National Forest System land with reserved public domain status being conveyed by the United States.

2. Weeks Act of March 1, 1911 (36 Stat. 961 as amended; 16 U.S.C. 516). This act authorizes the exchange of National Forest System land or timber that has Weeks Law (acquired land) status.

a. The non-Federal land or timber must be within the same State and within the exterior boundary of a National Forest, or it must be within an area approved for acquisition by the Secretary of Agriculture (purchase unit).

b. The non-Federal land must be within the watershed of a navigable stream and must be valuable chiefly for the regulation of the flow of that stream or for the production of timber.

c. The acquisition of the lands by the United States under the Weeks Act must have the consent of the State legislature. Any special provisions in the State Consent Act are applicable.

d. Either party may make reservations when they are in the public interest. Reservations by the non-Federal owner are subject to applicable regulations at
36 CFR 251.14 through 251.18 (FSM 5403.1 and FSM 5430.3).

e. The Secretary of Agriculture approves Special Receipts Act and Weeks Act exchanges of $250,000 or more. Weeks Act exchanges of $150,000 or more must be submitted to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry. The exchange cannot be consummated until
30 days after the submission of the report to Congress. This oversight is required by section 17(b) of the National Forest Management Act (NFMA) of 1976 (16 U.S.C. 1600, *et seq*.) and cannot be waived.

f. The Regional Forester or, when delegated, the Director of Lands, Regional Office, or the Forest Supervisor may approve Special Receipts Act and Weeks Act exchanges as follows:

(1) Exchanges less than $150,000.

(2) Exchanges of $150,000 or more up to $250,000 after congressional oversight as provided in the preceding paragraph e. (See the preceding para. e for requirements regarding congressional oversight for exchanges of $150,000 or more and approval by the Secretary of Agriculture for exchanges of $250,000 or more.)

g. The requirements of FLPMA regarding equal value, cash equalization, location within the same State, and citizenship set out in the preceding paragraph e apply to Weeks Act exchanges.

h. The Regional Forester or, when delegated, the Director of Lands, Regional Office, or the Forest Supervisor conveys title by quitclaim deed.

3. Title III, Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 525, as amended; 7 U.S.C. 1010, 1011(c)). This act authorizes the exchange of National Forest System lands that have Bankhead-Jones Title III status and all Federal lands in National Grasslands.

a. Either party may make reservations when in the public interest as provided at
36 CFR part 254 (FSM 5403.1 and FSM 5430.3).

b. Mineral valuation and conveyance requires BLM’s concurrence; BLM issues patents and or quitclaim deeds if the Title III lands are reserved from the public domain.

c. The requirements of FLPMA regarding equal value, cash equalization, citizenship, and location within the same State apply to exchanges as set out in preceding paragraphs 3 through 3b.

4. Forest Service Omnibus Act of October 23, 1962 (76 Stat. 1157; 16 U.S.C. 555a). This act authorizes the exchange of National Forest System lands having acquired status when no other exchange authority applies to the disposal of those specific lands.

a. The non-Federal land must be suitable for Forest Service activities.

b. The requirements of FLPMA regarding equal value, cash equalization, citizenship, and location within the same state apply to exchanges under this authority.

5. Wild and Scenic Rivers Act of October 2, 1968 (82 Stat. 912, as amended; 16 U.S.C. 1277). This act authorizes the acquisition of property within the National Wild and Scenic Rivers System.

a. Any National Forest System property in the same state, except land within the National Wild and Scenic Rivers System, may be exchanged.

b. Either party may make reservations when in the public interest as provided at
36 CFR part 254 (FSM 5403.1 and FSM 5430.3).

c. The Forest Service can acquire State-owned property by exchange.

d. The requirements of FLPMA regarding equal value, cash equalization, citizenship, and location within the same State apply to exchanges within the Wild and Scenic Rivers System.

6. Forest and Rangeland Renewable Resources Act of June 30, 1978 (92 Stat. 354,
16 U.S.C. 1643). Section 4 of this act authorizes the Secretary of Agriculture to acquire land or interests in lands within the United States to establish and maintain a system of experiment stations, research laboratories, experimental areas, and other forest and rangeland research facilities. Theseexchanges are not limited to the same State; however, the otherprovisions of FLPMA regarding equal value, cash equalization, and citizenship apply to such exchanges.