



## Frequently Asked Questions Federal Land Transaction Facilitation Act (FLTFA)

### **QUESTION: What is FLTFA?**

**ANSWER:** In 2018, Congress permanently authorized the Federal Land Transaction Facilitation Act, or FLTFA (P.L. 115-141; 43 USC 2301). FLTFA is a western “modified land exchange” program that allows for public purchase and ownership of key conservation and recreation lands using funding generated from strategic federal land sales by the Bureau of Land Management (BLM). The proceeds from the land sales provide funding for high-priority land conservation within or adjacent to federal lands by certain federal agencies in the eleven contiguous western states and Alaska, as well as for administrative costs of BLM land sales. These agencies include the BLM, National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), and U.S. Forest Service (USFS). The program helps consolidate the public-private land checkerboard in the West and advance local and state community, conservation, and recreation needs.

### **QUESTION: What is FLTFA’s status and history?**

**ANSWER:** FLTFA is operational as of January 2022, with the execution of a FLTFA Interagency Implementation Agreement by the four participating federal agencies (BLM, FWS, NPS, and USFS). Congress permanently reauthorized FLTFA in 2018, with bipartisan leadership in Congress and with support from more than 150 outside sportsmen, conservation, and local and state government groups. FLTFA is being used to make new land purchases using funds from BLM lands disposed since enactment of the permanent authorization on March 23, 2018. [Prior to permanently reestablishing FLTFA in 2018, Congress initially enacted FLTFA in 2000 for ten years, extended it for one year, and then FLTFA expired with the federal agencies no longer able to use the program between 2011 and 2018.]

### **QUESTION: How does FLTFA work?**

**ANSWER:** FLTFA is a “modified land exchange” program that establishes a “Federal Land Disposal Account” to help make the federal land sales and conservation acquisition process be more efficient. Prior to FLTFA’s enactment, BLM had the authority (under the Federal Land Policy Management Act (FLPMA)) to sell lands, but all funding generated from those sales went directly to the U.S. Treasury. This meant that BLM had no incentive to dispose of land. Under FLTFA, BLM must deposit sales revenue in the Federal Land Disposal Account and then reinvest that funding in high-priority conservation and recreation acquisition projects. Additionally, BLM keeps a small portion of the revenue to pay for the administration of the land sales program, allowing more lands to be sold at no additional cost to the taxpayer.

### **QUESTION: Why is FLTFA a “modified land exchange” program?**

**ANSWER:** Under the typical federal land exchange process, when a federal agency sells a parcel, it must coordinate that process with another parcel, of the same value, that the government would like to buy. These land exchanges, while a good tool, often take years because the agencies must match up dollars and acres to swap pieces of land. Under FLTFA’s *modified* land exchange, this direct coordination is not required. Instead, when the BLM sells land, the funds are held in the Federal Land Disposal Account and agencies use these funds at a subsequent time to purchase high priority conservation and recreation areas. The agencies do not have to line up parcel valuations, but the process works like an exchange because BLM sells lands identified for disposal and purchases high-priority conservation and recreation lands. FLTFA provides an effective and efficient mechanism to help solve the private-public land checkerboard in the West.

### **QUESTION: What organizations and groups support FLTFA?**

**ANSWER:** FLTFA is widely supported by a diverse array of over 165 groups, including the Congressional Sportsmen’s Foundation, The Wilderness Land Trust, Backcountry Hunters & Anglers, National Parks Conservation Association, National Wildlife Federation, Theodore Roosevelt Conservation Partnership, Rocky Mountain Elk Foundation, National Association of Counties, Western Governors Association, Western States Land Commissioners Association, The Conservation Fund, Wyoming State Lands, National Cattlemen’s Beef Association, and many other sportsmen’s groups, outdoor industry groups, conservation groups, and historic preservation groups.

**QUESTION: How are FLTFA land sale proceeds spent?**

**ANSWER:** To apply for the land acquisition funds, the four public land agencies’—BLM, USFS, NPS, and USFWS—submit nominations to the BLM, and an Interagency team evaluates and ranks the proposals as guided under the interagency MOU.

The proceeds from FLTFA are dispensed in the following manner:

- 4%: Respective state where land was sold
  - 96%: BLM’s Federal Land Disposal Account
    - 20% (maximum): administering BLM’s land sale program
    - 80% (minimum): land acquisition\*
      - 80% (minimum) of land acquisition account: federal acquisition within State where funds generated\*\*
      - 20% (maximum) of land acquisition account: federal acquisition in other FLTFA states
- \* A 2003 Interagency Memorandum of Understanding (MOU) recommends distribution of land acquisition funds in the following manner: 60% to BLM, 20% to USFS, 10% to USFWS and 10% to NPS.  
\*\* If these funds are *not* spent within the State where funds were generated within four years, they may be reallocated and spent in any of the qualified states.

**QUESTION: What did FLTFA accomplish when it was first operational (2001-2011)?**

**ANSWER:** When FLTFA was operational between 2000 and 2011, the BLM completed hundreds of land sales, generating over \$113 million, which funded 39 conservation projects in western states. The BLM sales helped support economic development, consolidate land ownership, and create jobs. Many ranchers and farmers purchased BLM lands adjacent to their properties, often allowing them to expand their operations. BLM also sold lands to timber interests, real estate companies, a community college, landfills, a cemetery, and others.

Completed FLTFA land conservation projects included acquiring river frontage for fly-fishing access at the North Platte River Special Recreation Management Area, protecting big-game winter habitat at Elk Springs Area of Critical Environmental Concern in New Mexico, and preserving historic sites at Canyons of the Ancients National Monument in Colorado, just to name a few. These new public lands help to create and enhance public recreation and access while also supporting the local tourism economy through retail sales, hotels, restaurants, gas stations, and more.

**QUESTION: How did the 2018 FLTFA reauthorization update the program?**

**ANSWER:** The permanent authorization of FLTFA in 2018 includes several changes to make the law more effective and efficient, including:

- *Adding emphasis for broadening FLTFA authority to all BLM lands:* The law allows all sales revenue from disposals to go directly into the Federal Land Disposal Account, as opposed to limiting it to areas with Land Use Plans tied to a certain date.
- *Allowing funds to be spent in any state after four years:* The law states that any funds unobligated by the fourth fiscal year following the date of the sale or exchange of the land may be spent in any state, as opposed to only the state in which they were generated.
- *Prioritizing recreation and sportsmen’s access:* The law includes public recreation and sportsmen access among the criteria for prioritization of spending FLTFA funds.

**QUESTION: Is FLTFA a useful tool in solving State School Trust inholdings within Federal lands?**

**ANSWER:** Yes, FLTFA is a key tool to help Federal agencies purchase state school trust lands within Federal land holdings in cases where the state wants to sell. These sales generate funding for school children in the state and helps both parties manage their land more efficiently.