



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

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

**ANSWER:** Enacted in 2000 (P.L. 106-248), but expired in 2011, FLTFA is a western “modified land exchange” program that facilitates strategic federal land sales by the Bureau of Land Management (BLM) to provide funding for high-priority land conservation within or adjacent to federal lands in the eleven contiguous western states and Alaska, as well as for administrative costs of BLM land sales. The program helps consolidate the public-private land checkbook in the West and advance local community, conservation, and recreation needs. The strategic BLM land sales (of lands identified for disposal in a BLM Land Use Plan) help western counties, businesses, ranchers, and others purchase lands for various purposes, including critical projects for the local areas. The land sales generate revenue for federal conservation projects by the BLM, U.S. Forest Service, National Park Service, and U.S. Fish and Wildlife Service (39 projects total from 2000-2011), which increase public access for outdoor recreation, hunting, fishing; conserve wildlife habitat; protect water quality; preserve historic and cultural resources; and provide other benefits.

### **QUESTION: Legislative status in the 115<sup>th</sup> Congress?**

**ANSWER:** Individual FLTFA reauthorization bills are S. 2185 and H.R. 5133, more details below:

- March 30, 2017: The U.S. Senate Energy and Natural Resources Committee marks up permanent FLTFA reauthorization, as part of the Sportsmen’s Act (S. 733).
- June 2017: The Senate Energy and Natural Resources Act of 2017 (S. 1460) includes permanent FLTFA Reauthorization and heads to the Senate Floor.
- September 1, 2017: The Sportsmen’s Heritage And Recreational Enhancement Act (SHARE)(H.R. 3668) is introduced and Title XVII includes a 5-year FLTFA reauthorization (instead of permanent).
- December 4, 2017: Senators Heinrich (D-NM) and Heller (R-NV) introduce S. 2185 to reauthorize FLTFA permanently. Additional cosponsors include Senators Udall (D-NM), Risch (R-ID), Mike Crapo (R-ID), Wyden (D-OR), Gardner (R-CO), Bennet (D-CO), Daines (R-MT), and Jon Tester (D-MT).
- February 28, 2018. House Natural Resources Chairman, Rob Bishop (R-UT 1) introduces the Federal Land Transaction Facilitation Act of 2018 (H.R. 5133) to reauthorize FLTFA permanently and maintain FLTFA’s original “modified land exchange” approach
- March 7, 2018. The House Natural Resources Committee unanimously approved H.R. 5133.

### **QUESTION: What organizations or groups support FLTFA reauthorization?**

**ANSWER:** FLTFA is widely supported by a diverse array of over 165 groups, including the National Association of Counties, Western Governors Association, Western States Land Commissioners Association, Wyoming State Lands, National Cattlemen’s Beef Association, and many sportsmen’s groups, outdoor industry groups, conservation groups, and historic preservation groups.

### **QUESTION: What has FLTFA accomplished?**

**ANSWER:** Before FLTFA’s authority expired in July 2011, the BLM completed hundreds of land sales, generating over \$113 million, which funded 39 conservation projects in western states. 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. The BLM sales helped support economic development, consolidate land ownership, and create jobs. Completed FLTFA land conservation projects included river frontage for fly-fishing access at North Platte River SRMA, big-game winter habitat at Elk Springs Area of Critical Environmental Concern in New Mexico, historic preservation at Canyons of the Ancients National Monument in Colorado, and other sites. These new places help the local tourism economy through retail sales, hotels, restaurants, gas stations and more.

**QUESTION: How does FLTFA work?**

**ANSWER:** FLTFA is a “modified land exchange” program that authorizes a “Federal Land Disposal Account” to help make the federal land sales and conservation acquisition process more efficient. BLM has sold few lands without the FLTFA program in place, due to a decrease in land sales capacity and lack of incentive, and reauthorizing FLTFA provides needed funding for high-priority conservation projects. FLTFA is under the authority of the Federal Land Policy and Management Act (FLPMA), including the public process involved with the lands sales policy, and makes the change that land sales revenue returns to land conservation (original FLPMA policy directs the funds to the Treasury), with a small portion for BLM’s land sales program. Further details on the Federal Land Disposal Account are in the next section. For the land acquisition funds, nominations are submitted to the BLM, and an Interagency team (BLM, USFS, NPS and USFWS) evaluates and ranks the proposals. A 2003 Interagency MOU recommended the distribution of land acquisition funds as the following: 60 percent for BLM, 20 percent for USFS; 10 percent for USFWS, and 10 percent for NPS. Approvals from the Secretaries of the Interior and Agriculture are required to authorize the funding.

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

**ANSWER:** 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) of FLDA account: administering BLM’s land sale program
    - 80% (minimum) of FLDA account: 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 recommends distribution of land acquisition funds in the following manner: BLM: 60%, USFS: 20%, USFWS: 10% and NPS: 10%.

**QUESTION: Will FLTFA be useful 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 areas in cases where the state wants to sell, which generates funding for school children in the state, and helps both parties manage the land more efficiently.

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

**ANSWER:** It is a *modified* land exchange, because when BLM sells a parcel, it does not coordinate the process with another parcel that the Federal government would like to buy, like in an exchange process. BLM land exchanges, while a good tool, often take years, because the agencies have to match up exact dollars and acres for several pieces of land. With FLTFA, the BLM sells lands, the funds go into the Federal Land Disposal Account, and agencies use the Account funds at a subsequent time for priority conservation. The agencies do not have to line up parcel valuations like in an exchange, but the process works like an exchange because strategic BLM lands are sold (lands identified for disposal in a LUP) and high-priority conservation lands are purchased. The Account provides an efficient mechanism to help solve the private-public land checkerboard in the West.