

Pre-1976-The United States Government disposed of land, largely located in western states, through a variety of mechanisms. Examples include the Homestead Act, various Railroad Acts, townsite acts, etc. All were designed to facilitate settlement of the western states in an economically beneficial manner.

Federal Land Policy and Management Act (FLPMA) of 1976-Congress declared that public lands should be retained in federal ownership unless, as a result of land use planning, disposal would serve the national interest.

It also declared that the lands be managed to:

1. Promote multiple use and sustained yield
2. Protect the scientific, scenic, historical, ecological, environmental, air and atmosphere, water resources, and archaeological values.
3. Preserve the lands in their natural condition to provide food and habitat for fish, wildlife, and domestic animals
4. Provide for outdoor recreation and human occupancy and use

Disposal of lands under FLPMA

1. Requires a land use plan identifying lands suitable for disposal due to:
 - a. Location or characteristics of land make it difficult to manage
 - b. Purpose for which land was acquired no longer exist
 - c. Disposal will serve public objectives which outweigh the recreational or scenic value of retaining the land in federal ownership
2. Land must be disposed of for fair market value, generally under competitive bidding procedures
3. Exchange of federal lands is allowed under FLPMA-provided lands received in exchange are of equal appraised value (or monetary compensation to equalize the value is received by the govt.)
4. Money received from the disposal of federal land deposited in the general treasury account.

Federal Land Transaction Facilitation Act (FLTFA) authorized in 2000 allowed the BLM to dispose of land under FLPMA, but the proceeds were then deposited into a special account to be used by BLM, FS, FWS, and NPS to purchase lands within federally designated areas. Proceeds could also be used by BLM to prepare lands for sale (appraisal, environmental clearances, Federal Register notices, etc.). FLTFA has expired, but various bills, including Senate Bill 368, co-sponsored by Senator Heller of Nevada would reauthorize and improve the legislation.